

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, JANUARY 3, 2012 - 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 6:30 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #23-11 held on December 20, 2011 and to accept the Minutes as printed.

Councilor Egan pointed out that on page 4, the last sentence in the second paragraph should read: It is her opinion that the Council can take a lead role in fostering constructive civic dialog. On the same page, in the second to the last paragraph, change “how” to “show”. On page 5, in the beginning paragraph, change “I” to “for” and “is” to “if”. Other Councilors concurred.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #23-11 held on December 20, 2011 and to accept the Minutes as edited. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida advised that the Town’s server crashed on Thursday and it has been sent out for repair or replacement. Tonight’s meeting is being recorded and video taped but it is not being broadcast live. The meeting will be broadcast at a future date. He apologized for any inconvenience and assured the public that they will work diligently to fix it as soon as possible.

Chair Cassida reminded residents that dog licenses expired on December 31. In order to avoid a late fee of \$25, licenses must be renewed by January 31. Dogs may be licensed at Town Hall, by mail or on line at www.doglicensing.com. If you no longer have your dog, please call 865-4743, Extension 122 or 123 and let them know you no longer have it. There will be a Rabies Clinic here in Town Hall on January 28 from 9 a.m. to 12 Noon. There will be a \$15 charge per vaccine and dog licenses can be obtained during the clinic.

Councilor Arno had an announcement from FEDC. The next Board meeting is January 24 from 7:30 a.m.-9:30 a.m. at the Community Center and it is open to the public.

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

There were no public comments made.

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

ITEM #1-12 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning parking on Morse Street. (Chapter 48) **PUBLIC HEARING**

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

Gary Profenno, Chair of Traffic and Parking provided an explanation of the proposed amendments.

Gary Sylvester of 19 Morse Street provided comments about the congestion that exists in this area. He has no objection to making any changes in front of the school. He does have safety concerns for the other changes being proposed and read a letter into the public record from neighbors, Tom Whitaker and Maureen Holland indicating their safety concerns with the proposed changes.

Councilor Gideon explained the parking that currently exists and the signage that is there. She asked Mr. Sylvester if he had any concerns with parking near the school. Mr. Sylvester advised there is a non-confusing sign that says “no parking this side of street”. He doesn’t believe there is a bottleneck problem there since the buses turn before they get to that point.

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

Councilor Hendricks asked how this item came to Traffic and Parking. Mr. Profenno explained that it came to the committee because of the confusing signage that exists there. Changing the language makes it clear that in front of the school it is 15 minute parking. Vehicles can park any length of time outside of the 8:30-3:30. There was no outcry for it to happen, it simply made sense to develop a few additional parking spaces. He noted that the signage needed to be clarified.

Councilor Gideon mentioned that there is a real shortage of parking for dropping off and picking up small children. She suggested having the parking be legal for 15 minutes in front of the school but maybe amending the language so that it doesn’t go all the way up Cross Street if front of Mr. Sylvester’s house. His neighbors have small children that need to cross the street in order to get to school and drivers zoom down that street. She suggested making it legal to park from the bus entrance down Morse Street to the corner of the school but to amend the language so that parking is not from that bus entrance up to Cross Street. Councilor Hendricks agreed. Councilor DeGrandpre asked if Councilor Gideon would consider allowing unlimited parking during other times since that parking typically gets used for school events. Someone would have to drive past a lot of other parking spaces if he or she is shopping in Freeport to find those. He doesn’t believe they get used for that. Councilor Gideon agreed. Councilor DeGrandpre clarified partitioning Morse Street on the south side at the school bus entrance. From there back to Cross Street would remain no parking and from there down to the corner would be 15 minutes for drop off or pick up and unlimited the rest of the time.

Chair Cassida asked how to describe this. Mr. Profenno advised that they referred to it as where the school property started. He suggested saying “where the school property starts” and that a sign would need to be repositioned with an arrow pointing down towards Cross Street.

In the Ordinance, Section 48-301, 26 will read: On the north side of Morse Street from Cross Street to the end of Morse Street and on the south side of Morse Street from Cross Street to the bus entrance to the Morse Street School. Illegally parked vehicles will be towed.

Councilor Egan suggested changing Section 48-307 Fifteen Minute Parking Zones, #5 to read: On the south side of Morse Street, adjacent to the school, from the bus entrance to the end of Morse Street between the hours of 8:00 a.m. and 5:00 p.m. when school is in session. Others concurred.

Councilor Arno disclosed that she serves on a Board that leases parking in that area and plans to abstain from a vote.

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance be approved as amended. (Gideon & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1Abstention—Arno)

ITEM #2-12 To consider action relative to proposed amendments to the Directional Sign Ordinance concerning directional signs on Route One for Stonewood Drive. (Chapter 24) **PUBLIC HEARING**

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

Gary Profenno explained that this item came to Traffic and Parking at the request of L.L. Bean. They would like a directional sign to help people find their way there. This will give them the same opportunity that any other businesses on side streets off of U.S. Route One already have.

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

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

ITEM #3-12 To consider action relative to proposed amendments to the Street Lighting Criteria Policy.

BE IT ORDERED: That the proposed amendments to the Street Lighting Criteria Policy as proposed in the Memorandum from the Town Engineer dated December 21, 2011 be approved.

Note: Amendments to policies do not require a Public Hearing. (Bishop & DeGrandpre)

Gary Profenno, Chair of the Traffic and Parking Committee explained that the Town Engineer recommended that the committee develop a street light policy and they actually found one written in the 70s that simply needed minor updating. The only proposed change is to make it easier on the Town Council when people are requesting the addition or removal of street lights by having Traffic and Parking review them first. The committee can then send a recommendation to the Council rather than having the Council hold a long meeting on discussing a single light. The committee is looking at all the Town lighting and is confident that it will take a considerable amount of time. He mentioned that Cliff Goodall made some recommendations to the Ordinance. Discussion followed.

MOVED AND SECONDED: to change the language slightly to read: To promote public health, welfare and safety with consideration to environmental protection and light pollution minimization. (Gideon & Hendricks) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #4-12

To consider action relative to proposed amendments to the Rules of Order and Procedures for the Freeport Town Council.

BE IT ORDERED: That the proposed amendments to the Rules of Order and Procedures for the Freeport Town Council dated January 3, 2012 be approved as amended. (DeGrandpre & Bishop)

Chair Cassida explained that the Council had a workshop back in November where they went through their Rules of Order and Procedures. Councilors identified certain portions that were either out of date or needed to be modified. This is a mocked up version of the changes that were identified at that workshop.

Chair Cassida referred to page 3, No. 3. Special Meeting: He suggested striking the change for now and dealing with the Charter issue first. Councilor DeGrandpre asked if the Council could add electronically and by phone. It was decided to leave the language as is.

Councilor Arno referred to page 8, No. 25. and asked for clarification. It was suggested to add “the” so that it reads: Motions to table except such motions to table indefinitely may be amended to **the** time. If a motion to table indefinitely carries, the main motion is lost.

Eric Pandora of Birch Point Road shared his comments and suggested that the Council give them some consideration.

Councilor Gideon referred to 1. Regular Council Meetings and suggested changing the first sentence to read: The Council shall meet in regular sessions at a designated Council Room within the Town of Freeport, Maine at 6:30 p.m. on Tuesdays on dates determined and published by the majority of the Council.

Mr. Pandora missed one of his comments and referred to page 11 and the Email Policy. He mentioned the Freedom of Access Act and suggested changing the word “concern” to “request”. Chair Cassida has no problem with using the word request. Councilor Hendricks recalled that the Town Attorney recommended using “concern”. Chair Cassida deferred to the Town Attorney’s opinion.

Councilor Egan referred back to page 5 and the Decorum and Order Policy. She noted that many towns wait until the very end to take public comment and that this sentence actually encourages the Council to wait until the entire meeting is over and make the public sit through it. Chair Cassida explained that this language became obsolete when the Council formally adopted having the Public Comment Period at the beginning of its meetings. There was never any intent to have two public comment periods.

MOVED AND SECONDED: To accept the amendments as amended. (Bishop & Egan) **ROLL CALL VOTE:** (7 Ayes)

Chair Cassida explained that a clean copy would be provided after the edits are made.

OTHER BUSINESS

- 1) Update on Quiet Zone Report Status

Sande Updegraph, FEDC Director, provided an update on additional information. She noted that the next step, in her opinion, is that the Council needs to decide whether or not they want to proceed with applications for Quiet Zones. She provided a summary of what Quiet Zones are and how they are gotten. She also provided the proposed train schedule. It is up to the Council to decide if the train blows a whistle

in Freeport. She mentioned that in the second part of the packet is an agreement that we are now considering as a proposal from Tec Associates. They are a South Portland civil engineering firm that specializes in railroad engineering. They are helping other communities with their Quiet Zone applications. They are willing to help Freeport. Their estimate is \$3,000-\$4,000 to help Freeport apply for Quiet Zone status. All of the railroad people will tell you that Quiet Zones are not a good idea. Train whistle blowing prevents accidents but the other side of the coin is consideration for people that live in the neighborhood.

Councilor Hendricks noted that one cannot put a price on safety but suggested bidding out to other engineering companies and investigating whether staff can do the paperwork. He asked where the money would come from. Mr. Olmstead advised that the money would come out of Traffic and Parking reserves. Councilor DeGrandpre mentioned the length of the gates in place, and is confident that we can meet the safety challenges in Freeport.

Councilor Egan mentioned her experience with the rail industry. She has real reservations about Quiet Zones. She mentioned that these tracks have not been used very much. People walk on them, sometimes with headphones on and children walk on them to get to school. It is hard to hear the trains without the whistle and she wouldn't want to risk safety. She would like to see a professional assessment of whether Freeport would have to pay for the rail upgrades that are required for the Federal Railroad Administration to give Freeport a waiver for Quiet Zones. It could cost a community upwards of \$100,000 or more for an upgrade. She asked Ms. Updegraph if the upgrades we have to the crossings that are being done for the rail project adequately meet the FRA requirements for a Quiet Zone. Ms. Updegraph replied that it was her understanding that the upgrades will meet the threshold without additional supplemental safety measures but she feels that investigation needs to proceed. Councilor Egan would like to see something in writing from the FRA.

Councilor Gideon pointed out that in order to look at Quiet Zones, we need a lot of community discussion and we need to have one of our subcommittees look at it. It can then be brought back to the Council. She is aware that small children walk across tracks on their way to school. She does not feel that the Council is ready to go out and hire someone to go and apply for a Quiet Zone. She agrees that a professional should be hired to do the assessment for Freeport.

Chair Cassida pointed out that there appears to be consensus to let the Ordinance Committee look at this and get public input. They can see what the temperature is in the community. They have an organizational meeting scheduled for January 12. This could be an issue if the Council wants them to look at it. There will have to be some sort of reaching out to people that live in the neighborhoods.

Discussion of Council Goals for 2012

Chair Cassida thanked Councilors for submitting their individual goals. He commended everyone for the thought process that they used. In the composite document tonight Councilors will see some of their goals but no one will see all of their goals. He read the goals into the public record. He then asked if anyone wanted to make any changes.

Councilor Arno thanked Chair Cassida for integrating everyone's goals. She would not want to add anything else. Councilor Egan advised that she enjoyed reading everybody's goals. Under Management Financial Policy and Taxes, She suggested adding that the Council should continue to foster economic development in the downtown area to ensure that we can keep those property taxes. She feels a strategy is needed. Under Communication, the first bullet, Councilor Egan noted that she would like to see it worded differently. Explore new mechanisms to more effectively engage Freeport citizens in important decisions

affecting the Town's future. Chair Cassida indicated that he feels the revised language is fine. He mentioned that there has always been economic development in the Council's goals. He consciously took

it out of the goals after hearing conversations with the residents that the Council is too focused on economic development. He agreed it could be put back in. Councilor Egan asked if there should be a strategy more than a goal. She is aware of shrinking budgets and pointed out that the Council does not have anything stating that we are trying to keep taxes stable. Chair Cassida explained that he was trying to word it in such a way that the Council was not handcuffed. Discussion followed. Councilor DeGrandpre noted he wants to improve the dialogue with Pownal and Durham to effectively move education forward. Chair Cassida agreed that this is big.

Mr. Olmstead noted that it is important that the Council is aware of the current services that the investment provider and our legal provider provide. If the Council goes out to bid for legal services, it might not see such a good rate. They are currently charging us \$160 an hour. Councilor Egan suggested changing the third bullet under Management, Financial Policy and Taxes to read: Entertain bids for the Town's investment and audit services; others concurred.

Sandy Thompson thought under "Communication", the Council could develop some standards dealing with conflict of interest and code of ethics in order to improve confidence, trust and integrity in decision making. It would give citizens the sense that there is no hidden agenda. Chair Cassida assured Mrs. Thompson that the Council is working on the ethics issue even though it is not listed. Councilor Hendricks advised that the Council has received input from the Town Attorney in November on conflict of interest.

Roben Voigt mentioned that he is pleased to see what the Council has for communication with residents. He feels it is very important and is aware that it is a 2-way street. He is aware that some people are shy or too busy and cannot come out. He hears that residents would like to see a better balance between economic development and the neighborhoods' needs. He would like to see the Council look at how money is being spent on economic development. He thanked the Council for these goals.

Chair Cassida will revise the Goals as amended this evening and will post it on the web and distribute it to Councilors.

MOVED AND SECONDED: To accept the Goals as amended tonight. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

2) Informational Exchange.

Chair Cassida was excited to get an Email from Councilor Egan regarding her Facebook page. He has also established a Town of Freeport Facebook page for himself and sent it out to 200 people. He plans to send it out to 300 more people. He will post things that he is working on and everybody will have an opportunity to Email back to him. Since he is the Chair, it will be things the Council is working on. He is unsure if it will be a success or not. He encouraged everybody to go to Facebook and weigh in as often as he/she would like.

Councilor Egan advised that there would be a RSU5 meeting at the end of the month to look over a consultant's report on the long-term needs of Freeport High School. She will be the liaison to the School Facilities Committee. They are looking at accommodating the projected future growth at the high school, safety needs and improving the façade. She does not have the date yet but it will be posted on her Facebook page if anyone is interested in attending.

Councilor DeGrandpre pointed out that the Appointments Committee met tonight. They will have recommendations at the next meeting. They are looking to fill Solid Waste and Recycling vacancies. They would appreciate some applications. There are many boards and committees to serve on. He suggested that if anyone is interested, he or she can fill out an application at Town Hall or on the Town's website. It is a great way to give back to the community and your neighbors.

Councilor Hendricks advised that he and Councilor Arno have been appointed to an unofficial/official commerce committee. They met in December with the directors of FEDC, Greater Freeport Chamber of Commerce and Freeport USA as well as presidents of their boards and board members. Joe Migliaccio facilitated the meeting and kept the ball rolling. The idea behind this meeting was to define ways for the groups to work better together, to collaborate on the commerce they provide for the Town in services as well as ways to improve communication between the groups, liaisons and the Council. Sande Updegraph is willing to do regular public meetings with public input and FEDC quarterly. Their first meeting will take place on April 10, which is the Council's workshop night. Three more meetings will take place during the year for the Council to make sure they are on task.

Chair Cassida mentioned that under "Other Business" is the perfect time for Councilors to provide information such as what Councilor Hendricks has just done. Councilor Hendricks advised that the Council needs to be better about regular reporting.

Councilor Gideon advised that starting next week, she is will be in the café section of Bow Street Market on the second and fourth Tuesday of each month between the hours of 7:30-9:30 a.m. to have office hours with residents and talk about things that are going on.

Councilor Arno advised that she is a Freeport Historical Society Board member and the carriage barn is available for rent. It is a non-profit.

Chair Cassida mentioned that the Council will be work shopping with the Save Our Neighborhoods Coalition Group on January 10 at the Freeport Community Center beginning at 6:30 p.m. He will finalize the agenda with Lucy Lloyd. He has spoken to Mr. Olmstead about getting a professional facilitator but he will have to see what the prices come in at. It is likely that a second meeting will take place on the 24th. There will be very specific issues to go through. He will try to keep the discussion flowing along on a few items. Councilor Hendricks mentioned that he might have a possible facilitator for Chair Cassida to contact.

MOVED AND SECONDED: To adjourn at 8:42 p.m. (Gideon & Hendricks) **VOTE:**
(7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #02-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, JANUARY 17, 2012 – 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 6:30 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #01-12 held on January 3, 2012 and to accept the Minutes as printed.

Councilor Arno referred to page 2, 3rd paragraph from bottom of page, 3rd line, change “if front” to “in front”. Councilor Arno wanted to clarify on page 5, where it was written, “that we are now considering as a proposal from Tec Associates” that we are not actually considering their proposal. It is a proposal that we got simply for reference. Other Councilors concurred.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #01-12 held on January 3, 2012 and to accept the Minutes as amended. (DeGrandpre & Bishop)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that Freeport Cable TV 3 is still off the air because of a server malfunction. It is taking a little longer to repair than expected. Hopefully it will be repaired and back up by the end of this week. As soon as the server is back, staff is prepared to begin working on it. Updates on its status will be posted on the Town’s website. All of the ongoing meetings have been recorded and will be broadcast on a schedule that will be published as soon as we are back up and running.

Chair Cassida reminded residents that dog licenses expired on December 31. In order to avoid a late fee of \$25, licenses must be renewed by January 31. Dogs may be licensed at Town Hall, by mail or on line at www.doglicensing.com. If you no longer have your dog, please call 865-4743, Extension 122 or 123 and let them know you no longer have it. There will be a Rabies Clinic here in Town Hall on January 28 from 9 a.m. to 12 Noon. There will be a \$15 charge per vaccine and dog licenses can be obtained during the clinic.

There will be an 8-week Citizen Oriented Policing School beginning on March 1, 2012. This is an 8-week program, which will take place from 6:30-8:30 p.m. each Thursday. It is intended to be an overview of the functions and operations of law enforcement personnel. Class size is limited and will be filled on a first come, first served basis. Applications are available on the Town’s website and must be submitted to the Freeport Police Department, 15 Main Street, Freeport, Maine 04032, Attention of Lt. Nourse before

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February 13, 2012. She can be contacted at 865-4800 or at snourse@freeportmaine.com. This information will be posted on the Town's website.

If any Freeport citizens are looking for free tax help for low or moderate-income households, with special attention for those 60 years and older, Perry Bradley and Marlene Budd from AARP will be providing free tax preparation assistance for those populations. Assistance will begin on February 8 and end on April 13 and will be handled by appointment only on Wednesday mornings. Residents may make an appointment by calling 865-4743, Extension 120.

Councilor Gideon pointed out that FCS's White Nights is coming up on January 28 beginning at 5:30 p.m. at the Community Center. Tickets can be purchased at the Community Center.

Councilor Egan mentioned that tomorrow night at 6:30 p.m. at the Freeport Performing Arts Center there will be a community input meeting to consider some of the proposed changes to the high school facilities. There will be a discussion on how the high school can accommodate future growth. She urged everyone interested in the future of Freeport schools to attend.

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

Chair Cassida explained the process for members of the public.

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

Chalmers Hardenbergh of 11 Somerset Condominiums provided a letter in opposition to Quiet Zones. He suggested that the Council wait and see what happens when the trains start coming through before considering Quiet Zones.

Joe Migliaccio, Freeport resident, referred to the server being down for more than two weeks. The last thing he saw posted on the website was dated December 20. He suggested building in some redundancy and trying to get it up since people are trying to find out what is going on in town. He noted he was in attendance on December 20 and heard a lot of people getting up to the podium to speak on pretty benign subjects and he heard folks clapping. He also heard Chair Cassida's request and order that there be no clapping or people would be forced to stand in a corner or be removed. It is his feeling that this is not the best way to engage the public. He listed topics that have been discussed during his tenure on the Council and noted that people occasionally clapped. He did not hear any jeers or catcalls. He asked the Council why this is being enforced. People want to come and speak and he feels a little clapping is appropriate.

Mr. Migliaccio mentioned the removal of specific language at the end of Council meetings that allowed people to bring up a new topic for comment. He suggested adding a sentence to the bottom of the agenda that says "New Topic" or "New Business".

Mr. Migliaccio put in a plug for tomorrow night's meeting at 6:30 p.m. at the Performing Arts Center in Freeport. There will be public discussion on the needs and plan for a facilities study at the high school with an architect. This information can be found under RSU5.org under Freeport High School, where residents can sign up and learn more about the Google Group. It is for Freeport, Pownal and Durham residents.

Mac Lloyd of Flying Point mentioned that residents would like to request that the Council post on the Town's website the questions that were raised during the workshop on January 10 and also the answers so that all the residents can view this information.

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Kate Butler of Desert Road asked what time tonight's meeting started. She does not know what she missed. Chair Cassida advised that all Council meetings begin at 6:30 p.m. unless a workshop is scheduled from 6-7 p.m. He offered to check and see what was posted this evening.

Councilor DeGrandpre pointed out that she could be added to a list to receive a copy of the Council's Agendas by Email. Johanna Hanselman pointed out that tonight's start time was a clerical error on her part and she apologized for any confusion. She explained how to get a copy of the Council's agenda by Email.

Ms. Butler thanked the Council for the January 10 Workshop. While reflecting upon the workshop, she realized that many questions have been raised but few have been answered. The question of why the Town Council or FEDC felt it was beneficial for the town to enter into a land deal with Seacoast was never answered. If it is such a good project, she requested that the Council talk her into it. She still thinks it is in the wrong location. If it is not, maybe we should let it go and move on and put all of the good energy in this room on other issues. She still has questions about the Hunter Road Fields Project concerning the approval process of the project and management of the Town properties in that area. The question about whether any of the neighbors were aware of any neighborhood meetings really told about the process. She is looking forward to getting answers to lots and lots of questions.

Susan Campbell of Hunter Road followed up on last week's Workshop with regard to the Seacoast project. She received a copy of an Email from Chair Cassida responding to Mr. Clark's concerns about the Charter amendment and how that applies to this area. She read the Charter amendment into the public record. It was intended to protect that area from a focused effort at commercial development. She is also hearing from a lot of people that have a lot of concerns that they didn't have their questions answered last week.

Tom Ross commented on articles that have appeared in the press. He is perplexed—no abutters were notified that he is aware of. No public meetings were scheduled and no record of any before the vote. He asked why we relied on a buyer to do due diligence. He stated that the whole process appears backward. The Planning Board voted to deny approval for this project. He feels the ramifications of this zoning change are town wide. It affects 70% of the land in town. The project appears contrary to existing Town zoning, the existing Comprehensive Plan and the Town Charter. He mentioned the School Facilities meeting scheduled tomorrow night and hopes the Council can focus the effort that they have focused in for a private pay-for-sports entity in this town for our schools facility. He hopes the Town can move forward and focus on our kids and not for private pay for play kids whose minimum investment is over \$1,100.

Marie Gunning of Telos Road noted we have a new year and new Council. She reiterated some of the things that she brought up last year: train costs—how much and how will it be paid? She asked for a breakdown of what goes into the \$60,000 estimate. She noted the Council went into Executive Session to discuss an easement and maintenance of the platform. It is a strong benefit to the downtown corridor. She asked if the money would come out of the Downtown TIF rather than the General Fund. She mentioned that Falmouth is putting their Audit Services out to bid. Freeport doesn't have any current bids on banking services, a bond advisor, legal services or audit services. She is hopeful that this can be addressed this year. Another issue raised at budget time was salary and pension benefits for Town employees. Freeport is paying well above any other town in our region. It is not fair to go after that issue on current employees but something should be put in place that is competitive for new employees. She suggested that the Council do a survey, independent of Town Management, that looks at what we are paying and determine if we are competitive. She also referred to Mr. Migliaccio's comments about changing the language so that the public cannot speak at the end of a meeting. She noted there should be a mechanism

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for the public to speak to the Council and she asked Councilors to look at that again. It has never been abused.

Johanna Hanselman, General Assistance Administrator, explained the Freeport Fuel Fund and how they are seeing an increase in requests from citizens. An appeal was made and the response has been overwhelming. More than \$12,000 has been received in contributions. She thanked everybody for his/her donations. She also thanked Town officials for supporting this fund.

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

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

ITEM #8-12 To consider action relative to adopting the January 17, 2012 Consent Agenda.

BE IT ORDERED: That the January 17, 2012 Consent Agenda be adopted. (DeGrandpre & Bishop)

Chair Cassida reviewed the items for members of the public. Two applications have been scratched—Greg Spaulding's and Dianne Gaudet's. Councilor Hendricks mentioned that he serves on the YMCA Board and he would not be able to vote on it. Chair Cassida suggested pulling that item off of the Consent Agenda so that Councilor Hendricks could vote. Other Councilors concurred.

Councilor DeGrandpre echoed Johanna's thoughts and thanked everybody that generously helped to support the Fuel Fund. Chair Cassida agreed. Councilor Bishop pointed out that future Fuel Fund donations would be gratefully accepted.

ROLL CALL VOTE ON CONSENT AGENDA MINUS THE VICTUALER'S LICENSE FOR THE YMCA: (7 Ayes)

MOVED AND SECONDED: To accept the Victualer's License for the YMCA. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention—Hendricks)

ITEM #9-12 To consider action relative to endorsing a Community Development Block Grant Application (CDBG) from the Habitat for Humanity, project titled "West Street Affordable Housing Infrastructure".

BE IT ORDERED: That the Town of Freeport endorses the Habitat application for a Community Development Block Grant. (Hendricks & Bishop)

George Ellis of Habitat for Humanity explained what the grant would enable them to develop. He noted that Donna Larson has been very helpful in providing the language. Mr. Olmstead explained that the grant requirement is that they receive municipal endorsement. Without the grant money, Mr. Ellis advised that they would have to find ways of raising funds for infrastructure and would have to start from scratch. Mr. Ellis pointed out that the total cost of the project is \$253,000 not \$247,000 and he is concerned that the Council doesn't have the final version.

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MOVED AND SECONDED: To table to later in the meeting. (Hendricks and Gideon) **VOTE:** (7 Ayes)

Johanna Hanselman offered to help Mr. Ellis make copies of the final version.

ITEM #10-12 To consider action relative to endorsing a Community Development Block Grant Application (CDBG) from the Freeport Elders Association, project titled Bus for Freeport Elders Association.

BE IT ORDERED: That the Town of Freeport endorses the Freeport Elders Association application for a Community Development Block Grant. (Bishop & DeGrandpre)

No one from the Freeport Elders Association was in attendance. Councilor Hendricks noted that the Elders have been wanting a new bus for the past few years. Their existing bus keeps breaking down. They are very active and use the bus for trips for their members' shopping, eating out, visiting people, etc. They have been actively raising money. They have \$33,000. The bus they are hoping to purchase is listed at \$65,000 so a \$32,000 grant would complete the needed funding. Donna Larson has provided her expertise in applying for the grant.

ROLL CALL VOTE: (7 Ayes)

ITEM #11-12 To consider action relative to proposed amendments to the Town of Freeport Investment Policy dated January 17, 2012.

BE IT ORDERED: That the proposed amendments to the Town of Freeport Investment Policy dated January 17, 2012 be approved. (DeGrandpre & Bishop)

Abby Yacoben, Finance Director provided an overview of the changes. Providing comments were Rod Regier of South Street, Eric Pandora of Birch Point Road, Sandy Thompson of Byram Drive and Marie Gunning of Telos Road. Chair Cassida pulled the discussion back up to the Council and asked if there are any changes. Councilor Arno pointed out a typo on Page 10 in the second sentence under REPORTING—The Finance Director shall prepare at least ~~at least~~ annually a report of the investments held by the Town.

On page 9, in the second paragraph, Chair Cassida asked for clarification on "what is conservative". Ms. Yacoben explained what it means to her and offered to give this more thought. Councilor Gideon agreed that this should be made clear.

On page 10, under REPORTING, Councilor Gideon would prefer quarterly reporting versus annually. She believes posting it and making it easy for people to find would be a good idea. Councilor DeGrandpre agreed with Councilor Gideon. Councilor Egan likes the idea of posting it on the web. She feels we defined "conservative" precisely for the 75% but the 25% equity needs to be defined further for the financial advisor. She doesn't like the idea of spending another six months on financial policy but perhaps there is a way for the Council to adopt it with some direction to more precisely define it. She loves the idea of socially responsible investing. She doesn't know what other towns have done but feels it would be interesting to explore that and come to some consensus on screening out things the Council does not want to invest in.

At the bottom of page 9 and the top of page 10, Chair Cassida asked Ms. Yacoben if she understood the point Mr. Pandora was making. Ms. Yacoben noted that she understood what he was saying but the sentence was confusing and offered to tinker with it. Mr. Pandora read what he said earlier: "However, the equity reserve funds may include fixed income mutual funds that may incur principal risk." Ms.

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Yacoben suggested that the sentence read: "However, the equities portion of the reserve funds may include fixed income mutual funds." For clarification purposes Ms. Yacoben read the entire sentence. For fixed income investments, reserve funds only: the Town will not invest this portion of reserve funds in such a way as to risk loss of principal, however, the equities portion of the reserve funds may include fixed income mutual funds. Councilors concurred that this was clear. Chair Cassida pointed out that this is the only amendment in addition to the typo and quarterly reporting that the Council is voting on tonight. Ms. Yacoben will work on and bring back further definition on what "conservative" means as well as the potential of screens plus and minus. The ethics discussion is ongoing.

Councilor Arno circled back to the definition of "conservative" and referred to the first paragraph on page 8 and asked if that sentence was adequate. Chair Cassida noted that it may be but he wanted to give Ms. Yacoben more time to contemplate that. Councilor Arno mentioned Ms. Gunning's comment that the bidding process was out of sync with the Town's Charter. Councilor Egan explained that in the Council's Goals, the Council is seeking to bid out financial services this year. Ms. Gunning explained the gray area she was referring to. Chair Cassida asked Ms. Yacoben if it would be acceptable from her perspective if the Council included some specific language that required the Council to follow standard and best practices outlined by the GFOA. Ms. Yacoben's reply was "absolutely," it is a good idea. She suggested changing the second to the last sentence under BIDDING AND RFP PROCESS on page 10 to read: That recommendation will be based upon the advisor's working understanding of the Town's policy, municipal law, and responsiveness to Town's investment needs throughout the year and GFOA's recommended best practice.

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

MOVED AND SECONDED: To reintroduce 9-12 which was tabled earlier.
(Bishop & Hendricks) **VOTE:** (7 Ayes)

ITEM #9-12 To consider action relative to endorsing a Community Development Block Grant Application (CDBG) from the Habitat for Humanity, project titled "West Street Affordable Housing Infrastructure".

BE IT ORDERED: That the Town of Freeport endorses the Habitat application for a Community Development Block Grant. (Bishop & DeGrandpre)

The Council was provided with a corrected copy of the application with corrected numbers and description. Mr. Ellis walked through the corrections with the Council and answered questions.

ROLL CALL VOTE: (7 Ayes)

ITEM #12-12 To consider action relative to proposed amendments to the Town of Freeport Fund Balance Policy dated January 17, 2012.

BE IT ORDERED: That the proposed amendments to the Town of Freeport Fund Balance Policy dated January 17, 2012 be approved. (Arno & Bishop)

Abby Yacoben, Finance Director, walked through the changes made in discussions. Joe Migliaccio of South Freeport Road thanked the Council for bringing this to fruition. He suggested adding at the end of the policy "if at that time, there is a surplus of fund balance in excess of 5% of the prescribed level, the Town Council shall take action by vote to allocate surplus funds to under-funded capital reserves, tax rate reduction or allow accumulation of surplus funds in balance." It will be a vote. He hopes the Council will consider this.

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Marie Gunning of Telos Road provided comments on the policy. She noted that the more the Council is open and transparent, the better it will be for everybody. If the Council is talking about changing the policy, which has not changed in 15 years, it needs to be talked about in the context of how are we moving our money around. Every year we have an excess and it is a process that we go through where we are under estimating revenue, over estimating expense on the State and budget side. In the end, when we put in our tax rate to the State, we are getting our excess money out of overlap. She mentioned that the Town has way too much money in reserve accounts and would like to have a discussion on that. She is standing up on behalf of the taxpayers. She mentioned discussions that took place at the workshops. She asked for clarification on the need for putting through a change that is not favorable.

Ms. Yacoben described what fund balance is and what we use it for in response to Chair Cassida's questions. She also provided explanation to Councilor Gideon and Councilor Egan. Discussion followed. Chair Cassida pointed out to the public that the Town had an unprecedented amount of fund balance last year and never had balances like that in the past. He does not anticipate balances like that in the future. He mentioned Mr. Migliaccio's wording but said he would be more comfortable setting a cap on how much excess fund balance the Council has the authority to do something with. If the Council wants to make a decision to use excess fund balance in excess of whatever the cap is, there is a process that it has to go through. He would be in favor of a cap.

Councilor Egan suggested adopting this policy with any amendments and then have Ms. Yacoben work with others to come up with something for our next agenda so that it doesn't wait too long but we get the wording right, the timing right and figure out how a cap interacts when we do allocations on different things. Chair Cassida asked for input from other Councilors.

Councilor Hendricks agreed to vote on this policy and then have further discussions on a cap. He would like to get it done in the next couple of meetings. Councilor Egan noted she would like the draft language but also with a bit of analysis that Ms. Yacoben is great at. She could describe the pros and cons of caps, the pros and cons of directives that the Council will have to take action on, etc. Ms. Yacoben noted she would be happy to do this. More discussion followed.

Chair Cassida pointed out that he has not heard any changes proposed. He does not see any need to delay a decision. The Council has had discussion about additional work for Ms. Yacoben to bring back and move the discussion to the next stage. Councilor DeGrandpre is aware of upcoming challenges with the school system. He mentioned that the Council can vote on this tonight but can amend it at any time. The Council needs to be committed to finishing this work.

ROLL CALL VOTE: (7 Ayes)

ITEM #13-12

To consider action relative to proposed amendments to the Freeport Zoning Ordinance concerning the following: (Chapter 21)

- a) Sec. 532 – Accessory Apartments - to eliminate the requirement that apartments be no more than 800 square feet and that accessory apartments be in buildings that are no greater than 50 feet from the primary structure, unless the structure existed prior to the adoption of this amendment;
Sec. 104 – Definition of “Dwelling two family” – to clarify that a two family dwelling is a structure where one dwelling in no less than 40% of the other dwelling.
- b) Sec. 104 – Definition of “Setback” – to allow a reduction of setback requirements if it is necessary for a more efficient orientation of solar buildings.
Sec. 104 – New Definition of a “Solar Building” -

- c) Sec. 104 – Definition of “Accessory Structure”- to clarify that building mounted solar panels are allowed as part of any building.
- d) Sec. 104 – Definition of “Structure” - to allow ground-mounted solar panels and to make it necessary to meet all setback requirements.
Sec. 602.G.2.d – gives the Board of Appeals the authority to grant a “limited setback reduction” for ground mounted solar panels.
- e) New Sec. 533 – standards for small wind energy systems.
- f) Sec. 201.B – allow a lot with two principal structures existing in 1976 to be divided even if it means that one or both lots will be non-conforming.
- g) Eliminate Sec. 201.I – this section requires that any lot with a commercial and residential use must have twice the minimum lot size. Many districts have been made exempt from this requirement over the last few years.
- h) Sec. 104 – Definition of Condominium.

BE IT ORDERED: That a Public Hearing be scheduled for February 7, 2012 at 6:30pm in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Ordinance concerning:

- a) Sec. 532 – Accessory Apartments - to eliminate the requirement that apartments be no more than 800 square feet and that accessory apartments be in buildings that are no greater than 50 feet from the primary structure, unless the structure existed prior to the adoption of this amendment;
Sec. 104 – Definition of “Dwelling two family” – to clarify that a two family dwelling is a structure where one dwelling in no less than 40% of the other dwelling.
- b) Sec. 104 – Definition of “Setback” – to allow a reduction of setback requirements if it is necessary for a more efficient orientation of solar buildings.
Sec. 104 – New Definition of a “Solar Building” -
- c) Sec. 104 – Definition of “Accessory Structure”- to clarify that building mounted solar panels are allowed as part of any building.
- d) Sec. 104 – Definition of “Structure” - to allow ground-mounted solar panels and to make it necessary to meet all setback requirements.
Sec. 602.G.2.d – gives the Board of Appeals the authority to grant a “limited setback reduction” for ground mounted solar panels.
- e) New Sec. 533 – standards for small wind energy systems.
- f) Sec. 201.B – allow a lot with two principal structures existing in 1976 to be divided even if it means that one or both lots will be non-conforming.
- g) Eliminate Sec. 201.I – this section requires that any lot with a commercial and residential use must have twice the minimum lot size. Many districts have been made exempt from this requirement over the last few years.
- h) Sec. 104 – Definition of Condominium.

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)

No one from the Planning Board was in attendance. Mr. Olmstead pointed out that the information read by Councilor Egan is very detailed. Councilor Arno mentioned that she did attend the Planning Board

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meeting and there is nothing on the books regarding solar. Councilor DeGrandpre pointed out that all of this information is posted on the Town's website.

ROLL CALL VOTE: (7 Ayes)

ITEM #14-12

To consider action relative to proposed amendments to the Freeport Administrative Code concerning the creation of the Hunter Roads Fields Advisory Committee. (Chapter 2)

BE IT ORDERED: That a Public Hearing be scheduled for February 7, 2012 at 6:30pm in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Administrative Code concerning the creation of the Hunter Roads Fields Advisory Committee.

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 if anyone has any interest in serving on this committee to please let them know. Applications are available on line or in the Town Hall. The Appointments Committee will have to meet rapidly and appoint people to this committee. Chair Cassida mentioned that there is a sense of urgency to get a committee seated.

Councilor Egan proposed a change based upon conversations with the Chair of the Conservation Committee. Under 615.2—the second paragraph should read: The Hunter Road Fields Advisory Committee shall advise the Town Council on field and related trail issues *excluding trails currently managed by the Conservation Commission*. Discussion followed.

Chair Cassida agreed there is some confusion. Councilor Gideon explained the original proposal, which included creating a link to Hedgehog Mountain. The Council agreed to not take any action. Chair Cassida sees this committee being responsible for advising the Council on the management of the Hunter Road parcel and only that parcel. Councilor Egan noted she is not saying anything different but wants to respect what the Conservation Commission has been thinking about and not having any confusion.

Chair Cassida has no problem with Councilor Egan's proposal. He suggested giving it some thought from now to the public hearing.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS

- 1) Discussion on the distribution of anonymous materials at public buildings

Chair Cassida noted that this is a continuation of some discussion started a number of meetings ago regarding the Town's unofficial administrative policy that is currently in place regarding the distribution of anonymously authored materials at public buildings. Two legal opinions were obtained that are on the table as well as on the Town's website. They pretty much say the same thing—we are on very loose footing with respect to violating people's right to free speech by censoring documents simply because they are unauthored material. The purpose tonight is to decide whether the Council wants to continue that administrative practice or discontinue it and allow people to use their best judgment in what they choose to look at distributed in public places.

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Councilor Arno advised that legal advice advised that it would not be advisable for the Council to continue with its current policy to prohibit unauthorized materials in the Town's lobby. She agreed to err on the side of no censorship. Councilor Egan feels the publication is offensive and doesn't want it anywhere near us but it is hard to risk a legal suit based on the legal advice we received. Councilor Gideon pointed out that another option to consider is whether the Council wants any materials distributed in the Town's hallway. Councilor Hendricks advised that he would not want to encourage this offensive publication in the future but would not want to take away everything else. Councilor DeGrandpre asked what the schools do if they find something like this in their lobby. He doesn't want to expose the Council to that but he doesn't want to step on people's freedom of speech. Councilor Arno feels censorship is not where the Council should go. Councilor Bishop mentioned there has been some talk about boycotting some businesses that have this publication put in their lobby. They did not ask for it.

Sandy Thompson talked to an attorney and learned that there is political speech and there is just speech. She noted that the Council is not censoring if it requires that a name or phone number needs to be disclosed. She feels one solution would be to have a security camera in the foyer or near the table where information is placed. She hopes the Council will consider it. Stephanie Helms of Lunt Road asked about pornography and what is unacceptable. At some point there is a line on what can be distributed at Town Hall.

Eric Pandora mentioned that he is a person that regularly appeared in those publications. He would support a policy requiring that materials have a name and phone number on them.

Chair Cassida asked for consensus to give the Town Manager some guidance on what to do. The Town Manager instituted a policy a year ago to not allow any distribution at Town Hall and other places as well that were not authored for some very good reasons and it wasn't until recent events that it reached a pinnacle. We don't want anyone to think in any way that that policy shouldn't have been enacted in anyway. Now given the risk that we are at, our legal advice is that we not continue the policy of censoring that document. He takes the advice seriously and does not want to put the Town in a position for a censoring lawsuit.

Mac Lloyd asked what the high school policy is if he arrives with a bunch of pornography. He noted that we have to draw the line somewhere. Councilor Arno mentioned that the schools work with a different set of guidelines because of the population. More discussion followed. Chair Cassida stated that he would prefer to follow the legal advice and not censor on authorship. Chair Cassida polled the Council and learned that four choose to follow legal advice (Cassida, DeGrandpre, Egan and Gideon) and three would like more information (Bishop, Arno and Hendricks) Chair Cassida stated that the Council can do both.

2) Discussion on Council Communications

Chair Cassida noted that this was meant to be a broad topic area where the Council can brainstorm some areas where we want to investigate over the coming months to improve Council communications. The Town Attorney is looking at Chair Cassida's Facebook and will give some advice. He is posting public information but he is not getting a lot of feedback. He is doing the same with Email. He encouraged anyone in the public that wants to get communications to give him his/her Email address and he will add he/she to his list. The purpose is to decide what to do as a Council over and above the individual things the whole Council may be doing to foster a better communication dialogue with the public. He would like to focus on rules and procedures in place that say "we are going to have a public hearing and it is posted on the Town's website and in a local paper" but perhaps they need to be tightened up to require the Council to make a more concerted effort to reach out to people when the Council is going to talk about something that pertains to them.

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Councilor Egan is excited to have this discussion. There are a lot of people the Council has been seeing face to face and this is a great way to have interaction with the public but there are a lot of people Emailing her or are on her Facebook page. She is impressed with the Mind Mixer demonstration that took place earlier this evening because there are a lot of people taking care of their kids or their elderly parents and are unable to come to meetings and have interaction with the Council. She suggested pursuing the Mind Mixer and having a community dialogue on what we want the community to be in the future. While campaigning, she heard a lot of how do we build a great school system, how do we create more open space, how do we manage affordable housing and it would be nice to have some broader community engagement on those ideas that aren't just following the agenda in a public meeting format. There are some people that watch the Council on TV and cable and it is a big commitment to watch a whole meeting. There are others that don't have cable so she thinks the Council should have Streaming of these meetings so residents can fast forward to the items they are interested in.

Councilor Gideon advised that the Town's website is not user friendly. The Council should make it a priority to make immediate changes that are not expensive and also develop a long-term plan for a real revamping of the website. She really likes Mind Mixer. She would prefer to get people engaged in the planning process before the Council gets to critical issues. Chair Cassida mentioned that the website is so much better than what it was years ago but agrees we probably need some professional help in fixing the problems. Councilor Gideon pointed out that public notice and notifying abutters is inconsistent and the Council needs to comprehensively look at this.

Councilor DeGrandpre was intrigued by the Mind Mixer demonstration. It gave the Council the opportunity to put correct information up there. He doesn't know how expensive it is. Chair Cassida noted that future discussions would involve cost.

Councilor Hendricks thinks the Mind Mixer is pretty cool. He, too, would like to revamp the Town's website. He mentioned that there is inaccurate information on it.

Councilor Arno stated that she really learned a lot going door to door. She would love to continue to go door to door. She asked how she could replicate the great personal interaction by going door to door. She has been thinking how she could develop neighborhood meetings over the course of the year but realizes there would be logistical challenges. The RFP for Vision 2025 will be going out sometime soon and it would be great to have the Mind Mixer for the visioning work. Vision 2025 will give the Council the opportunity to encourage and engage all cross sections of residents and business owners in Freeport so the Council should have it on its radar.

Chair Cassida advised that when he gets Emails from constituents, he copies the entire Council. He is not getting this from other Councilors and he feels it would be helpful for him to see this. It is important that we are all hearing from people in the community. He asked Councilors to share their information.

Joe Migliaccio gave credit to Chair Cassida for going to Facebook and improving communication. He noted that Councilors are all politicians and obligated to serve their individual constituencies. Video on Demand is an excellent tool and there is some money to increase quality assurance. He mentioned that Streaming was not added last year and he encouraged Councilor Egan to continue to push for it. He encouraged Councilors to go out and do direct meetings and not forget to communicate with employees.

Mac Lloyd advised that the Save Our Neighborhood Coalition cannot meet in any public place without paying \$50-\$70. He suggested that the Council create a place for citizens to meet. Councilor DeGrandpre suggested inquiring if they can meet at a school.

Next Steps:

- More information on Mind Mixer.
- Modernize the Town's website sometime this year

- Encourage people to get on the Email list

Chair Cassida mentioned that if Councilors had lists, he would appreciate them sharing them with him.

Councilor Egan asked about putting out a Town FYI Email. Chair Cassida noted that he was trying to do such a thing.

Councilor Gideon suggested creating a Thursday Bulletin that goes out with the Council agenda so that everybody is getting the same information. Councilor Egan noted it would be nice to have a Town Information Bulletin on behalf of the Town that people could sign up for. The Council would have to figure out how to staff it.

Councilor Arno has reactivated her Facebook page and is doing a little research on how to modify it. She did a posting this afternoon and hopes to get the traffic back up on this shortly.

3) Informational Exchange/Committee Reports

Councilor Gideon advised that the Ordinance Committee had a meeting. She explained what they discussed. The committee took action on the Fireworks Ordinance. Chair Cassida stated that it looks good the way it is and it will be back to the Council on a future agenda. He pointed out that Pest Management was discussed and it is a little broader than just pests. It is a Pest, Herbicides and Fertilizers Policy for all grounds maintenance for Municipally owned properties, not schools but they would be brought into the conversation at some point. On the Hunter Roads Fields and Trails Management Plan, Councilor Gideon advised that a decision was made that the fee structure needs to come out of it and come to the Council for discussion. They decided to talk about it first on their committee level and then try to have a meeting with a smaller group of RSU5 members to talk about what they expect their usage to be and a collaborative effort to start talking about maintenance costs and to do it together. Councilor DeGrandpre suggested including the Pownal Road Field in those discussions. There are some capital needs for improving parking there.

Chair Cassida brought up the Freedom of Information Access Act and noted that he sent around a piece of legislation to Councilors that is going around Augusta now. It is timely since some of the things they are trying to do are already incorporated in the draft that we have from last year. The committee will look at the draft and will have something for the full Council.

Councilor DeGrandpre advised that he missed the last Traffic and Parking meeting but they have been working with a consultant on street lighting. They reviewed a report this morning and assigned a couple of members to go and take a look at the lighting. 63 lights were recommended for removal but after this morning's discussion, the number was reduced substantially because the consultant didn't understand why some were in existence. It is a work in progress. Their next meeting is scheduled on February 21 at 7:30 a.m. There are also recommendations on adding street lighting or crosswalk lighting within the village. Councilor Bishop asked how the Council could notify people of streetlights being removed. In Harpswell, a notice was placed on a pole with a note to call or attend a meeting. Councilor DeGrandpre noted that the actual report could be obtained from the Town Engineer. He did not know if it is posted on the Town's website. They want people to know what is being proposed and they want to hear from all of them. Councilor Bishop advised that the Council needs to communicate with those people that are technically challenged and don't have a way to go to the website.

Councilor Bishop asked about the Town's skating rink. She understands that the weather has been bad. She asked if hay bales were going to be provided for putting on skates. Chair Cassida advised that a bench would be provided as soon as it is constructed rather than hay bales. Mr. Olmstead advised that Public Works is doing the best it can.

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Mr. Olmstead advised that the equipment came in today to get the server back up and running.

MOVED AND SECONDED: To adjourn at 11:13 p.m. (Bishop & Hendricks)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #03-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, FEBRUARY 7, 2012 - 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 6:30 p.m. and took the roll. He mentioned that the Town Manager is sick with the flu.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #02-12 held on January 17, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #02-12 held on January 17, 2012 and to accept the Minutes as printed. (DeGrandpre & Bishop)

Councilor Egan raised a question on Page 9 and noted that she would bring it up later in the agenda. She did note that the Minutes were accurate.

ROLL CALL VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida referred to Item 26-12 on the agenda. The request for \$9,000 for farmhouse painting at Winslow Park has been withdrawn. There is a new order on the table at the back of the room. Under "Other Business" Item 4, Discussion of Public Property Peddlers will not be addressed this evening. It should be pulled off this agenda and will be rescheduled when the Ordinance Committee is prepared to deal with it. Since the Town Manager is not in attendance, the Executive Session concerning a personnel matter will not take place. It will be rescheduled.

Chair Cassida explained that a legal opinion on an item that will be discussed this evening was received fairly late this afternoon. It was E-mailed around to everyone on the Council's contact list and is also on the table in the back of the room. If any resident is at home, he or she can grab it off the website.

The Library is hosting its 11th annual Chocolate Bash on February 8th from 6:30-7:30 p.m. The evening will have a chocolate tasting, a dessert raffle, etc. Cul de Sax will be performing live.

If any Freeport citizens are looking for free tax help for low or moderate-income households, with special attention for those 60 years and older, Perry Bradley and Marlene Budd from AARP will be providing free tax preparation assistance for those populations. Assistance will begin on February 8 and end on April 13 and will be handled by appointment only on Wednesday mornings. Residents may make an appointment by calling 865-4743, Extension 120.

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Eco Maine is hosting a competition to paint the silver bullets with your own design. They will provide each winner with up to \$500 for paint supplies and it is up to you and your team to do with it what you want. Silver bullets can be delivered to your address or can be done at Eco Maine in Portland. For a list of rules and an entry form residents can go to www.EcoMaine.org or contact Shelly Dunn at www.Dunn@EcoMaine.org. The entry deadline is Friday, March 30. Councilor DeGrandpre clarified that residents should not go out and paint the silver bullets.

Councilor Egan announced that there is a Volunteer Stewards Program and also a Students Stewards Program that Freeport Conservation Trust is offering to help people in our community maintain trails. There are students from the high school already helping. If anyone is interested they can contact Info@Freeportconservationtrust.org or call 869-1012. This is a great opportunity for people to get out and about in Freeport.

Councilor Egan explained that she would be having office hours on the first Tuesday of each month from 7:30-9:30 a.m. at Bow Street Market. She explained that there is a wonderful map produced by the Conservation Trust, the Freeport Historical Society and Maine Audubon showing the various trails on public land in other areas that residents can use. She posted one outside the Council Chambers and noted that extra maps will be made available for the public.

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

Chair Cassida reviewed the rules and procedures to follow in this public comment period.

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

A group of 8th Grade Students from the Freeport Middle School explained that they have come up with ideas to make Freeport healthier. They displayed a large colored signed petition asking the Council to consider:

- A pedestrian overpass near L.L. Bean to the Freeport Village Station
- An easier way to cross Mallett Drive.
- Improving access to Hunter Road Field, there is no sidewalk or much of a shoulder
- A playground in the center of town
- Police protection by the railroad tracks because people are doing things they shouldn't be doing
- The community gardens need more publicity and should be easier to get to

Chair Cassida asked if the students could leave the petition so that it could be displayed in the Town Hall and they agreed.

Ann Marie Davee, Freeport resident and youth advocate, urged the Council to consider initiatives that will promote a safe and vibrant community in the future such as enhanced pedestrian crosswalks, well-lit walkways, safe bicycle lanes to the Hunter Road fields, traffic calming measures coming from the north on Route One so that students can cross the street safely, safe playgrounds around town and a community garden/green space that is visible from the center of town.

Kristen Dorsey, Freeport resident, thanked the Council for their efforts to expand their communications. She wondered whether or not the Council would consider being a part of the discussions going on at the various schools as far as playground equipment. They are used by a lot of visitors. The Mast Landing playground is in dire need of repair as well as expansion. Councilor DeGrandpre explained that it is RSU5 property but feels it is a worthwhile cause. She requested the Municipal side of the town help fund the playground improvements even though they are part of the school facilities. She also suggested that the

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Council take a look at the organizational structure of the various commissions in Freeport. She noted that some towns actually have mission statements for their different commissions. She noted that it might be a good thing to look at reconfiguring some of Freeport's commissions.

Beth Edmonds, Librarian, pointed out that Freeport residents have been incredibly generous to the Library in the last round of solicitations in November and she wanted to thank everybody. She noted that Darrel Fournier and the Fire and Rescue folks feel the same way. They really appreciate the effort that everyone has made to be generous.

Walter Libby of Murch Road explained that last week there was an E-mail circulated that implied that there was a group that wanted to limit the use of fields on the Hunter Road. He does not know why that was circulated but it may be a misinterpretation of a petition he presented to the Town Council back in December. One of the points of the petition was that the neighbors recognized that the intent of the field usage was for the youth of the town and did not want it to become commercialized. At the same meeting, the panel the Council commissioned to develop the use and management of the fields, said there would be a maximum of six events scheduled through the community sports organization that would allow them to have the events over weekends and that would be one a month. In reading over the purchase agreement with Seacoast, which allows them to use the fields for a total of 100 hours. In the agreement it said that it would primarily be for their tournaments. That may cause a conflict with the management plan and the purchase agreement. If they can use 100 hours, that is three or four weekends right there. The conflict will have to be resolved. Mr. Libby circulated a petition basically said to limit the use of the fields to athletics for the community. He hopes it was not misinterpreted. He called the people at the A.D. at the high school and talked to them. They indicated that they would use the facility occasionally and have to pay full price of \$125 per hour so that is probably why they limit the use of it. They didn't have any concern with it. He noted that he plans to go on a field trip with Councilor DeGrandpre to see what the decision was for the community. Councilor DeGrandpre noted that he would catch up with Mr. Libby and plans to make the trip before the next meeting.

Since their PowerPoint presentation did not work, Alex Campbell and Sadie Russell representing the Youth Advocacy Program explained that they wanted to bring some safety issues to the Council's attention. Mr. Campbell noted that Freeport has a lot of vehicular and foot traffic on Main Street since it is part of Route One. Miss Russell mentioned congestion at the high school and at Morse Street School. At the corner of School and Elm Streets it is almost impossible to get across because of school traffic in the mornings and when school lets out. It is especially dangerous for Middle School Students to walk downtown after school. Delivery trucks also present a visibility problem. They recommend putting a traffic light at the intersection of School and Elm Streets. With more tourists coming to Freeport on the trains, they are confident that traffic will become even more congested and dangerous.

Gary Profenno, Chair of Traffic and Parking invited the youth groups to bring their presentations to a Traffic and Parking Meeting.

Sara Cushman, Southern Maine Planner for the Maine Safe Routes to School—Walk and Bike to School Program explained that she is very impressed with the bike and pedestrian improvements that have been made over the years. She feels including the voices of youths in the Town's planning process is incredibly important. They bring a lot of tools to the table, which includes law enforcement, and strategies but the infrastructure piece, which include physical sidewalks, is very important. She is aware that funding is always a problem but wanted to put in a plug for the Quality Community Program, which is the State DOT's program for both transportation enhancement monies, and Safe Routes to School monies. This is on a two-year cycle and the applications will be released this spring and will be due probably July 1.

Lucy Lloyd of Maquoit Drive advised that the Save Our Neighborhoods Coalition hosted their third meeting last week at the Public Library. There were 98 people in the room and it was great to see people talking to each other. She noted that residents wanted to thank Wendy Caisse for attending the meeting. They hope some Councilors will start attending some of their meetings. One of their goals is to organize

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neighborhood meetings within different districts. Councilor Arno has mentioned that she would like to come to neighborhood meetings. They would be happy to set those meetings up. District 2 will invite Councilor Arno to a neighborhood meeting. Their E-mail address is saveourfreeportneighborhoods@gmail.com or <http://www.facebook.com/pages/Freeports-70/169348096505023> or <http://signon.org/sign/save-our-neighborhoods>. Their mailing address is Save Our Neighborhoods, PO Box 15, Freeport, ME 04032 and their phone number is (207) 358-9690.

Sande Updegraph, Freeport Economic Development advised that as part of the Vision 2025 process, FEDC has enlisted the services of two student interns from Freeport High School to assist them in this planning, help them with research, work through the proposals that they receive from the RFP and in general, participate by lending their voice to the community planning process. She has received two applications but has not met with them together yet. She looks forward to introducing them to the Council and the community at the next Council meeting.

Kirk Cameron, president of the Freeport United Soccer Board, advised Mr. Libby that they put out the E-mail he referred to and it really was not in response to any particular action. The Board authorized a message to go out informing the membership to try to get themselves informed since there has been a fair amount of misinformation out there. This is exactly what the group has learned and the Board is hoping they will learn more, verify facts and form their own opinions. He was on the committee that drafted the Hunter Road usage and advised that Seacoast does have 100 hours but there are four fields. When they use it for a tournament over a weekend, they will use 64 of their 100 hours for a two-day tournament. He is pleased that the Council is choosing to focus on the way discourse happens. He hopes that one of the things we do is verify facts and make sure that opinions are expressed as opinions and facts are expressed as facts and verified.

Chris Milatay, Freeport resident, wished to align himself with the sentiments expressed by Walter Libby. He is the best teacher his daughter ever had. If the Council insists on continuing with the current purchase agreement and the facility is located on Hunter Road fields, he is certain that it will be litigated. He urged the Council to relocate it to a commercially zoned area and satisfy everyone on both sides of the issue.

Andrew Arsenault of U.S. Route One pointed out that no clapping is a silly rule and is being taken too far. The timer on the wall makes a mockery of public comment. The public only gets one or two opportunities to come up and speak during a month and hardly ever run over a half hour. He feels it is an intimidation effort and he would like the Council to reconsider the timer.

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

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

ITEM #20-12 To consider action relative to adopting the February 7, 2012 Consent Agenda.

BE IT ORDERED: That the February 7, 2012 Consent Agenda be adopted.
(Hendricks & DeGrandpre)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. He, too, thanked everyone who donated to the Library and Fire/Rescue. Councilor DeGrandpre asked whether or not the road would be closed on August 4 and 5 for The Bike MS Great Maine Getaway 2012. Lt. Nourse responded to his question by explaining that the road would not be closed. Officers would be posted at the intersections to eliminate conflicts with vehicles. Councilor Hendricks asked if posting officers at intersections would cost Freeport taxpayers. Lt. Nourse explained that the cost would be handled by the organization.

ROLL CALL VOTE: (7 Ayes)

ITEM #21-12 To consider action relative to proposed amendments to the Freeport Administrative Code concerning the creation of the Hunter Roads Fields Advisory Committee. (Chapter 2) **PUBLIC HEARING**

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

Councilor Gideon explained that the Ordinance Committee wants to make sure that they do it right and understand that it will be a learning process. The Advisory Committee will monitor how things are going over the first year and will make recommendations as they go along to the Council. The committee will deal with any questions that come up regarding tournaments, concessions, etc.

Chair Cassida explained the rules to be followed for this public hearing.

Kirk Cameron of Freeport United Soccer advised that 175 families play soccer in town and are excited to use the fields. He highly endorses the creation of this Advisory Committee and he has an application already filled out with the Town Clerk.

Kristen Dorsey asked about the format of this Advisory Committee. She asked if there is a standard format for the numbers of members and what body they represent in town so that consistently that committee maintains those ratios and representations and then the Council goes out proactively and recruits to make sure that all the different groups are represented. Chair Cassida noted that the Council would discuss this later.

Gary Profenno, original chair of the Hedgehog Mountain Committee that abuts the fields, noted that in several iterations of the wording for this committee, there were references to Hedgehog Mountain being part of this Committee's charge. He agrees that a new committee is needed but had questions about the association with the commission that is currently overseeing Hedgehog Mountain. He asked if they are still connected somehow. Chair Cassida noted that he wrote the question down and the Council will discuss it.

Walter Libby of Murch Road endorses the adoption of this committee. He hopes that at least one committee member will be from the immediate neighborhood so that the neighbors' perspectives can be maintained on that committee.

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

Chair Cassida advised that the answer is "yes" there is a standard format that must be followed and there are rules regarding the numbers and distribution on the committee. Chair Cassida asked how to define a member from the neighborhood, which was suggested by Mr. Libby since the neighborhood could be quite large. He had no issue with this and suggested putting some parenthesis around it so that there is someone from the neighborhood. He suggested parking this for the time being.

Chair Cassida responded to Mr. Profenno's question. He stated that this committee is tasked with only the Hunter Road fields and some of the Pownal Road property but not Hedgehog.

Councilor DeGrandpre had a question regarding the language discussed at the last meeting that read "excluding trails currently managed by the Freeport Conservation Commission." He noted that he is okay with this language because it was discussed by the Council. He would not want to create a committee that can advise the Council on trails every other place in town except here.

Councilor Egan met with the Chair of the Conservation Commission and learned that she wanted her to relay to the council the following statement: "It is important to the Conservation Commission that decisions around Hedgehog Mountain trails remain with the Conservation Commission as prescribed in Ordinance that establishes the Conservation Commission and its purview. The Conservation Commission is very happy to work with this new committee in order to make sure there is a good link between Hunter Road and Pownal fields and trails with Hedgehog Mountain." Councilor Egan noted that a Conservation Commission member is one of the members proposed for the new committee. Chair Cassida Clarified that an amendment would need to be made to add that language in.

Councilor DeGrandpre understands the relationship between the two committees and he hopes they will be able to work together. He can live with the existing language. Councilor Gideon asked why the Council needs to add the language excluding Hedgehog Mountain since we are talking about Hunter Road Fields and Trails. She is not sure why the Council needs to distinctly say it is excluding Hedgehog.

Councilor Egan pointed out there has to be close collaboration between the two groups. It needs to be clear that the Conservation Commission retains its full management authority and purview for those trails. Councilor Arno stated that maybe it would not be appropriate to have a Conservation Commission member on this new committee. Maybe we should just rely on the two groups working closely together. Councilor Bishop feels that Councilors are over thinking all of this. This is an Administrative Code addition for a Hunter Road Fields Advisory Committee. They are not the Conservation Commission, the Hedgehog Mountain Advisory Committee, Florida Lake Committee, etc. Chair Cassida agreed with Councilor Bishop. Councilor Hendricks also agreed with Councilor Bishop and does not feel the Council should draw any more dividing lines. Councilor Egan noted she is happy without adding any language in as long as the record shows that the Council's intent is to make sure this group oversees the Hunter Road Fields and coordinates with the Conservation Commission and doesn't make recommendations about how the Conservation Commission should be managing the properties it is responsible for.

Councilor Gideon asked if it is appropriate to have a Conservation Commission member on the Advisory Committee. Councilor Bishop is confident that the Conservation Commission member would bring the experience he or she has had to this new committee. Councilor Hendricks agreed.

Chair Cassida clarified that it is apparent the Council is willing to leave the language the way it is currently presented and not putting in any language that excludes anything. Councilors are satisfied that the record adequately shows they want the two groups to work together but they are independent groups. This group is only responsible for advising the Council on Hunter Road fields. Each committee is responsible for their own purview.

BE IT ORDERED: That the proposed amendments to the Freeport Administrative Code be approved. (Bishop & Hendricks) **ROLL CALL VOTE:**
(7 Ayes)

ITEM #22-12

To consider action relative to proposed amendments to the Freeport Zoning Ordinance concerning the following: (Chapter 21) **PUBLIC HEARING**
a) Sec. 532 – Accessory Apartments - to eliminate the requirement that apartments be no more than 800 square feet and that accessory apartments be in buildings that are no greater than 50 feet from the primary structure, unless the structure existed prior to the adoption of this amendment;
Sec. 104 – Definition of "Dwelling two family" – to clarify that a two family dwelling is a structure where one dwelling in no less than 40% of the other dwelling.

- b) Sec. 104 – Definition of “Setback” – to allow a reduction of setback requirements if it is necessary for a more efficient orientation of solar buildings.
Sec. 104 – New Definition of a “Solar Building” -
- c) Sec. 104 – Definition of “Accessory Structure” - to clarify that building mounted solar panels are allowed as part of any building.
- d) Sec. 104 – Definition of “Structure” - to allow ground-mounted solar panels and to make it necessary to meet all setback requirements.
Sec. 602.G.2.d – gives the Board of Appeals the authority to grant a “limited setback reduction” for ground mounted solar panels.
- e) New Sec. 533 – standards for small wind energy systems.
- f) Sec. 201.B – allow a lot with two principal structures existing in 1976 to be divided even if it means that one or both lots will be non-conforming.
- g) Eliminate Sec. 201.I – this section requires that any lot with a commercial and residential use must have twice the minimum lot size. Many districts have been made exempt from this requirement over the last few years.
- h) Sec. 104 – Definition of Condominium. (read by Chair Cassida)

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

Town Planner, Donna Larson provided a summary of the proposed amendments. Chair Cassida reminded speakers about the rules to be followed and that the Council would be using the timer again.

Gary Profenno mentioned that there are a lot of items and it would not be physically possible to provide comments on all of them in three minutes. He urged the Council to pass “b” as it is currently written. He suggested an amendment to “d” the ground mounted solar section. Rather than have an application go to the Board of Appeals, he would recommend changing it to go to the Codes Officer and Project Review. On the next page, Section 2, his amendment is to remove the Board of Appeals and change it to Codes Officer and Project Review Board. He mentioned that he would be willing to serve as an unofficial technical advisor regarding multiple wind turbines on the same property. Mr. Profenno ran out of time and was asked to sit down.

Andrew Arsenault of Route One South stated that in “a” Sec. 532 – Accessory Apartments, he feels it should be changed to a number higher than 50’ from the primary structure in some areas. There are lots of places where the garage is more than 50’ from the house.

Bonnie Fox of 3 Lambert Road read a letter into the public record asking the Council to postpone their vote on these amendments to give residents time to figure out the proposals. She provided a copy of her letter to the Council.

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

Regarding Mr. Profenno’s recommendation, Councilor DeGrandpre noted that if a resident goes directly to the Board of Appeals and is denied, their next option is Superior Court. If the same person goes to the Codes Officer and gets denied, their next option is the Board of Appeals. Mr. Profenno explained why he brought this issue up. He recommends leaving in the language that says, “The Board of Appeals may consider neighborhood support or opposition for the project” but changing the Board of Appeals to the Codes Officer or the Project Review Board. Ms. Larson stated that a whole different process would have to be established.

Councilor Gideon asked Mr. Profenno to respond to “e” regarding the standards for small wind energy systems. Mr. Profenno explained that he worked with the Town Planner and they recognized that smaller

systems could typically be used for a Municipal facility. It would generate a small hum. He is comfortable with the language on the wind turbines.

Councilor Gideon asked Ms. Fox to clarify what her concerns are. Ms. Fox referred to Accessory Apartments and pointed out that some of the language incorporates an old building but it also allows the homeowner to build an accessory apartment in a new structure. Ms. Larson explained the choices a homeowner has to add an accessory apartment. More discussion followed.

Councilor Egan thanked Mr. Profenno for all his work, particularly with wind turbines.

Ms. Larson came up with new language for Section 201.i: Delete what is there and replace it with “The Rural Residential 1, 1A and 2 Districts, residential and nonresidential uses that are located on the same lot, the area of the lot must equal or exceed the sum of the minimum lot size as required for each user. For the purposes of this section, accessory structures for utilities are not considered to be commercial non-residential uses. Councilor DeGrandpre was not clear and asked for more clarification. More discussion followed. Councilor Gideon suggested that everyone is comfortable with “a” through “f” but perhaps Ms. Larson can explore “g” with Mr. Reeder and bring it back.

MOVED AND SECONDED: To remove “g”. (Bishop & Hendricks) **VOTE:** (7 Ayes)

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

Councilor Bishop pointed out that this item would have to come back on another agenda.

ITEM #23-12

To consider action relative to setting a public hearing for the purpose of collecting public input on a request from Seacoast United Soccer of Maine for the creation of a recreation zone.

BE IT ORDERED: That a Special Council Meeting be held on February 28, 2012 at 6:30p.m. at the Freeport Community Center for the sole purpose of holding a public hearing to collect public input on a request from Seacoast United Soccer of Maine for a recreation zone.

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

Michael Healy of 25 Flying Point Road explained that the request is to create a new zone on the land that the Town owns between the Pownal Road and the Hunter Road. The Pownal Road property has the football field on it, borders the Hedgehog Mountain Road and abuts the Recycling Center and Landfill. It also includes the newly acquired Hunter Road property. The purpose is to create a Recreation District, which would apply only to that property and would provide both outdoor and indoor recreation for soccer, football, field hockey, lacrosse, etc.

Councilor Gideon disclosed that her two sons played for Seacoast Soccer this winter. She asked if anyone has any objections to her participating in the discussions. There were no objections made. She has looked long and hard at her duty as a Councilor which is to allow the public process to take place. She feels it is

the right thing to do to set a public hearing and allow public conversations to happen. Chair Cassida noted there have been comments made requiring Councilors to have openness on these matters. The Council has never scheduled a formal public hearing to gather input on a request for a zone change. He feels this is a deliberative process the Council and community need to go through. He mentioned a legal opinion that was received today. The opinion is that there is a big difference between designating a growth area and considering a single development. It is perfectly legal to have this discussion and we would not be violating the Charter in any shape or form.

ROLL CALL VOTE: (7 Ayes)

ITEM #24-12 To consider action relative to applications for Public Peddler Licenses

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

Therese Drapeau, 5 Guptil Ave.
d/b/a Hot Taco

Li Jin, 12 Elm St.
d/b/a Chan Food (Egan & DeGrandpre)

Judy Hawley explained that there are four spots but only two applications have been received.

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

ITEM #25-12 To consider action relative to proposed amendments to the Vehicle towing Ordinance concerning the towing wrecker list (Chapter 49).

BE IT ORDERED: That a Public Hearing be scheduled for March 6, 2012 at 7 pm in the Town Hall Council Chambers to discuss proposed amendments to the Vehicle Towing 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. (Gideon & Bishop)

Chair Cassida explained that this removes antiquated language.

ROLL CALL VOTE: (7 Ayes)

ITEM #26-12 To consider action relative to an expenditure from the Winslow Park Reserve Fund to provide for the shower facility renovation.

BE IT ORDERED: That up to \$40,000 for the shower facility renovation be expended from the Winslow Park Reserve Fund to provide for the shower facility renovation.

Note: The reserve funds and savings account totals are over \$320,000. (Hendricks & Bishop)

Bart Carhart, Winslow Park Manager, explained the proposed shower renovations and those they would be completed by April 30.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS

- 1) Presentation on the “Interim Report” on the Freeport High School Master Plan (Lyndon Keck)

Peter Murray from the RSU5 Board explained why the study is being undertaken. He introduced Lyndon Keck, Sr. Principal of PDT Architects. Mr. Keck explained that they are half way through their study. The building is more than 50 years old. They will share their interim report with representatives from Pownal and Durham as well. There is no final plan and no proposal. The master plan is looking at opportunities for expansion of Freeport High School and they are looking out 10 years. Enrollment projections and curriculum enhancements were discussed.

Councilor DeGrandpre suggested that Mr. Keck request a copy of the Malone and McBroom Field Needs Assessment. He also mentioned that parking is a challenge at the high school and he is confident it will only get worse. Councilor Gideon suggested getting the residents from Elm and Snow Roads involved in the process. She would like a traffic consultant to look at high school traffic on Elm and Snow Roads. Mr. Keck did not know if this has been done but offered to look into it. They have a traffic consultant on board. Chair Cassida strongly recommends meeting with the neighborhood early in the process.

Councilor Egan asked if the turf field was built in the middle of the track, what the implications would be for the RSU’s needs for the proposed Seacoast project which would also provide a turf field giving the town the ability to use one of those turf fields for a specified time. She also asked if it were reversed, would we still need a turf field if the Seacoast project is built. Mr. Sickels advised that the key component is the track and there would be a need to build a turf field inside it. He is unclear about the Seacoast project and could not answer Councilor Egan’s question. Mr. Keck mentioned that there is a need for bleachers, concessions and toilets. He is confident that the neighbors will be concerned about lights, traffic and noise.

Councilor Egan appreciated the RSU5 reaching out to the Council tonight. She suggested finding some way to keep continual communications open between Freeport, Pownal and Durham Councilors. She is hoping for broader engagement from the community. She hopes the Council can get the word out to the community.

Councilor DeGrandpre suggested providing a copy of the Malone and McBroom report on the RSU’s website and add links to it. Councilor Hendricks heard when the RSU was formed, it was said that the high school was going to be able to handle the increase in students and now we are seeing that it obviously is not. He asked what happened. Peter Murray had no answer tonight but advised that there was considerable disagreement that it would pass the straight face test. A detailed analysis is now being done and they want to try to understand it.

Councilor DeGrandpre pointed out that there are different zonings in the three communities and he urged Mr. Keck to be sure to include the growth in the analysis.

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- 2) Discussion on request for verbatim transcript of Council meetings

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Chair Cassida explained that a petition was received from some residents alleging that the Council was not in compliance with the Charter because it was not keeping a verbatim record of Council Minutes. A legal opinion was received from Bernstein Shur and is in the Council's packets. The Charter requires that the Council keep a verbatim record of Council meetings. It does not require a written verbatim record. Historically the Council has always kept recordings of audio or video of every meeting. They are in the vault and are available to anyone that wants to review any meeting that we have had. The Minutes that are taken by the Recording Secretary are summary minutes. They have never been intended to be the verbatim record. The audio or video recordings are the verbatim record. The Town Attorney confirmed that we are in compliance with the Charter in the manner that we have been conducting business for as long as anyone can remember. By way of background, we looked into what it would actually cost to keep verbatim records and determined that the additional cost to the Freeport taxpayer would be considerable if the Council opted to do that.

Lucy Lloyd noted that she is one of the people that signed the petition. Speaking for Mary Ann McGettigan, she asked if the recordings of Council meetings are at the Library and available for check out. Ms. Lloyd spoke to Rick Simard and learned that there are DVDs available at the Library for checkout. She mentioned that the Minutes are sometimes posted. The public workshop's notes were abbreviated and there was no information provided on what the answers were. She asked where citizens have to go to get answers. She feels there have been plenty of opportunities to improve communication but it seems like there are questions still unanswered.

Kelly Bouchard of the *Press Herald* stated it would be helpful if there were a desire to stay with a journal approach and the approach was a little more detailed.

Chair Cassida noted there is no formal process for making sure that somebody gets an answer to a question that is left hanging at a Council meeting. He will talk a little bit about how to set something like that up under the next item.

Councilor Hendricks reviewed all the ways for residents to get verbatim records but noted that perhaps they could be posted in a shorter period of time. He noted that perhaps the Council Secretary could provide more detail but he would not be in favor of spending a lot of money on having all of the meetings that take place in Freeport transcribed verbatim.

Councilor Egan pointed out that the Minutes have a distinct purpose of trying to summarize decisions that have been taken. The Minutes of the Council's last meeting were 12 pages long and contained a lot of detail. While it may not be all the detail that everyone wanted covered, the Minutes captured what we decided. There is always more information available in a verbatim record that is on video. She feels it is only fair for residents to try to summarize the decisions that have been taken in the form of the Minutes and that it is fair to leave it that way. The issue Ms. Lloyd brought up is that she feels the Council has not answered the questions raised and this is something separate from minute taking. It is a separate issue and needs to be addressed in a different way.

3) Continued discussion of improved communications

Chair Cassida explained that there are several subcomponents of this. There is the issue of Mind Mixer, conducting Council meetings in the districts around town and making sure someone is responsible for getting questions answered. Councilor Gideon added to the list an easier to understand E-mail format and consistent notification to abutters regarding issues that come up. Due to the lateness of the hour, Chair Cassida suggested discussing one or two of these suggestions and bringing the discussion back for further discussion. He wants to keep the ball rolling. The first thing he wanted to discuss is getting questions answered. After a discussion with the Town Manager, he realized no one was really responsible for collecting that information and then taking it after the meeting and deciding who would be responsible for responding back to the person that asked the question. Sometimes the questions require staff to do some

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research. It was decided that the Town Manager would be responsible for jotting down the questions raised during a meeting and anything that is answered would be crossed off. On any questions left hanging, there will be some interaction the next day with the Manager, Chair and Vice Chair to make sure that answer gets back to that person. When it is communicated to that person, it will also be communicated to the entire Council. It could also be added to a “frequently asked questions” on the web along with the answer. Ms. Lloyd asked about the presentation on Mind Mixer and verified that it is sort of like a Town blog. She suggested that the Council do some sort of survey on communication to determine what is beneficial to residents. She also mentioned that it costs a resident \$20 to get a copy of a Council meeting.

Councilor Gideon suggested moving to Mind Mixer. She noted everyone has individual E-Mail communications and she asked for feedback on communications and got some wonderful feedback.

Councilor DeGrandpre suggested an “Info Link” covering things the Council has discussed such as the Malone and McBroom Report so that folks can just click on it to see what is going on. Chair Cassida advised that some work needs to be done on the website but the Council will direct staff to go ahead and implement this section and bring it back and show the Council what they have done. The Council will then be able to provide feedback. He is confident it will grow in a comfort zone over time.

Walter Libby asked if the Council would E-mail the answer to the person that raised the question and Chair Cassida advised that the person would get a direct reply.

Councilor Hendricks pointed out that the website really needs to be updated. It is hard to navigate on it.

Councilor Gideon pointed out that if anyone in the public goes to the Mind Mixer site, they would find a demo. She advised that Mind Mixer previously offered a free demonstration period to the Town. Unfortunately they have withdrawn that offer and are now saying that we should buy it up front. She feels that the Council is interested in Mind Mixer and rather than having staff negotiate with them, the Council could indicate to them that we really want to make this happen. We could ask them to give us a free trial period in April, May and June. During our budget season, if we decide to not appropriate any money for this for the next fiscal year, then the trial period will end. Chair Cassida was under the impression that there was consensus to move ahead with a trial. Councilors did have some reservation about moving ahead with a contract but he doesn’t know what happened in the negotiations.

Councilor DeGrandpre brought up the fact that there are a lot of folks that are not tech savvy and he wants to be sure to engage them in some form but he doesn’t know what that is.

Councilor Egan suggested that Councilor Gideon reach out to Mind Mixer. Councilor Gideon agreed to do that but noted she plans to sit down with Mr. Olmstead and Chair Cassida first before reaching out.

Chair Cassida brought up regional meetings. Councilor Gideon advised that there was discussion about having one meeting in districts per year and inviting the public to attend. There would be a short agenda and an informal “meet and greet” session after the agenda is completed. Chair Cassida mentioned a tentative schedule was not included in the Council packets so this can be tabled to a meeting in March. It will cost a couple of hundred dollars for all four meetings. There was consensus to go forward. Councilor Arno asked if the Town Manager could figure out how we would broadcast at these meetings. Chair Cassida noted that it would be audio only. Councilor Gideon mentioned she has concerns with the regional meetings since it could cause confusion and there is the possible consequence of decreased transparency.

Councilor Egan feels these things should be seen in the spirit of experimentation. She, too, has reservations but is willing to try it. She would also like to see the cost numbers before she has to make a decision.

4) Discussion on civil discourse

Councilor Gideon explained that a lot of people came to her regarding how conversations were going and E-mail exchanges and newspaper editorials. She keeps returning to what Lesa Andreasen said at the workshop when she said "Let's everyone remember that after we put issues to bed or stop talking about them, we are still neighbors. We see each other at the grocery store, on the sidewalks and at schools when we drop off our kids". Councilor Gideon noted that there will always be divisive issues within our town but she pledges to be civil in her discourse and wants to get it out there.

Councilor Egan mentioned how shocked she has been at the discourse that has taken place in this room. She implored people in the community to work with the Council to make good things happen next year. Chair Cassida mentioned that Councilors are all volunteers and are trying to do the best thing for the community. He suggested that the public communicate in a respectful manner.

Councilor DeGrandpre encouraged anyone with questions to call him at 865-1632 and his home phone number is in the phone book. Councilor Hendricks agreed with everything that has been said. He finds it disheartening that people don't realize that Councilors are parents, business owners, taxpayers and Freeport citizens too.

Lucy Lloyd pointed what the term "civil discourse" means. She advised that residents are trying to talk about the common good.

5) Discussion of Town Athletic Field maintenance and management

Councilor Gideon explained that she wanted to present this to the Council because we have the Hunter Road facilities scheduled to come on line in July and we need to zero in on the scope of maintenance and scheduling management. She asked for direction. She feels Municipal Facilities should look at this and study how to approach scheduling and the maintenance scope. Chair Cassida mentioned that the Ordinance Committee is looking at fees and the Advisory Committee will be doing this. We haven't chosen anyone to do the management piece, which may be better suited to Municipal Facilities. All three groups need to coordinate their functions with the RSU5 because they are involved in the process. Perhaps rather than having these separate entities bouncing off each other, the Council needs to approach it from a more central point and task one group in doing all of it. The Council agreed it would be better to have one group of Council representatives and maybe the Advisory Committee working with the RSU to work with all of the components.

Councilor Gideon suggested scheduling a Municipal Facilities meeting next week. The Appointments Committee also needs to meet and staff the committee. Councilor Gideon pointed out the need for applications from residents from all the districts. Anyone with an interest should send an E-mail to Johanna Hanselman at 865-4743, Extension 120. Mac Lloyd volunteered.

Councilor Gideon noted after talking to the chair of the RSU Board she learned that we need to start coordinating with them in the short term. A recommendation will come to the Council on fees. There is a lot to be done in a short amount of time. There was Council consensus that this should be under Municipal Facilities. They will have to tackle the maintenance and scheduling. Councilor Hendricks suggested tackling maintenance while the Town Engineer is available. Councilor DeGrandpre will schedule an Appointments Committee meeting. Judy Hawley will send an E-mail around. The Municipal Facilities Committee will meet next Thursday.

6) Informational Exchange/Committee Reports

Chair Cassida read a letter from FEDC into the public record.

COUNCIL MEETING #03-12

February 7, 2012

Councilor DeGrandpre advised that the Traffic and Parking Committee will meet on the 21st at 7:30 a.m. They will be discussing adding and deleting streetlights.

Chair Cassida pointed out that any residents that are abutters to the Seacoast rezone request will be getting a letter saying that over the next three weekends, he will be going door-to-door to have a conversation with anyone that abuts the rezoning request. He will share what he knows and hear what they have to think about the project. He is hoping to have a more in-depth conversation with those most affected because they are in his district. If anyone is not available on the weekend, they can call and set up a more specific time to make sure they connect with him.

MOVED AND SECONDED: To adjourn at 10:58 (DeGrandpre & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
SPECIAL FREEPORT TOWN COUNCIL MEETING #04-12
FREEPORT COMMUNITY CENTER – LARGE MEETING ROOM
TUESDAY, FEBRUARY 28, 2012 – 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 6:32 p.m. and took the roll. He noted that Councilor Egan would be arriving shortly. He reviewed the procedures that would be followed this evening. He asked everyone to silence their cell phones and reminded everyone to be respectful of other speakers.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #03-12 held on February 7, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #03-12 held on February 7, 2012 and to accept the Minutes as printed. (Bishop & Gideon) **VOTE:** (7 Ayes)

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

ITEM #28-12 To consider action relative to collecting public input on a request from Seacoast United Soccer of Maine for the creation of a recreation zone. **PUBLIC HEARING**

Steve Twombly, president of Seacoast Soccer introduced himself. He then introduced Paul Willis, Executive Director, who provided a brief presentation on their providing both indoor and outdoor facilities in New Hampshire and Maine. He provided pictures of their Hampton and Epping, New Hampshire facilities, which have been in existence for 15 years. He pointed out that they are looking forward to becoming a part of the Freeport community.

Mike Healy of 25 Flying Point Road explained that this project was started in 2009. A letter has been sent to all Freeport residents explaining the project. A map was displayed for everyone to see showing where the driveway, fields and building would be located. He discussed all of the changes that have been made to the Zoning Ordinance over the years. He mentioned that the Council needs to decide whether or not it wants this project in Freeport.

Chair Cassida advised that people should be respectful while others are speaking. If necessary,

he will remove people from the room.

Town Planner, Donna Larson provided some facts and figures for the audience. The sale to Seacoast entails 12.4 acres. They are proposing a 60,000 sq. ft. building. The Town has agreed to build a gravel road to the site. She went on to explain the Comprehensive Plan.

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

Wayne Hollingworth of Durham Road noted that he has objections to the Town taking public land and turning it over to a private use.

Florence Lusk of 9 Thompson's Way asked the Council to deny the zoning request because it would irrevocably change the character of the neighborhood and destroy the existing trails that the public and students currently enjoy. She hopes Seacoast will be able to find another properly zoned location for its project.

Donald Cyr, abutter, echoed what Ms. Lusk said. He and his family are opposed to the Seacoast contract.

Joanne Anthony of 10 Murch Road noted she and her family are opposed to adding a 60,000 sq. ft. building to an area that is being used for skiing and track. She also advised that the road would be dangerous for kids walking on the side to this facility.

Jack Maier, Freeport native, had concerns that the Hunter Road is not adequate for increased traffic and will mean building a new road and sidewalks. He suggested that the Council back up and check out what the costs will be to the taxpayers for improvements to the Pownal, Desert and Hunter Roads.

Ed Brainard, 9 Thompson's Way, noted he is opposed to the zoning change. He feels there is sufficient commercial property available in Freeport for this project without making changes to the RR-1 Zone.

Ralph Dean, 125 Dune Drive, tonight isn't about soccer but whether the Town will get fair value for its land under this agreement and about process. He feels it goes far beyond a map change.

Dave Backman of Maquoit Drive, noted that he and other residents climb Bradbury Mountain and are always impressed with the pristine views. He has concerns with putting such a large building right in front of Bradbury Mountain. He doesn't want commercial interests encroaching in the neighborhoods. He suggested placing the building somewhere near I-95. If this goes forward to the Planning Board he suggested that the Council put it out to referendum.

John Goran of Webster Road noted making that area more of a thoroughfare is not a good idea. He is bothered that the Council has entered into an agreement that appears to be contrary to an issue that came up in 2001 where 70% of residents voted that they didn't want a growth area

located in this area. If the Council goes ahead with the zone change, he suspects it may be a Charter violation.

Karen Townsend of Webster Road agrees with everything said so far. This is not the right place for this kind of development. She asked what criteria the Council uses to make a decision on a zoning change.

Janet Ross, Murch Road, noted she is opposed to the zoning change. She supported the Hunter Road fields and feels it fit into the RR-1 zoning. She mentioned that those fields have not even been played on yet.

Ken Toner of Route One explained that he owns three acres of land on Hedgehog Mountain Road and he planned to build a small retirement house in this location. If the Seacoast project goes in, he and his wife will have to reconsider their plans. Perhaps the Town will be willing to talk to him about his land.

Deborah Deatrack, 46 Bristol Road, explained that she sent an E-mail to the Council. She is a parent of a 14-year old Seacoast United Soccer Club player and she has been a Seacoast Soccer Tournament volunteer. She has not heard from kids about their view on whether or not new playing fields are needed. The discussion has been all about the zoning. She pointed out that this facility is the right thing to provide for the kids who live in this community.

Lynn D'Agostino of Curtis Road advised that she is opposed to locating this facility in this area. She agrees that kids should be involved. She brought up the issue of potential injuries to players playing on turf fields and people are now aware that turf fields are somehow connected to Autism rates. She suggested investing in our local RSU.

Kevin McElroy of Desert Road advised that he loves soccer but this has to do with process and he feels we need to proceed more cautiously. He is opposed to the process.

Maryann Schwanda, Water District Trustee, asked everybody to be mindful of environmental impact studies. She has concerns about the landfills being so close to the aquifer. The DEP has reduced their monitoring of our landfills. She wants to ensure that individual wells are protected in Freeport. She is opposed to rezoning in this vicinity.

Marie Gunning of Telos Road respectfully requested that the Council vote no on this rezoning request. This issue is putting people against each other. She noted that last year there was no discussion about a zoning change but she feels the deal changed significantly at the last minute. It is her opinion that this is a commercial deal and not necessarily for kids. There is a lot of money involved. She urged the Council to let the deal go.

Walter Libby of Murch Road noted that the desire to build this 60,000 sq. ft. building is in a residential neighborhood. Calling it a different zone does not change the impact on the neighborhood. It is a gimmick and not good zoning. He urged the Council to do nothing with the land and let the residents use it for outdoor recreation.

Roben Voit of Maquoit Drive noted he is opposed to the Seacoast zoning request. He feels it should not be changed to a commercial development and that it would be wrong to take down the existing forest to build a 60,000 sq. ft. building. There is a need to find the right place for projects such as this. The right place is not in the middle of a residential area.

Joanne Libby of Murch Road, abutter of Hunter Road, noted she is opposed to creating a new Recreation Zone in this area because it is not necessary. There has been outdoor recreation in this area for quite some time with a low impact on the environment.

Gary Profenno explained that he was the original Chair of the Hedgehog Mountain Committee. He has traffic concerns but recommends that the Council allow the Planning Board to take a close look at this request as it is now proposed.

Fuzz Wellen of Hunter Road noted that he is opposed to the rezoning that would allow indoor recreation in this area. He feels it is illegal spot zoning. Seacoast would be a great addition if it could be located in a commercial zone. He has traffic concerns for his road. He feels the negatives outweigh the positives in this proposal.

Russ Martin of Whispering Pines noted he is a former member of the Recreation Committee that existed in town for years. He explained the historical information that he found regarding the land in question purchased by citizens. He is now a Board member of Freeport United Soccer and is in favor of the Seacoast proposal and is confident that this project is favorable to the town and recreation. He is confident that details can be worked out and that everybody will be good neighbors.

Charlie Haverstat noted that she and her 17 year old son would like the Council to vote for the rezoning.

Peter Quesada of South Freeport explained that he supports the indoor building because it would give Freeport a competitive advantage. He would like to fix the problems with the Comprehensive Plan and what it should be. He feels it is a good project for Freeport. He encouraged the Council to consider this project and find some way to pacify the voters that do not want to take it anymore.

Adam Libby advised that he is opposed to the zoning change and has concerns with the traffic that is proposed. He feels the roads cannot handle more traffic and wonders who will pay for the road improvements. From his personal skiing experience, he has learned that one doesn't need a multi million-dollar facility to become a State champion in high school.

Kristen Dorsey of Pine Street feels a huge part of this problem is the process. She has an issue with stewardship or the lack thereof. She is disappointed that the project skirted the DEP standards and she outlined some of her other concerns.

Walter Libby read a message from Patricia Palmer of Pownal Road indicating that she does not support building this facility in this area. She feels the proposed building will be a blight on the neighborhood. She also does not want the Town to create an overlay district in this area.

Walter Libby read a message from Fred Palmer advising that he is opposed to the project in this area. He suggested stopping the project now.

Lisa Evans of Betty's Way requested that the Council vote no on the Seacoast request. She does not want to walk around a 60,000 sq. ft. building or look down on it from Hedgehog Mountain. She would welcome Seacoast in a commercial zone in Freeport.

Mark Evans of Betty's Way quoted from a song: "Don't pave paradise and put up a parking lot."

Kate Butler of Desert Road indicated that she is opposed to the zone change and is deeply concerned about the process.

Scott Shea of Desert Road noted that it is scary how far this has gone. Most of the discussion took place behind the scenes. He has no idea if Seacoast will even exist in 15 years because it is a commercial project. Kids have to pay to be part of Seacoast. He has no idea what will happen if Seacoast doesn't make good on their loans. He urged the Council to say no.

Patrick Norton of Harvey Brook Drive advised that he has heard a lot of discontent over the past few months. He feels there is something wrong with the process. A significant question is whether this constitutes spot zoning and if it fits with the Charter, the Comprehensive Plan, if it addresses the impact on traffic, lights or pedestrian access and he hasn't heard any answers. He feels it would be in the best interest of the town to put this on hold for rethinking.

Mary Charest of 121 Hunter Road explained that she has concerns that Seacoast will skim off the most talented athletes and not be interested in the kids that cannot pay to play. She also has concerns with the infections that players have picked up from turf fields.

Stephanie Helms of Lunt Road explained that she is proud of Freeport and its strong Comprehensive Plan, which focuses on growth and development in the proper areas. She is confident that this Council will put an end to the process and protect the integrity of people's investments in their homes.

Melanie Sachs of Kelsey Ridge read a letter from Brian Berkemeyer indicating that he would hate to lose the cross-country trails, which were so carefully constructed by many hands.

Alan Caron, former Planning Board Chair, noted that this looks like a great project but it doesn't belong in this location. It has been a very extensive process with a lot of people involved. It now needs to come to a close. Everything that can be said has been said and the Council needs to make a decision.

Andrew Arsenault explained that he owns property in the neighborhood but he lives on Route One. He feels that the majority of residents want a soccer facility but not in this zone. He feels that all businesses should be welcomed to town and Mr. Healy should be helped to find a suitable location for his project.

Jean Smail of 10 Hemlock Creek urged the Council to vote no. She doesn't feel there should be a zone change made for one business. She really loves to hike the trails at Hedgehog Mountain.

Linda Voigt of Maquoit Drive noted her concerns that this project has taken up so much time and it feels that the driving force has been growth at any cost. She feels it is time to move on and focus on projects that will help our town to thrive. She urged the Council to vote no.

Joyce Veilleux, 4th generation Freeport resident, explained that residents want that area to remain an open recreation zone and not turned into a commercial zone. She urged the Council to end the process tonight.

Tom Ross of Murch Road urged people to focus their energy on improving the high school's facilities inside and out. He recommended that the Council make the smart decision and reject Seacoast's request.

Deb Smith of Lower Flying Road asked the Council to follow the intent of the Comprehensive Plan and the Charter. She feels that Seacoast should be located in a commercial zone. If there is any doubt, let it go to referendum. She urged the Council to vote no.

Lucy Lloyd of Maquoit Drive explained that she planned to deliver the on-line petition but will hold on to it a bit longer. Since December 20, the petition has gained 300 signatures. She suggested that the Council put the project in an appropriate zone and abide by the laws of our Town. She asked the Council to stop this project tonight.

Paul Willis stood up and noted that it is clear that the majority of people are opposed to the project. People in the audience did not allow him to continue. Chair Cassida was very disappointed at the disrespect shown to Mr. Willis. Councilor Gideon asked everyone to take a deep breath and allow the hearing to continue.

John Morang of Desert Road explained that his daughter plays on a Seacoast team. He feels the process leaves a lot of things to be desired. He suggested that we step up to the plate and say we want Seacoast in town but it needs to be in a commercial zone.

Susan Campbell of 38 Hunter Road indicated that she is a supporter of any kind of recreation that will get kids outdoors and moving. She is opposed to putting this project in an area that it is not zoned for. She urged the Council to stop this project now. This is not the appropriate area for it.

Alan Gould advised that he opposed the project originally because he felt it was a bad deal for the town but now hopes the project can go forward and we can welcome Seacoast to our community.

Joe Migliaccio, former Councilor, explained that there is an issue in the way we conduct business in this town. We are continually trying to slow projects down so that people can catch up. He encouraged residents to stay involved. He asked everyone to keep an open mind on the infrastructure needs at the high school.

Eric Pandora mentioned that we have added seven fields and probably should be thinking about moving the Transfer Station. He explained why people stop in Freeport rather than the Maine Mall. He recommends that we continue to focus on land use policies to protect neighborhoods and urged the Council to not approve this project where it is proposed.

Matt Cartmell noted that he is in favor of building any infrastructure that will get kids outside. He wonders if Seacoast has considered finding a location for their indoor fields somewhere in a commercial zone or perhaps even at the Freeport Middle School.

Tracy Borden from Pownal advised that she has two sons that play for Seacoast. All kids are welcomed by Seacoast. She hopes the project goes forward.

Jessica McCurdy, Hunter Road feels Seacoast is a wonderful organization but urged the Council to not put it in the proposed space.

Dave Newell of Murch Road never envisioned anything of that size could be located in his backyard. He urged the Council to not vote for it.

Guy Quattrucci of South Freeport read a summary of a legal opinion from the attorney representing the Save Our Neighborhood Coalition.

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

5 Minute Break was taken at 9:25. The meeting resumed at 9:30 p.m.

Councilor Egan asked if this needs to go back to the Planning Board should the Council vote to deny the zoning amendment application proposed by Seacoast. Ms. Larson advised that the answer is no. The Council has the final say.

Councilor Arno asked if there are other locations Seacoast considered in a different zone. Mr. Healy replied that they looked at a location on the Desert Road and one on Route One South but determined they were not practical. They have not looked at other locations. Pine Tree Academy called him and asked if they would be interested in locating on their property. Mr. Healy responded it is the RR1 zone and he would not want to get involved again.

Councilor DeGrandpre asked if the field house could be in one location and the fields in another location. Mr. Healy advised that this is not an ideal situation but this is something Mr. Willis would have to consider. Mr. Willis indicated that this is something they could do.

Attorney Rob Crawford advised that he received the communication from the Coalition's attorney last night and reviewed it this morning. He does not adopt fully the other attorney's opinion. He feels the Freeport Comprehensive Plan is a guide. It is not a static document. It is a mission. He also looked at the Charter. He presented his legal opinion and offered to answer questions for Councilors.

Chair Cassida asked for input from Councilors on where they are at this stage.

Councilor Egan thanked everybody for coming out tonight. She is grateful for their thoughts and feels the process has been good for her. Rational and good people have come out on both sides of the issue. She feels it is a great project but has reservations about the location it is proposed for. The public benefits to the project are: property taxes, economic development benefits and kids would get access to a first-rate facility but all of those benefits can happen anywhere in town as long as it is commercially zoned. She noted the field use limitations that were considered. We need to look at the kids' needs but mentioned that the Hunter Road fields have been recently built and some of the needs have been met. The high school master plan still needs to be finalized and perhaps some of the needs will be met through that plan. She doesn't feel this facility should be constructed in the proposed location because of the size of the proposed building. Freeport has a unique quality of life. She suggested that the Council make a decision tonight to deny the request. She hopes residents will continue to attend Council meetings after this is resolved and pull together to move forward.

Councilor DeGrandpre also thanked everybody for coming this evening. He assured everyone that he has read all their E-mails. He feels there needs to be more conversation on the high school master plan. There is a meeting scheduled on March 15 with the RSU5 group. He is not ready to tell Seacoast to go away. He feels there is a need to find a location going forward.

Councilor Hendricks thanked everyone for being here tonight and all of their E-mails. He sees the need for the fields and for athletics. He doesn't want to see Seacoast go away and would hope to make it work somewhere. He cannot support the zoning change now but hopes to be able to work with Seacoast in a more feasible location.

Councilor Arno is interested in having Seacoast located in Freeport. She thanked everyone for being here tonight. The Council has weighed the public value and at what expense. She loves the project but is worried about the size of the proposed building in the rural setting. She cannot support a rezoning but is willing to work with Seacoast to find a better location. She is not willing to build a high school at this location.

Councilor Bishop thanked everyone for all of his or her input. She noted that anybody has the right to ask for a rezoning. She cautioned that there would be development happening in Freeport. It will not stay stagnant. She explained that the Town purchased the land over 15 years ago with the dream of developing playing fields but never was able to come up with enough money to bring in water and grass fields. She feels it is a great idea to send this back to the Planning Board to develop a Recreation Zone because that is what is there.

Councilor Gideon thanked everyone for staying so late. She noted that as Councilors, they have to ask themselves what is best for the community. That question is not always easy to answer. As for process, she noted that this Council is making a good faith effort to change the notification processes to people affected by proposals. That was not in place at the Council level when this proposal came forward. The Council is in a different place and it is important to get to this place tonight. We owe Seacoast the respect and decency to go through the process of getting here and having a conversation. The contract was signed because the Council felt it was

a good partnership. She now sees a community unhappy with its Council and divided. She would like to help Seacoast find the right location but she cannot vote to send this to the Planning Board because it is not the right thing to do in this location.

Chair Cassida thanked everybody for being here tonight and in particular all the folks he has had conversations with over the past three weeks. He noted this community is very divided on this issue. This project has put neighbor against neighbor. Everyone that had a thought should have felt welcome to come and have their say without fear of intimidation. People on both sides have raised some very good legitimate points. He gets the sense that the Council is going to kill the project tonight and he wanted everyone to understand what is being given up. He is very troubled with this because the Council was trying to build something of community value. He has a lot of respect for the Seacoast people. If they build a facility in a commercial zone, they will not give the Town free use. The usage will have to be paid for.

MOVED AND SECONDED: That the Town Council deny the zoning amendment and the zoning map change being proposed by Seacoast United. (Egan & Gideon)

Councilor Gideon offered an addition:

BE IT FURTHER ORDERED: That a special committee be formed to help Seacoast find a new location in an appropriate zone. (Gideon & Hendricks)

Chair Cassida pointed out that it is his opinion that it is not appropriate for the Council to form a special committee to help a single developer find a location in town.

Councilor Arno mentioned that FEDC could commit to do what they can do to ramp up the effort. They assist businesses in finding the right locations. Councilor Egan explained that the Council and the town really want Seacoast here in Freeport. They will need to do some fundraising to build a facility in another location since they are not getting discounted land. It would make sense for everyone to work together to help them find a proper location in Freeport. Stephanie Helms offered to work with Seacoast and FEDC to find an appropriate place for their business. Councilor DeGrandpre is troubled by the prospect of spending 10-15 million dollars at the high school for a 10-year fix. He proposed to spend more time to see what the RSU5 is facing to see if a better partnership can be structured with Seacoast. He wants to continue those discussions. He suggested that the Council circle back on this at the second meeting in March.

Councilor Gideon withdrew her motion and Councilor Hendricks withdrew his second.

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

MOVED AND SECONDED: To adjourn at 10:50 p.m. (DeGrandpre & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #05-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, MARCH 6, 2012 – 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		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 7 p.m. and took the roll. He noted that Councilor Gideon is in the building and should be arriving shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #04-12 held on February 28, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #04-12 held on February 28, 2012 and to accept the Minutes as printed. (Bishop & Egan)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced:

- The Appointments Committee is looking for applicants to fill vacancies on the Project Review Board and Solid Waste/Recycling Committee. Applications are on the Town's website and can also be obtained at Town Hall. If anyone is interested in serving on a committee, but not necessarily on one of these committees, please consider filling out an application since we don't know when vacancies will occur. The Committee is always looking for a good pool of candidates for all Town committees and boards.
- The Freeport Rotary Club's Second Annual Spring Benefit will take place on Saturday, March 10 from 6-8 p.m. The evening will consist of food, fashion and fun. The newest spring fashions will be modeled by the Police and Fire Departments. Tickets can be obtained by calling 865-9696.

Councilor DeGrandpre noted that each year he reminds folks that there are Veterans Exemptions and Homestead Exemptions available. If any homeowner has not applied, he or she should contact Johanna Hanselman at 865-4743, extension 120. Application forms need to be returned by April 1. He advised that he would remind everybody again at the next Council meeting on March 20.

Councilor Gideon announced that the Port Teen Center will be hosting its 4th Annual Sitting Pretty Charity Auction on Sunday, March 25, from 4-6:30 p.m. at the Community Center. This year it will be a little bit different and more than 100 hand painted wooden canoe paddles will be auctioned off. L.L. Bean donated them in honor of their 100th anniversary. Some of them can be seen at L.L. Bean and at Clayton's in Yarmouth. They can also be viewed on line at www.PortTeenCenter.org. She will remind everybody again on the 20th. Chair Cassida added that this is a significant fundraiser for the teens.

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

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

Chair Cassida reviewed the rules that are to be followed during the public comment period.

Sande Updegraph, Executive Director of FEDC provided a brief update on the Vision 2025. They hope to be able to make a decision and choose a consultant by their March 27 Board meeting. She plans to keep everybody informed as to his or her progress. The RFP is on their website. Along with this project, they have enlisted the services of Emma Eagan, a sophomore and Abram Berkemeyer, a junior from Freeport High School. She introduced them. Betsy Ruff will also work with the FEDC Board.

Marie Gunning of Telos Road asked if the public would be able to speak on Item 37-12 and Chair Cassida noted that the answer is yes.

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

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

ITEM #33-12 To consider action relative to adopting the March 6, 2012 Consent Agenda.

BE IT ORDERED: That the March 6, 2012 Consent Agenda be adopted. (Hendricks & Bishop)

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

ROLL CALL VOTE: (7 Ayes)

ITEM #34-12 To consider action relative to proposed amendments to the Vehicle Towing Ordinance concerning the towing wrecker list (Chapter 49). **PUBLIC HEARING**

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

Chief Schofield provided an overview of this item.

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

BE IT ORDERED: That the proposed amendments to the Vehicle Towing Ordinance be approved. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #35-12 To consider action relative to the adoption of a Five Year Capital Plan and the approval of a Capital Budget for calendar year 2012.

BE IT ORDERED: That a Public Hearing be scheduled for March 20, 2012 at 7 p.m. in the Town Hall Council Chambers to discuss the adoption of a Five Year Capital Plan and the approval of a Capital Budget for calendar year 2012.

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)

Chair Cassida explained that the Council is simply setting the public hearing this evening. A public hearing will take place on the 20th and the Council will workshop on the budget that same evening. The Capital Budget will be brought forward to April 3 for adoption.

ROLL CALL VOTE: (7 Ayes)

ITEM #36-12 To consider action relative to the appointment of an auditor for the Fiscal Year 2012 Municipal Audit.

BE IT ORDERED: That MacDonald Page be appointed to conduct the Fiscal Year 2012 Municipal Audit.

Note: The Finance Director will be making recommendations on bidding out Audit and Investment Services under Other Business. (Arno & Bishop)

Finance Director, Abbe Yacoben, explained that she is talking about doing the audit for the June 30, 2012 year and bidding out for 2013. She mentioned being a little bit late for the 6-30-12 year. She answered questions for Councilors.

ROLL CALL VOTE: (7 Ayes)

ITEM #37-12 To consider action relative to proposed amendments to the Town of Freeport Fund Balance and Investment Policies.

BE IT ORDERED: That the proposed amendments to the Town of Freeport Fund Balance and Investment Policies dated March 6, 2012 be approved. (Egan & Bishop)

Councilor Gideon pointed out to Councilors that the most recent version of this was at their seats tonight marked with an "R" next to the date. Finance Director, Abbe Yacoben, explained the proposed changes.

Rod Regier of South Street referred to socially responsible investment and hopes that it does not enter into the public discussion. He referred to the second sentence in the second paragraph on Page 9 defining conservative investment. He offered a revision to close up a possible loophole—*The conservative investment shall be one with the lowest historical risk of loss of principal and which seeks to maintain principal and seeks to generate income from investment.*

Marie Gunning of Telos Road referred to the investment fund piece and noted that the Town has been investing for many years in equity funds and in the last downturn of the Stock Market, lost a tremendous amount of value quickly. She pointed out that the Council needs to decide tonight if it is comfortable with that. If the market goes down, the Town will lose half of its money. She feels the Council should look at this. She agrees that the Town does not want to go down the socially responsible investment path. She feels it is easy to put in screens that say to our advisors that "we will not do business with companies that

use child labor or companies that use sweat shop labor, etc.” She pointed out that Freeport is the only town in this area investing this way.

Ms. Gunning mentioned she would like three additional minutes to discuss excess fund balance. She noted that she is very disappointed. She has talked to the Council for more than a year on excess fund balance. The addition of five more percent on this is really against the Freeport taxpayers. The Council is going from one month to one and a half months. Freeport is increasing at a time when the budgets are getting tighter such as the school budget. It appears that \$600,000 is being taken off the table and 5% more is being added. She knows the Council supports the taxpayers and is confident it will not vote for this.

Andrew Arsenault once again lodged a complaint against the three-minute rule being enforced at a public hearing. He can understand using it during the Public Comment Period but not during a public hearing. He pointed out that there are not many folks in attendance tonight and how difficult it is for the public to provide comments on long documents. He feels the Council should move away from the three-minute rule if there are no long lines at the podium. Some of the information Rod Regier and Marie Gunning wanted to share is very hard to get through in three minutes. It appears that the Council is cutting down on the public comment period and the public’s ability to speak in the public arena to their Councilors.

Ms. Yacoben answered questions for Councilors. Ms. Yacoben advised that she prepares an annual report once a year. Councilor DeGrandpre mentioned that he would expect the Finance Director to come to the Council to have a conversation on anything that is different from what the Council expects. He recalled a request for quarterly updates and Ms. Yacoben noted she would be happy to provide quarterly updates. Councilor DeGrandpre suggested that Ms. Yacoben review her year and she advised that she could give updates after 9/30, 12/31, 3/31 and then after the financial statements come out. Chair Cassida expects the first report to be given at the first Council meeting after the 31st of March. Ms. Yacoben agreed.

Councilor Arno asked about language regarding socially responsible investment. Councilor Egan pointed out that she is not prepared to support a socially responsible investment policy. She suggested revisiting it next year after doing some investigation.

MOVED AND SECONDED: To amend the Fund Balance Policy by adding: The conservative investment shall be one with a lowest risk of loss of principal and which seeks to maintain principal and seeks to generate income from investment. (DeGrandpre & Gideon) **ROLL CALL VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #38-12 To consider action relative to endorsing a PACTS Bicycle and Pedestrian Grant Application from the Town of Freeport for the project titled West Street Sidewalk.

BE IT ORDERED: That the Town of Freeport endorses the PACTS Bicycle and Pedestrian Grant Application from the Town of Freeport. (Gideon & DeGrandpre)

Mr. Olmstead explained that the Town is eligible to apply for a pot of money to extend sidewalks on West Street from Depot Street to South Street. It appears that we have a better than average chance of being funded. The reconstruction of a portion of West Street was approved last year but it will be held off so that the projects can be done simultaneously.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS

1) Base Redevelopment Update

Steve Levesque, Executive Director of the Midcoast Regional Redevelopment Authority provided a copy of their community briefings and then walked the Council through them.

2) Discussion of public access to email distribution lists

Councilor Cassida explained that a couple of weeks ago he received a request from a constituent to receive all of the e-mail addresses that he uses periodically. He hesitated in turning this information over since some people have requested that he not let their e-mail addresses be made public. They do not wish to be spammed out. He has not responded yet other than saying he is seeking legal advice and will get back to that person. The Town Attorney's advice was that any e-mail distributions that the Council uses as Councilors are considered public information under the Freedom of Access Act. If someone asks for all the e-mail addresses in an e-mail distribution, they are entitled to that information. He wanted everyone to be clear on this that if asked, the Council is obligated to turn over those e-mail addresses. He will send an e-mail to his list advising them that he is obligated to turn over their e-mail addresses. If someone doesn't want to be subject to this in the future, they can be taken off his list but it will not prevent their e-mail address from being given out this time. He was surprised by the legal advice he received.

Councilor Egan found this news disappointing. She feels that it is clearly shutting down public communications because there are a lot of people that don't want their e-mail address shared with just anyone who can request it from FOAA. She feels it violates the trust she communicates with through e-mail.

Councilor Hendricks mentioned that this is too bad but he can understand someone wanting to put his or her opinion out. Councilor Arno asked if the Council should start putting disclaimers at the bottom of e-mails. Chair Cassida agreed that this is something to consider.

Councilor Egan asked if the Council could discuss this with MMA and offered to contact them for a second opinion. Councilors concurred that it would make sense to get a second opinion.

3) Presentation of the Five-Year Capital Plan

Chair Cassida noted that this is the first look at the plan. The revised document was on the table with a blue cover. He does not wish to take a lot of questions from the Council or the public tonight. He encouraged everyone to listen to the presentation. If anyone has questions, they should write them down and discuss them with staff before the next meeting. The public hearing will take place on the 20th where there will be opportunity to ask questions of Council and Staff. The public and the Council will have an opportunity to interact during the public session on the 20th.

Abbe Yacoben, Finance Director, introduced the proposed Capital Plan and discussed the content of the packet. She provided a quick overview. Chair Cassida explained the format for the benefit of the newest Councilors. Councilor Egan asked if the summary page could also include the available funds. Chair Cassida suggested doing it as soon as possible since it is a fairly easy change and also put it on the web. The public will have it before the 20th. Ms. Yacoben agreed to do it tomorrow morning.

Chair Cassida suggested that Councilors hang onto this information and not go to Department Heads with questions. He asked them to work with the Finance Director or the Town Manager. He also asked the public to work through the Town Manager if they have questions for Department Heads.

4) Recommendation on bidding Audit and Investment Services

Abbe Yacoben, Finance Director, explained that we have been with the same group since 1998 and it is time to get competitive proposals from different firms. She chose eight firms from the State Auditor's website that are working in the State of Maine. She doesn't know any of them personally but requested references on them from other Finance Directors in the area. If it is the Council's wish, she would go out to bid on investments right away but would have our current firm with us for the summer and fall audit, after that we would go out with an RFP to invite these folks to bid. We would award the bid in early winter and would have time to get them on board. Ms. Yacoben answered questions for Chair Cassida.

Chair Cassida asked about confidentiality. Mr. Olmstead mentioned that the responses to RFPs are public documents but the Council went into Executive Session in 1998 to interview the three finalists. After the interviews there was a public discussion and the choice was made.

Ms. Yacoben expects that she would go out to bid in September and staff would review them all and bring them back to the Council in the November/December timeframe. For investment services, Ms. Yacoben indicated it could be done much sooner. She could go out to bid in April and bring the proposals back to the Council in June/July. The Council could then appoint in July/August. Chair Cassida asked Ms. Yacoben to be mindful that the make-up of the Council may change in November. He would not want to start with one body and then finish with a different body. He wants continuity in the decision making process.

5) Discussion on the possibility of holding Town Council Meetings in each voting district

Councilor Cassida explained that the Council dealt with this a couple of meetings ago. Staff has done some research on tentative dates and the costs involved with rented spaces. It is estimated that each of the four meetings would cost \$300.

Councilor Hendricks clarified that what is proposed is a regular abbreviated business meeting will take place and then some sort of meet and greet with the district. Chair Cassida noted that this was the general concept but the Council cannot afford to not do its regular business. A dedicated portion will be to hear from the residents of the area and have it be more of an open discussion type thing. However, there will not be any live broadcast except at the Community Center. This is a drawback to the process. Councilor Hendricks likes the idea.

Councilor Arno has received feedback from a handful of District 2 residents that do not like the idea. They fear the live broadcast and the quality will not be equal to what it is in this building. It is the only feedback she has received. She noted she could go either way.

Councilor Egan suggested doing the first two meetings and then evaluating whether it is worth spending the money. Councilor Bishop disagreed since all four districts are different. She feels they should all have the same opportunity. Councilor Gideon feels the intent behind this is very good in inviting people to a less formal environment but has concerns with confusing people. She asked if residents would be welcomed to attend the meeting in a district that is different from theirs. Will they know where the meeting is and the quality of the broadcast? She has concerns with the amount of upcoming business on the Council's plate. She is willing to go along with the Council if it is their will. Councilor Arno feels the same way and can go either way after looking at the logistics and what is on the Council's plate.

Councilor Hendricks suggested doing a questionnaire mailing to ask residents what their district needs are. He pointed out that some people do not use a computer very much. Councilor DeGrandpre mentioned that rather than going out to the districts, the Council could set aside time for discussion on District needs. Chair Cassida explained that the purpose for doing this is not to hear from the district per se but provide an opportunity for people, who normally do not participate, to participate in a less intimidating venue.

Councilor Gideon suggested just trying it. Others concurred. Chair Cassida stated that it would be a learning process for the Council.

Councilor Gideon brought up some of the other things the Council talked about such as:

- A better e-mail tool from the Town that could work a lot better.
- Consistent abutter notification

She would like to bring discussion on the first item back but ask staff to come in and tell us what abutter notification could look like to make it consistent across all Boards and Committees.

Chair Cassida feels the notification is not just about consistency but there are some actions that don't require this type of action. Councilor DeGrandpre mentioned that Traffic and Parking is talking about adding or removing street lights and they have been thinking of putting notices on poles and asking the public to call the Town Office

Councilor Gideon noted that the Town's website needs to be restructured but perhaps it can be done next year. A constituent suggested that she look into Wiki but she didn't know much about it.

There was a willingness on the part of the Council to give holding council meetings in each voting district a try.

6) Update on Mind Mixer

Councilor Gideon had some good news to report. Mind Mixer has agreed to give us a three-month free trial beginning April 1. Donna Larson would like some feedback and ideas from the Council and the public. It could be a tool for Vision 2025, a capital budget conversation or education conversations. Topics are limited to 5 or 6 and the Council now has until April 1 to decide on the topics.

Chair Cassida suggests putting something on public access. Mr. Olmstead noted that Donna Larson is already doing this. He suspects there will be more ideas than can be posted. Councilor Gideon would like to leave the topics to staff to screen but the Council can participate and the public can weigh in. Councilor Egan noted it would be great if *The Forecaster* could do an article to get the word out to the public.

7) Informational Exchange/Committee Reports

Councilor Hendricks advised that the Municipal Facilities Committee would be meeting on Thursday morning at 9 a.m. at Public Safety.

Councilor Arno attended the MMA meeting in Portland last Thursday and really enjoyed the presentations because they were all about how municipalities can use technology to communicate, share information and do a number of things. She saw a neat demonstration of the ortho imagery project that we are going to participate in. She had an opportunity to talk to other municipalities that are using Facebook regularly. She wanted to make a connection with those communities so that she could follow up and discover what is working and what is not and what the value of Facebook is to them. She also talked to municipality representatives about how they are doing their websites. She will try to share this information to Councilors in an e-mail. Chair Cassida thanked Councilor Arno for her update.

Councilor Bishop asked where the Winter Hill Farm on Hill Farm Road is located regarding a Conservation Trust easement on 53 acres. Mr. Olmstead suspects that it is a private road.

Chair Cassida advised that his presence on Facebook is changing some. He will be abandoning the special page that he developed. He created a Town Group on his personal page and he is up to 66 members. Anything he posts on this page only goes to Freeport residents and members of the group. The group is open to anyone wanting to join it. People are posting in his group and he will continue to explore that.

Chair Cassida received a call from someone on Beech Hill Road and the message was deleted and he cannot get back to him personally. He apologized to this individual that was complaining about the Beech Hill Road condition and asked who he should contact in the town. He wanted that individual to know that this road is not scheduled for a major reconstruction for seven years. There is some shimming planned to take place on this road this year which will take care of the major dips. If this person wants to speak to someone in more detail, he asked that he call him back and he will get him in touch with Al Presgraves. While Mr. Presgraves is on vacation, Mr. Olmstead is covering for him.

ITEM #39-12 To consider action relative to an Executive Session concerning a personnel matter (1 M.R.S.A. § 405(6)(A)) and to discuss Police Contract negotiations (1 M.R.S.A. § 405(6)(D)).

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

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

MOVED AND SECONDED: To adjourn at 10:37 p.m. (Hendricks & Gideon)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #06-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, MARCH 20, 2012 – 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		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston 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 #05-12 held on March 6, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #05-12 held on March 6, 2012 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced:

- The Freeport Community Library will be holding a Book Sale from March 31-April 5. Donations of books, audio books and movies can be dropped off during regular hours prior to the sale.
- The Council's process of hiring a Town Manager replacement will begin in April. Eaton Peabody, a consulting company, has been hired to guide the Council through the hiring process. They will be hosting a public meeting on April 18 beginning at 6:30 p.m. at the Town Hall. The purpose of this meeting is to gather public input on what qualities or traits the community would like to see in the next Town Manager. It is not a Council meeting. Councilors are encouraged to attend but only as observers. It is a meeting held by the consulting group and is an opportunity for the public to get information. Eaton Peabody is also meeting with department heads and town staff and will be coming back with a list of traits. Information is on the Town's website but a town-wide mailer will also be done sometime between now and the first of April reminding residents of the date and time. Chair Cassida encouraged anyone interested in this process to get involved and provide his/her input. This will be the first of two opportunities for the public to participate. When the hiring process begins, the Council will screen applicants and schedule interviews. Once the Council narrows the field down to a list of finalists, there will be another event where the public will be invited to some sort of social gathering to meet the finalists and then provide feedback to the Council prior to their making the final decision. The exact form of that event is still taking shape.

Councilor DeGrandpre announced that the Port Teen Center will be hosting its 4th Annual Charity Auction on Sunday, March 25, from 4-6:30 p.m. at the Community Center. More than 100 hand-painted wooden canoe paddles will be auctioned off that were donated by L.L. Bean. This is really cool art and he mentioned that everyone could always use a new paddle.

Councilor Gideon noted the public comment period is coming up next. She reviewed the rules that would be followed during this period. The three-minute timer will be running but she will hold up a hand when the time is approaching the end of the three minutes.

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

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

Joe Migliaccio of South Freeport Road asked the Council to do whatever it can to build a more respectful engagement with the public. The three-minute timer has recently been put into effect. He feels it is intimidating for people to get up and speak. He urged the Council to cut some slack for people trying to speak. He also referred to an earlier Council meeting where the Council appeared to be shocked when someone made a Freedom Of Access request of Chair Cassida for E-mail addresses. A legal opinion stated that he had to disclose full E-mails and public information. Mr. Migliaccio is not sure why this came as a surprise since he received a similar request from Chair Cassida when he was serving on the Council. This information has even been in the press.

John Eagan, Curtis Road resident, mentioned the lack of contracts for the RSU5 school faculty. He explained that he supports the teachers in our school system and urged residents to get involved and try to understand what is going on in the lack of faculty contracts.

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

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

ITEM #42-12 To consider action relative to adopting the March 20, 2012 Consent Agenda.

BE IT ORDERED: That the March 20, 2012 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor DeGrandpre pointed out that on March 27 the Council would be holding a workshop beginning at 6:30 p.m., which was originally scheduled on April 10. Information regarding this workshop is on the Town's website.

Councilor Arno disclosed that she is an employee of the University of Southern Maine and offered to recuse herself from voting on the entire Consent Agenda if that particular item is not removed. Councilors agreed to pull this item out to allow Councilor Arno vote on the remaining licenses.

MOVED AND SECONDED: To remove the University of Southern Maine d/b/a The Stone House, 642 Wolfe's Neck Road from the Consent Agenda. (DeGrandpre & Hendricks) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

BE IT ORDERED: that the Victualer's License for the University of Southern Maine d/b/a The Stone House, 642 Wolfe's Neck Road be adopted. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention—Arno)

ITEM #43-12 To consider action relative to the adopting the Five Year Capital Plan for fiscal years 2012 to 2016 and approving Capital Items for calendar year 2012.
PUBLIC HEARING

Chair Cassida explained that he would provide a brief introduction to the Capital Budget process followed by a staff presentation on the Capital Plan presented by the Town Manager. This information is on the Town's website as well as on the table in the rear of the room. Following the presentation by staff, the Council has become aware of an additional Shellfish Commission request that they would like to present tonight. They will be given approximately ten minutes to present their request to the Council. Councilors will be allowed to make a brief statement and then the public hearing will be opened to take public comment on the proposed Capital Budget. He urged Councilors to write their questions down since they will not be engaging staff in any questions until the workshop later this evening. He indicated that if the public has any questions, they can use their opportunity at the podium to ask those questions or they can write them down and give them to the Council. The Council will deal with the questions during the workshop.

Chair Cassida explained what the Capital Budget is and the Town's revenue sources. The Council does not control the school costs.

Finance Director, Abbe Yacoben, walked the Council through each department request. She displayed a chart showing the percentages for each project.

Chair Cassida explained that the Shellfish Commission request came to the Council's attention last week. They were working frantically to get their proposal in a form that could be presented. Their documents were in draft form and were not available for distribution until today. The Council apologizes for the last minute nature of this request and Chair Cassida is confident that the Shellfish Commission also apologizes. The Council will not be making a decision on this so the public will have an opportunity to digest the information.

Tom Kay, Marine Warden, explained that tonight he is here to help introduce the ongoing Economic Development and Research Plan that the Freeport Shellfish Commission and local harvesters are working on. They realize that time is precious and appreciate this opportunity. Their focus is on Phase One.

Chad Coffin noted he has been on the Shellfish Commission since 2000. He apologized for the late nature of their request. He distributed some information packets. Their request is for the Council to allocate \$100,000 for shellfish resource preservation and enhancement projects. They are hoping the Council will consider this request as a placeholder in the budget so they can workshop in the future and go over the details, which are still being fleshed out.

Chair Cassida noted that the Council would reserve its questions until the workshop later this evening.

Chair Cassida invited Councilors to make any statement they might want to make regarding the Capital Budget process moving forward.

Chair Cassida noted that he has had conversations with Councilors regarding conflicts of interest issues with respect to his involvement on the Board of the Freeport Economic Development Corporation (FEDC) which is an item under the TIF funding that is before the Council with respect to the Capital Budget. Because of his involvement with the Board, he will be recusing himself from any discussion, deliberation or voting on that particular aspect of this Capital Budget Plan. Vice Chair Gideon will lead

the discussion on that item. Councilor Arno disclosed that she serves on FEDC and will be doing the same thing as long as she continues to be a Board member.

Councilor DeGrandpre noted that if any folks have any thoughts or questions outside of this meeting regarding the Capital Budget, he would welcome their calls and E-mails. There will also be opportunities to meet with department heads somewhere along the line on these budgets. He is anxious to hear what folks have to say.

Councilor Egan explained that she has spent time talking to other Councilors, Town Staff and constituents trying to understand how this Capital Plan can advance the vision that many share for Freeport. She has spent time talking about the value of investing in economic development for the town. She learned that the Town brings in about \$20.5 million in property taxes and \$6 million is from commercial properties. She learned that the commercial base pays for a lot of the services residents enjoy and is essential for keeping the tax base down. She has come to the conclusion that it is important for Freeport to invest in economic development. She offered the following amendment

MOVED: to combine the two economic development line items listed under the TIF to fund FEDC and the Chamber of Commerce into one line item and call it Economic Development and increase the budget up to \$150,000 until the Council decides on how to spend it. (Egan)

Chair Cassida suggested holding this thought and hearing public comments before acting on the amendment but the Council can take action this evening. Councilor Egan preferred to take action tonight but agreed to hold off. Vice Chair Gideon felt it made sense but suggested proceeding with the public hearing.

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

Vice Chair Gideon reminded the public about the rules that would be followed in this public hearing. Councilor Egan noted having a three-minute rule helps the meeting go forward and helps everybody to be heard. It is fair to everybody. Chair Cassida pointed out that if anyone has more information than they can convey in the three minutes, they should provide it in writing this evening or in the next few days by E-mail or they can drop it off at Town Hall. The final decision will not be made until April 3.

Dr. Tom Peredy of Indian Ridge explained that he is a member of the Maine Clammers Association and also is a Poison Control Medical Director in Portland, Maine. He spoke in support of the Shellfish Committee's proposal and noted that our shellfish industry is extremely important. There has been a slow degradation in our natural resources that we can correct with what he believes is a modest proposal that has been presented to the Council.

Stephanie Helms of Lunt Road explained that she welcomes Councilor Egan's suggestion about a placeholder. Economic Development involves more than just business development. The Council and the community need to take into consideration the economic needs of the entire community. She believes that economic and community development are mechanisms that should take place under the Town's Planning Department and perhaps another Department of Economic and Community Development within the Town Hall with disbursement of funds based on proposal requests from the various agencies or organizations that have to go through a rigorous process to substantiate what they are asking the money for, what their budget is and how they are going to use it. This is standard operating procedure in grant making for non-profits throughout the country. The way we think about economic and community development and the way we proceed to fund it, really needs to change. This is a matter of critical importance to the community as a rule. The planning component needs to be brought into Town Hall and those functions are answerable to the people through the Council and not sequestered in private agencies where public opinion may not have the same impact as through the Council.

Kirk Cameron of Norton Farm Road noted that he does not have any financial interest in any of the businesses in town but feels economic development is vitally important. He wanted to put in a good word for the work done by FEDC. A vibrant local economy has benefited the youth of Freeport.

Tom Bennett, life-long resident and member of the Shellfish Committee urged the Council to support the Shellfish Committee's request.

Dale Sawyer of Sawyer Lane encouraged the Council to support the Shellfish Committee's request. He noted that some of the businesses in Freeport do not provide a wage that allows their employees to live here. When some of these businesses get done with their tax breaks, they cut and run. Speaking for clammers, he noted they are not cutting and running. They are not asking for a handout—they are asking for a little help. When he passes on, the person that gets his license deserves to have clams to dig. This proposal will ensure that, not only for him, but also for other people and their kids. He is not looking for himself but is looking forward 20, 40, 60 years.

Roben Voigt of Maquoit Drive mentioned a letter to the Editor in this morning's newspaper referring to Governor LePage's proposal to do away with MPBN's funding and the fact that some corporations are getting millions of dollars in what he terms "corporate welfare." He noted that economic development is good for Freeport but suspects there are other things in our community that need to be funded as well. He has trouble funding corporations when they can afford to fund themselves. He feels the Council does not have to fund large national corporations that end up here. They have plenty of their own money.

Voit Rich of Autowerkes on Route One South explained that he is currently constructing a new building after being in business for five years. He is grateful to Sande Updegraph and FEDC as well as the Chamber for giving him the strength to make this kind of investment in Freeport. He plans to be here for many years to come. He hopes many more businesses will come and join him in Freeport.

Peter Warren, Chair of the Freeport Chamber of Commerce, explained that he has owned a business here for 12 years and land for 25 years. He personally supports many civic and community functions with his time and his money. The Chamber is striving to become self-sustaining but he requested that the Council include their request in the upcoming budget.

Mr. Warren read a letter into the public record from Kelly Profenno, a Chamber member, asking the Town Council to continue supporting the Chamber of Commerce.

Deb McLean of Richard's Lane, a small business owner, spoke in favor of the Chamber of Commerce.

Kristen Dorsey of Lavers Pond Road feels the community needs to look at how it defines economic development. It is not just the downtown businesses. She asked the Council to consider funding the Port Teen Center up to \$10,000 annually as a community enhancement. Another great facility we have is the Performing Arts Center and the working waterfront also needs to be considered.

Allie McCormack of Flying Point Road spoke in support of the clammers. He noted that there is a wonderful ocean here. There are plenty of doctors and lawyers in Freeport but what makes it really special is the cross section of folks. He hopes the Council will treat these 50 mostly native Freeport residents as if they were 50 employees from a widget factory bringing 50 widget makers with it. He hopes the Council will be able to split up the pie and support these 50 workers.

Eric Pandora of Birch Point Road asked that the Council not appropriate tax dollars for FEDC in this year's budget. He provided a few examples of the investment in economic development that Freeport citizens have made. He suggested that the Council allocate FEDC funds to the Fuel Fund, roads, school playing fields and infrastructure. He feels the planning function needs to be brought back to Town Hall and given back to the Planning Board and be subject to the public's right-to-know laws and more citizen

participation. He feels it is time for the residents of Freeport to acknowledge that FEDC is a private organization and suggested that they seek the bulk of their funding elsewhere.

Joe Migliaccio of South Freeport Road asked the Council to consider a Capital Plan to extend Natural Gas lines since the gas company is not extending the lines. This is a huge opportunity for economic impact in the town. The Municipality can use some of these public infrastructure costs to expend and help share that cost and recoup it from user fees. He would really like to see the Council work with the gas company because oil prices are not going down.

Mr. Migliaccio didn't see the Hunter Road Field House in the budget. He would like to hear where that stands. He also wants to hear where the million dollars are from the sale of the tax-acquired High View property. He has information for Fire Chief Fournier about a Maine product that would eliminate the need to go out and buy all new narrow banding equipment. He has questions on the excavator and asked the Finance Director to look at the math. He asked the Council to consider the shellfish proposal. He is willing to work on it. He suggested asking FEDC to put in 50% of their time to organize and do the administrative work on it. He ran out of time. Chair Cassida suggested that he provide the balance of his comments in writing.

Guy Quattrucci of South Freeport read a statement into the record regarding the \$85,000 of taxpayer money requested by FEDC, which primarily funds the salary for its Director, of a private corporation. A Town employee reporting to the Town Manager currently holds this position. This structure does not adequately represent the interests of all of Freeport. He feels the town could create a town staff position of Director of Community and Economic Development within the Town's Planning Department, which would focus on the issues and needs of the community as a whole. Utilizing the funds currently designated to FEDC, no new funds would be necessary for this position. All funding to FEDC would be eliminated and all ties between FEDC and the Town of Freeport would be severed going forward except that they would be treated as any other lobbying entity or project applicant in any future dealings. No Municipal liaison or representative should be permanently assigned to FEDC, as this would represent a conflict of interest. Personnel and administrative fees are an allowable use of TIF dollars currently funding this activity but it is really a personnel cost and could be more accurately presented as a personnel cost in the Operating Budget rather than the Capital Budget. The gain is in public accountability.

Marie Gunning of Telos Road looked at the process for the Capital Plan. The Charter requirement talks about how to put a budget together. The budget is supposed to be the operating budget and the capital budget together. She mentioned that the Council is talking about the capital budget on a calendar year basis but is looking at the operating numbers on a fiscal year basis. The Council needs to have them on the same basis, either calendar year or fiscal year. She requested updated figures on what is in the reserves. She would like to know where the tax-acquired property sales dollars are and where is the \$500,000 from L.L. Bean. She mentioned benchmarking and asked what money is in the account and what is needed. She brought up the five-year plan and the 20-year plan. The Town pushed forward almost a million dollars into the five-year plan. She wants to look at what is needed in this account. She noted that the school is separate. She asked to move the train depot into the TIF.

Mike Harriman of Pleasant Hill Road shared a story about helping a student get a clamming license and how it is helping him get through school. He is in favor of the shellfish proposal.

John Eagan, taxpayer, applauded the Council for moving forward with capital replacement items without going out to bond and adding to the indebtedness of the community. His family has received Freeport Rescue services and he feels they do an excellent job. He supports their budget requests, which will keep them up to date. He works throughout Maine and finds that his experience is better when a community has an economic development entity that he can work with that can explain how the local process works and brings in resources to make projects happen.

Ethel Wilkerson, Chair of the Conservation Commission, spoke in favor of the replacement of three bridges at Hedgehog Mountain. It is important to spend the money needed so that people can continue to use this area safely.

Susan Campbell of Hunter Road read a letter from her neighbor Dale Inman since he could not attend tonight's meeting. He is opposed to spending money for the Hunter Road recycling proposal. He questioned if the Town really needs to purchase an excavator. He asked about the return on the money spent on the Chamber of Commerce and if joining the Greater Portland Chamber would yield a better return with lower costs. He is unsure what the theater payment is. As for computer upgrades, he feels the Town should replace 25% of equipment each year. He asked what would happen if money for the train is not approved by Congress. He wants to be sure it is settled before finishing the station.

Mrs. Campbell applauded Council Egan for her earlier comments regarding combining FEDC and the Chamber into one line item. She feels the Council should consider this. She noted that any effort the Council can put forth to include the whole community would be greatly appreciated. People have recently felt at odds with the business community and some of the proposals that have been put forward and feel that residents' concerns have not had equal footing on projects that have come forward.

Leland Arris, resident, presently the General Manager of the Freeport Sewer District, asked the Council to help support the clammers' request. He mentioned all the events sponsored by the clammers and that they have all been good times. The clammers are hard working folks and the backbone of part of Freeport's culture. He noted that the Harraseeket River is a jewel for this community and is clean because of the clammers. They watch it carefully and are diligent in making sure things go right as far as pollution is handled. He asked the Council to help the clammers do for themselves.

Leslie Reis has a small business here and lives here. She noted that small businesses are needed but not necessarily in the downtown district. She asked where are the cleaners, the shoe repairers, etc. It's time for FEDC and the Chamber to foster small store people. They are needed.

Walt Coffin, Litchfield Road resident, noted that he supports the proposal that the clammers are bringing forward. He wanted the Council to realize that the industry, based on the 2010 records, produced approximately one million dollars in what it yielded off the flats. According to the DMR figures, there is usually a multiplier of three on the actual impact it has on the immediate community so it is really a three million dollar industry currently at its diminished rate. Based on some of the science they plan to implement, it is not far fetched at all over the next few years to increase that yield ten times what it is now. He suspects they may make a few mistakes initially but they will move ahead and get it done.

Drew Wing of Quarry Lane acknowledged that part of consideration of the budget items should include the resources that come as volunteers to the table at FEDC. There are a lot of bright people that should be considered. Not every recommendation that comes out of FEDC or any group that looks at business development will be embraced by the whole community. That is why there is a process for looking at those suggestions by the Town Council or Planning Board to see how they fit in. It is clear that economic development is a necessary component of a healthy community. We need to be looking proactively at economic development and we need to check those ideas against our other community values. Since there is talk about broadening that to include community development, he suggested broadening the committee structure to include more voices.

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

VOTE: (7 Ayes)

Chair Cassida asked Councilor Egan to revisit her earlier amendment.

MOVED AND SECONDED: To combine the economic development line items titled Freeport Economic Development Commission and the Chamber of Commerce into one line item labeled Economic Development and increase the budget allocation up to \$150,000 (Egan & Gideon)

Councilor DeGrandpre asked for clarification that this was talking about Destination TIF for 2012, Items 5 and 6 would be combined for up to \$150,000. Councilor Egan advised that he was correct.

Councilor DeGrandpre asked if the Council would discuss Economic Development as well as Community Development. Councilor Gideon noted the Council should keep the conversations separate but focus on economic development. Councilor DeGrandpre mentioned that he didn't have the reserve account balance this year for the Destination TIF. Ms. Yacoben advised that \$29,000 is available.

Councilor Hendricks is willing to discuss the issue going forward. Councilor Bishop advised that she expects to have the discussions on March 27.

Councilor Egan feels the workshop on the 27th will be a great first step. Chair Cassida felt that taking action on the amendment is of critical importance. He offered as a suggestion, tabling it and having the workshop on the 27th. After conversations with the organizations on the 27th, if there is agreement that this is the best course, the amendment can be made on the 3rd prior to adopting the capital budget. Councilor Arno noted she is concerned that the Council has not given the economic development entities an opportunity to speak. She feels the Council is committed to thinking differently about investing in economic development and hasn't made any decisions yet.

Councilor Egan asked if she could make an amendment that would require the Council to make a decision on how the funding is distributed and used by May 1. Mr. Olmstead pointed out the rules and procedures that the Council needs to follow.

Councilor Egan withdrew her motion and Councilor Gideon withdrew her second so the motion failed.

MOVED AND SECONDED: That Item #43-12 be tabled until April 3, 2012. (DeGrandpre & Hendricks) **ROLL CALL VOTE:** (7 Ayes)

OTHER BUSINESS

- 1) Informational Exchange/Committee Reports

None

MOVED AND SECONDED: To adjourn at 9:12 p.m. (Bishop & Hendricks. **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-12
FREEPORT COMMUNITY CENTER – DEPOT STREET
TUESDAY, APRIL 3, 2012 – 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		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 7 p.m. and took the roll. He mentioned that Councilor Arno is out of the room but should be in shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #06-12 held on March 20, 2012 and to accept the Minutes as printed.

Councilor Egan referred to the third paragraph on page 4 and suggested changing the words *tax base* to tax rate. Other Councilors concurred.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #06-12 held on March 20, 2012 and to accept the Minutes as amended. (DeGrandpre & Gideon)
ROLL CALL VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida pointed out that the Eaton Peabody Consulting Group would be hosting a public meeting on April 18 at 6:30 p.m. at the Freeport Town Hall to receive citizen input into qualities desired of a new Town Manager. Reminders have been sent out to each household. This information is also on the Town's website and Channel 3. This opportunity is scheduled at the beginning of the process and the second opportunity will enable the public to meet candidates and offer feedback.

The Freeport Community Library is currently holding its Annual Book Sale thru April 5. It's a great opportunity to purchase books, audio books and movies.

The Freeport Police Department is once again participating in a National Drug Take Back Program on Saturday, April 28 between 10 a.m.-2 p.m. at the Freeport Public Safety Building. Residents may dispose of controlled, non-controlled and over-the-counter substances. For a list of items and how to bring them in, please check the Town's website or call 865-4800. If anyone is unable to participate in the program on the 28th, they may call 865-4800 prior to the 28th and make arrangements to have his or her items collected.

The Freeport Historical Society is sponsoring a Free Trade and Sailors Rights-Maine, Casco Bay and Freeport in the War of 1812 illustrated presentation by Dr. Joshua Smith. This event will be held on Sunday, May 6 at 1:30 p.m. at the Freeport Historical Society at 45 Main Street. The public is invited. Tickets are \$5 but Freeport Historical Society Members will enjoy free admission. For more information, please call the Freeport Historical Society at 865-3170.

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Councilor Gideon announced there will be an Earth Day Walk at Hedgehog Mountain on Sunday, April 22 from 10 a.m. to 11 a.m. Participants are encouraged to car pool if at all possible. The Save Our Neighborhoods Coalition is hosting this walk. For more information visit their website.

Councilor Gideon noted that on the postcard that was recently sent out to District I residents, the start time of tonight's meeting was listed as 6:30 which is the actual start time of the Council workshop. She apologized for the confusion to the residents that arrived early.

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

Chair Cassida announced that Councilor Arno would be serving as moderator this evening. The timer is on the corner of the table. Councilor Arno welcomed the public to the meeting and explained the three-minute limit, which enables everybody to have an equal time to make comments. She encouraged residents to voice concerns, ideas, and issues to put on the table or to acknowledge someone. The Council will make note of any questions that arise and will get back with answers at a later time. She requested that residents avoid making personal comments. Councilors are available after the meeting or any other time. She mentioned that she would give everyone a one-minute signal to alert them that they are nearing their limited time.

MOVED AND SECONDED: To open the Public Comment Period on Non-agenda items only.
(Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

Jack Maier pointed out that the Library roof was completed in 1996 and it is time for maintenance. He suggested that the Town stop building flat roofs in Freeport and explained his reasoning.

Peter Quesada of South Freeport noted that the new soccer fields, the football field and the recycling center are under review by the Department of Environmental Protection (DEP) at the request of a resident. He feels this potentially \$20,000-\$40,000 cost is really a Town cost, and should not be a field cost. He would like this included in the General Fund Budget and separately categorized so everyone can understand in a transparent way what this is costing.

Joyce Veilleux of the J. Arthur Stowell American Legion announced there would be a Blue Star Banner Ceremony at the Masonic Lodge on May 10 at 7 p.m. The guest speaker is First Lady LePage. If anyone has a spouse or child or knows of one serving in the military, they should let them know. The contact information is on a slide on the Channel 3 Bulletin Board.

Marie Gunning of Telos Road mentioned that a number of people have raised questions about the environmental process at the Hunter Road Fields and the whole area of Town-owned land next to the Hunter Road fields. She advised that she asked questions about whether we were going to do an environmental site review before construction began. At the Seacoast hearings, Chair Cassida said that DEP made the determination that Hunter Road would not need to go through Site Review. She found the information interesting and asked DEP why the Town is not going through Site Review. She is curious as to what is going on for that entire area. If there were additional costs, she would like them broken down so residents will know what this has cost the Town.

Councilor DeGrandpre noted that the purchase and sale agreement with Seacoast is still valid until April 17. Kirk Cameron, Chair of the Hunter Road Advisory Committee, pointed out that this project was specifically structured to try to conserve Town funds. The entire project was undertaken knowing that a Site Review was likely. Everything that was done was proper with respect to that. Now we are coming in after the fact and if we are going to spend additional funds that are beyond the scope of that project, those

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funds need to come out of a different bucket than the money that has been donated and set aside for the construction of a lodge.

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

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

ITEM #47-12 To consider action relative to adopting the April 3, 2012 Consent Agenda.

BE IT ORDERED: That the April 3, 2012 Consent Agenda be adopted. (DeGrandpre & Bishop)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor DeGrandpre was curious as to what a movable house on wheels is. He asked if it is something that moves all the time. Mr. Olmstead did not know the answer to this question.

Councilor Bishop requested that the Heidi Bishop Victualer's License application be removed from the Consent Agenda and voted on separately so that she could vote on the remaining items. Heidi Bishop is her sister.

MOVED AND SECONDED: To remove Heidi Bishop d/b/a King's Timber Bed and Breakfast from the Victualer's Licenses. (Cassida and Hendricks)
VOTE: (7 Ayes)

ROLL CALL VOTE ON AMENDED CONSENT AGENDA. (7 Ayes)

MOVED AND SECONDED: To approve the Victualer's License for Heidi Bishop d/b/a King's Timber Bed and Breakfast (Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention—Bishop)

ITEM #48-12 To consider action relative to approving a Memorandum of Agreement regarding improvements related to Howard Place.

BE IT ORDERED: That the Memorandum of Agreement dated 03/15/12 between Camplin/Marino Properties, Inc and the Town of Freeport regarding improvements related to Howard Place be approved.

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

Mike Marino explained the project and answered questions for Councilors. Town Engineer, Albert Presgraves advised that the Project Review Board has provided the final approval of this project. The property owner is responsible for maintaining the structure and removing snow and ice in perpetuity. It will not become the Town's responsibility or financial obligation.

ROLL CALL VOTE: (7 Ayes)

ITEM #49-12 To consider action relative to the confirmation of a new Town Clerk

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BE IT ORDERED: That the Town Manager's appointment of Tracey L. Stevens as Freeport's new Town Clerk be confirmed.

***Note:** Tracey is currently the Town Clerk for Fairfield, Maine and was selected from a large pool of qualified applicants. (Bishop & DeGrandpre)*

Chair Cassida explained that Ms. Stevens is unable to be here this evening but a "Meet and Greet" will be scheduled later. Councilor Egan asked if anything would be done to thank Bev Curry for her years of service and Mr. Olmstead indicated that the answer is yes but there is some existing resistance from Bev Curry to have something special done. Councilor Hendricks suggested surprising Bev even though this meeting is being televised.

ROLL CALL VOTE: (7 Ayes)

ITEM #43-12

Tabled March 20, 2012

To consider action relative to the adoption of a Five Year Capital Plan for fiscal years ~~2012~~ 2013 to ~~2016~~ 2017 and approving Capital Items for fiscal year ~~2012~~ 2013.

BE IT RESOLVED: That the Five Year Capital Plan for fiscal years ~~2012~~ 2013 to ~~2016~~ 2017 dated and revised March 6, 2012 be adopted.

BE IT ORDERED: That the following Capital Budget Items be funded for fiscal year ~~2012~~ 2013 as written. (Arno & DeGrandpre)

Mr. Olmstead explained that going forward the Council would be asked to approve the Capital Budget and the Capital Plan on a fiscal year basis to comply with the Town Charter. He noted that the Council would need to give him permission to move forward with capital projects funded in fiscal year 2013 immediately for projects coming out of reserves. If this does not happen, the Public Works crew will not be doing anything for three months. He assured the Council that the numbers will not change and the expenditures will not change. He noted that the Council will give authorization annually to begin spending money from reserves. It will be part of the Council's annual adoption process unless the Council and the public decide to amend the Charter.

BE IT ORDERED: That the Town Council authorize the Town Manager to expend funds from reserves from the 2012/2013 Capital budget immediately. (Egan & Hendricks) **VOTE:** (7 Ayes)

Councilor Gideon noted that Freeport is unique in that it has fully funded reserves for its capital projects. Based upon this, she is comfortable approving a capital budget ahead of an operating budget.

MOVED AND SECONDED: To amend the Capital Budget by adding \$15,000 for a Shellfish Boat. (Arno & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To amend the excavator price from \$126,000 to \$112,000. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To amend Item #43-12 as follows:

Comprehensive Town Improvements

Reduce Upper Mast Landing Partial Reconstruction from \$240,000 to \$233,200

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Reduce South Street Reconstruction from West Street to Porter's Landing (local match) from \$290,000 to \$276,400

Reduce Hedgehog Mountain Road Sight Distance Improvements from \$25,000 to \$23,300 (Arno & Bishop) **VOTE:** (7 Ayes)

Chair Cassida advised that he would recuse himself from the Destination Freeport TIF discussion and voting. Vice Chair Gideon took over. Mr. Olmstead explained the staff recommendation to remove this category and let it be a stand-alone.

MOVED AND SECONDED: To remove the Destination Freeport TIF category from the Capital Budget and Program for Fiscal Years 2013-2017.

BE IT FURTHER ORDERED: That the Destination category budget be considered separately from the Capital and Operating Budget. (Egan and Hendricks) **VOTE:** (6 Ayes) (1 Recused—Cassida)

BE IT ORDERED: That the following Destination Freeport TIF appropriations be approved for FY 2012:

- | | |
|-----------------------------|---------------------------|
| 1. Street Sweeper (50%) | \$105,000 |
| 2. Mechanic Street Sidewalk | \$ 20,000 |
| 3. Brick Sidewalk repairs | \$ 15,000 |
| 4. Theater Payment | \$ 20,000 |
| 5. Chamber of Commerce | \$ 36,000 |
| 6. Economic Development | \$ 85,000 (Bishop & Egan) |

MOVED AND SECONDED: To table to the end of discussion. (DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Recused—Cassida)

MOVED AND SECONDED: To change the dollar amount for the Tractor, Snow Blower and Loader for the Maintenance Department from \$48,000 to \$27,000. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To reduce the amount from \$5,000 to \$4,000 for Equipment for Channel 14 (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To add an appropriation up to \$100,000 to the budget for Shellfish Resource Management with the condition that no expenditures be made to the account until the Management Plan is approved by the Council. (Hendricks & Gideon) **VOTE:** (7 Ayes)

Councilor Gideon noted the Council would hold a workshop on the April 26 with the Shellfish Commission. Councilor DeGrandpre advised that this is a great opportunity for FEDC to help find someone to help administer the program.

<u>Police</u>	1	Replace Outboard Motor on Shellfish Boat and purchase Boat	\$30,000
	2	Replace Audio Recording Equipment at Public Safety	\$20,000
<u>Fire</u>	1	Protective Clothing	\$15,000
	2	Minitor Pagers (55)	\$22,000

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	3	Service Vehicle	\$40,000
<u>Rescue</u>	1	Protective Clothing	\$14,000
	2	Rescue Vehicle Replacement (1998)	\$160,000
<u>Public Works</u>	1	Dump Truck Chassis replacement	\$120,000
	2	Dump Truck Plow and Wing Replacement	\$38,000
	3	Dump Body and Sander	\$50,000
	4	Ground Speed Control System	\$6,000
	5	Sweeper Replacement (50%)	\$105,000
	6	Crew cab pickup and plow	\$40,000
	7	Excavator	\$112,000
<u>Solid Waste / Recycling</u>	1	Containers	\$15,000
	2	Truck with Gate Lift Replacement (reuse existing plow)	\$48,000
	3	Hunter Road Recycling drop off area	\$27,000
<u>Comprehensive Town Improvements</u>	1	Upper Mast Landing Partial Reconstruction	\$233,200
	2	South Street Reconstruction from West Street to Porters Landing (local match)	\$276,400
	3	Hedgehog Mountain Road Sight Distance Improvements	\$23,300
	4	Public Works Garage Paving	\$82,000
<u>Destination Freeport TIF</u>	-1	Street Sweeper (50%)	\$105,000
	-2	Mechanic Street Sidewalk	\$20,000
	-3	Brick Sidewalk repairs	\$15,000
	-4	Theater Payment	\$20,000
	-5	Chamber of Commerce	\$36,000
	-6	Economic Development	\$85,000
<u>Municipal Facilities</u>	1	Computer/Technology Upgrades	\$125,000
	2	Furniture Replacement	\$30,000
	3	Dunning Boat Yard Improvements	\$24,000
	4	Town Hall brick repointing	\$10,000
	5	Library Roof Repairs	\$10,000
	6	Library Natural Gas Conversion	\$15,000
	7	Tractor, Snow Blower and Loader for Maintenance Department	\$27,000
	8	Public Safety Air Conditioning	\$15,000
	9	Revaluation Reserve Fund	\$10,000
<u>Cable TV - Local Channels</u>	1	Equipment for Channel 3	\$12,750
	2	Equipment for Channel 14	\$4,000
<u>Boards and Committees</u>	1	Train Quiet Zone Study	\$8,000

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2	Hedgehog Mountain Bridge Replacement	\$25,000
3	Train Station Renovation	\$55,000
4	Shellfish Resource Management Project	<u>\$100,000</u>
		\$1,947,650

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

Police Reserves	\$50,000
Fire Reserves	\$77,000
Rescue Reserves	\$174,000
Public Works Reserves	\$471,000
Solid Waste / Recycling Reserves	\$90,000
Comprehensive Town Improvements Reserves	\$614,900
Municipal Facilities Reserves	\$266,000
Destination Freeport TIF	\$281,000
Cable Reserves	\$16,750
Other Reserves	\$188,000
	\$1,947,650

BE IT FURTHER ORDERED: That the following bid be accepted for a Public Works Excavator: Bid Amount \$111,875 from Nortrac.

*Note: Should the Town Council decide to approve the purchase of the requested excavator, we would also recommend that the Council accept the bid at the same meeting which will allow the Town of Freeport to avoid any rental charges for the upcoming season. (Arno & Bishop) **ROLL CALL VOTE:** (7 Ayes)*

ROLL CALL VOTE ON TOTAL CAPITAL PLAN: (7 Ayes)

Councilor Gideon asked for a motion to introduce the Destination Freeport TIF as a separate budget item.

MOVED AND SECONDED: To introduce the Destination Freeport TIF as a separate budget item. (Hendricks & Bishop) **VOTE:** (6 Ayes) (1 Recused—Cassida)

Councilor Bishop read the six items that are included in this item. Under the Theater Payment, Councilor Bishop asked when the two free Saturday movie days would be offered to Freeport residents with non-profits collecting donations. Mr. Olmstead offered to look into this.

Councilor Gideon mentioned a workshop held last week with the commerce organizations as well as another one scheduled on April 26. She asked if the Council is willing to increase the amount for Economic Development.

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BE IT ORDERED: to remove \$36,000 allocated for the Chamber of Commerce item and increase #6 for Economic Development from \$85,000 to \$155,000 to cover all economic development costs and have further discussion on that piece on the 26th. (Hendricks & Egan)

Discussion followed. Councilors concurred that economic development is important to Freeport.

ROLL CALL VOTE: (5 Ayes) (1 Nay—DeGrandpre) (1 Recused—Cassida)

ROLL CALL VOTE ON TOTAL BUDGET OF \$315,000. (5 Ayes)

OTHER BUSINESS

- 1) Signing on the annual Municipal Warrant for unlicensed dogs.

Mr. Olmstead noted that the Warrant needed to be signed and he would pass it along.

- 2) Discussion on proposed Town of Freeport Maine Freedom of Access Act Policy. (Ordinance Committee)

Chair Cassida noted the policy is in the Council's packets. It basically sets up an accountability system for Freedom of Access requests. Councilor Gideon feels it makes sense to have this policy. Councilor Arno suggested putting a date on it when it is completed. Councilor Bishop suggested bringing it back on another agenda so the public will have an opportunity to comment. Councilor DeGrandpre also suggested putting the policy on Channel 3 and on the Town's website.

- 3) Report on staffing level study.

Mr. Olmstead explained that the Municipal Facilities Committee has made a number of staff recommendations in all departments except Public Works. There will be additional staff in each department either at the part-time level, full time level or per diem level. He noted that this could be introduced on May 1.

- 4) MindMixer status report

Councilor Gideon explained that this does not need to be done tonight.

- 5) Informational Exchange/Committee Reports

Councilor Egan explained that the Conservation Trust is working to create an easement with Burr Cemetery to access their property. They have asked for some times when the Council is available to go out on a site walk during the last week of April or the first week in May to take a look at what the easement would look like. They plan to return to the Council and ask for an expenditure from the Council that would match the Trust's expenditure for the easement. Councilor Hendricks noted it could easily be done by E-mail. Councilor Egan offered to schedule the site walk.

MOVED AND SECONDED: To adjourn at 9:10 p.m. (Bishop & DeGrandpre)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

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Note: At the end of the regular meeting, the Town Council entered into a workshop to discuss interests/concerns with District I Residents.

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, MAY 1, 2012 – 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		
Katherine Arno, 76 Pleasant Hill Road			x
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 7 p.m. and took the roll. He mentioned that Councilor Arno is ill and is excused this evening. She apologizes for missing this meeting.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #07-12 held on April 3, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #07-12 held on April 3, 2012 and to accept the Minutes as printed. (Bishop & Egan) **VOTE:** (6 Ayes) (1 Excused—Arno)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that:

- On May 12 from 12:30 p.m.-3 p.m. Mid Coast Hospital is sponsoring a free skin cancer screening. People can call for an appointment at Healthline: 373-6585. No walk-ins will be accepted and space is limited. Other locations and dates are in Scarborough, Saco and Portland. More details on these dates can be found on the Town's website.
- Thanks go out to Marlene Budd and Perry Bradley from AARP for donating their time and expertise in helping close to 90 low-income and seniors in Freeport with their income tax returns.
- Applications for the Maine Residents Property Tax and Rent Refund Circuit Breaker Program for property taxes assessed in 2010 and rent paid in 2010 must be filed by May 31, 2012. Applications can be filed online at: www.maine.gov/revenue. Copies of the applications are also available at Town Hall.
- The Freeport Historical Society will be holding its 43rd Annual Meeting on May 24 from 7-9 p.m. at the Freeport Community Library. In addition to their business meeting and presentation of awards, special guest speaker, Jane Nylander will address the audience with a special presentation. All are welcome to attend and beverages and sweets will be available. For more information, contact the Freeport Historical Society.

Councilor DeGrandpre noted that the Freeport Save Our Neighborhoods Coalition would be sponsoring a Candidate's Reception for the State Legislative seat for Freeport and part of Pownal on May 29 from 7-9 p.m. at the Freeport Community Center. A reception with coffee and desserts will be available along with an opportunity to speak with the candidates. For further information go onto their website: www.freeports70.org, or at Facebook.comsaveourneighborhoods.

Councilor Hendricks announced that on this coming Saturday, Habitat for Humanity is hosting a 5K Run in Freeport to benefit the three homes being built in Freeport as well as the two Habitat houses. To register go to the Greater Portland Habitat website. The after party will be held at Gritty's.

On June 2 there will be the Annual Freeport Family Fun Day at Winslow Park. There will be a 10K Run and a 5K Run. There will be free hot dogs, food and games. For more information residents can go on www.freeportrotary.org.

Councilor Egan noted that the Freeport Conservation Commission and the Freeport Conservation Trust would be hosting a site walk on May 7 beginning at 5:30 p.m. at Burr Cemetery. This is in preparation for the Council considering allocating \$12,500 to match the Conservation Trust contribution to create an easement over Burr Cemetery to get to the Frost Gully Woods. There are 13 acres of land to put new trails on. She urged residents to wear light clothing because it is tick country. People will meet in the parking area inside the cemetery.

Chair Cassida pointed out that the Greater Freeport Chamber of Commerce would be hosting a Candidate's Forum on May 21. Details can be found on the Chamber's website. He plans to provide more details at the next Council meeting on the 15th.

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

Chair Cassida explained that Councilor Egan will be tonight's moderator and Councilor Egan explained the rules that would be followed this evening. She noted that the Council is really interested in learning what Freeport residents have to say about how Freeport can become the best town it can be. She also pointed out that Freeport now has Freeporttalks.org, which is another place for a community forum. She cautioned residents to not say anything negative about specific people or Town staff.

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

Sandy Updegraph of Freeport Economic Development provided a quick update on the Vision 2025 project.

Susan Campbell of 38 Hunter Road spoke about the proposed fireworks display in celebration of L.L. Bean's 100th Birthday. She explained her concerns for her farm animals, particularly an old pony. She noted that the magnitude of the proposed display would be the biggest and loudest ever displayed in the State of Maine. She feels the Freeport Noise Ordinance needs to be enforced and encouraged the Council to take the necessary steps to see that it is enforced.

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

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

ITEM #59-12 To consider action relative to adopting the May 1, 2012 Consent Agenda.

BE IT ORDERED: That the May 1, 2012 Consent Agenda be adopted. (Egan & Bishop)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor Hendricks disclosed that he serves on the Board of Directors of the Rotary Club of Freeport and he would recuse himself from voting on their item.

Councilor DeGrandpre noted that Tracey Stevens is the new Town Clerk. Chair Cassida explained that Ms. Stevens will be stopping by at the next Council meeting to introduce herself.

MOVED AND SECONDED: From Item #50-12, remove Rotary Club of Freeport d/b/a Rotary Hot Dog Stand, L.L. Bean Parking Lot from the Consent Agenda. (Hendricks & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Arno)

ROLL CALL VOTE ON AMENDED CONSENT AGENDA: (6 Ayes) (1 Excused—Arno)

MOVED AND SECONDED: To approve the Victualer's License for Rotary Club of Freeport d/b/a Rotary Hot Dog Stand, L.L. Bean Parking Lot. (Egan & DeGrandpre)
ROLL CALL VOTE: (5 Ayes) (1 Abstention—Hendricks) (1 Excused—Arno)

ITEM #60-12 To consider action relative to adopting the Town of Freeport Maine Freedom of Access Act Policy.

BE IT ORDERED: That the proposed Town of Freeport Maine Freedom of Access Act Policy dated May 1, 2012 be adopted. (Hendricks & Bishop)

Chair Cassida explained that the policy is on the Town's website and that Town Staff has reviewed it and suggested a few changes which have been incorporated into it. They are now comfortable with it.

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

ITEM #61-12 To consider action relative to a proposed ordinance exempting eligible active duty military personnel from Vehicle Excise Tax (Chapter 54).

BE IT ORDERED: That a Public Hearing be scheduled for May 15, 2012 at 7:00 p.m. in the Town Hall Council Chambers to discuss an ordinance exempting eligible active duty military personnel from Vehicle Excise Tax.

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)

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

ITEM #62-12 To consider action relative to an amendment to the Shellfish Conservation Ordinance concerning licenses and license fees (Chapter 32).

BE IT ORDERED: That a Public Hearing be scheduled for May 15, 2012 at 7:00 p.m. in the Town Hall Council Chambers to discuss an amendment to the Shellfish Conservation Ordinance concerning licenses and license fees.

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)

No one from the Shellfish Conservation Commission was in attendance but Chair Cassida noted the Council is only being asked to set a public hearing tonight.

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

ITEM #63-12 To consider action relative to the adoption of Fiscal Year 2013 Operating Budget for the Town of Freeport which includes amending the Alarm Systems Ordinance (Chapter 14) to allow for the collection of user fees from businesses with commercial fire alarm boxes which would generate an estimated \$35,000 annually in revenue.

BE IT ORDERED: That a Public Hearing be scheduled for May 15, 2012 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of Fiscal Year 2013 Operating Budget for the Town of Freeport which includes amending the Alarm Systems Ordinance (Chapter 14) to allow for the collection of user fees from businesses with commercial fire alarm boxes which would generate an estimated \$35,000 annually in revenue.

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 & DeGrandpre)

Chair Cassida pointed out that this particular format is new and is a different way of presenting the Operating Budget. It is in strict compliance with the Charter. He reminded everyone of the upcoming schedule. Individual Councilors should contact Abbe to make appointments with Department Heads and copy the Town Manager. On May 8 at 6 p.m. and May 9 at 7:30 a.m. Town Administrators will be on hand to answer questions for the public. Those meetings will take place in the Council Chambers. On May 15 at 7 p.m. there will be a public hearing with the Council regarding the budget. On May 16 at 5:30 p.m. the Council will workshop on the budget. It will be a Council discussion and Town Staff may be brought in if necessary. The public will be provided with a brief opportunity at the workshop to ask clarifying questions about the discussions that took place that evening. On May 17 at 6:30 p.m. (*time subsequently changed to 7:00 p.m.*) in Council Chambers, the Council will meet with the sole purpose of

adopting the annual budget. During the public hearing, the regular three-minute Council rule will be followed. If the public has more comments than they can reasonably make in the three-minute period, they should be submitted to the Council in writing prior to the public hearing and then use their three minutes wisely to paraphrase what was provided to the Council in written form.

The Finance Director noted she would be back with her presentation under “Other Business”.

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

OTHER BUSINESS:

1) Heart Safe Community Award

Deputy Chief Conley explained that they applied for a designation as a Heart Safe Community and reached the gold standard this year. He presented this year’s certificate to Chair Cassida to hang in Town Hall. He mentioned that he would work with Fred Reeder and Donna Larson to place some plaques in town advertising that Freeport is a Heart Safe Community. He provided a draft resolution for the Council to enter into the record at some point.

2) Hunter Road Field and Trails lodge proposal

David Latulippe of FEDC, representing Albert Presgraves, provided an update on the placement of the lodge. The size of the lodge has been reduced. It will now be smaller and more modest. It will be placed on the 20 acres being developed and the DEP has indicated that permitting is not required. Rest rooms, changing rooms and concessions will be incorporated into the one-story lodge. It will have a shingled roof. It will be located between the first baseball field and the last soccer field. They will mimic what L.L. Bean did at the Leon Gorman Park.

They plan to go back to the Fields Committee and they will take it to the Project Review Board. They had \$250,000 left over in the original budget but this should be less than that amount. It can be built this season within 90-120 days.

Mr. Olmstead explained the process for the lodge.

Tom Ross of 8 Murch Road noted that he understands why it is being sited in this location but it was not sited in this area when it was discussed during meetings with the neighbors when they bought in. He feels it is probably in a good spot but is not where it was talked about at the front end. He mentioned that the costs of maintaining the fields have either doubled or tripled since the Seacoast deal fell through. Originally it was thought to cost \$40,000 for maintenance and now he has heard rumors of it costing \$80,000 to \$100,000. He feels the two properties affected the most are the Anthonys and the Rosses. While Mr. Ross is not against it, he is not happy with the way it is being promoted. Someone told him that he might want to come to tonight’s meeting to hear about the lodge. It was the first he heard about tonight’s meeting. Vice Chair Gideon pointed out that she would like all of the abutters made aware of the process and the hearings with a letter specifically addressed to them. She wants it done in the right way. Councilor Hendricks agreed. There was consensus to have the committee move forward.

MOVED AND SECONDED: To not move forward with the plan but authorize the committee to take the plan to the Project Review Board for full discussion. (Egan & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arno)

3) Fiscal Year 2012 Operating Budget Presentation

Finance Director Abbe Yacoben provided two new charts to Councilors for their binders and reviewed the new format. She discussed the highlighted changes from this year's budget and then went on to discuss tax rate information. She advised that the biggest reasons for spending increases include additional personnel, the cost of maintaining the new Amtrak Downeaster depot and a potential increase to meet General Assistance obligations, which will no longer be reimbursed by the State. She answered questions for Councilors.

Councilor Egan asked Ms. Yacoben to explain the abbreviated items and also requested that Ms. Yacoben post the Chart of Accounts on the Town's website which Ms. Yacoben agreed to do. Chair Cassida mentioned that it would be a great opportunity for residents to develop a dialogue on FreeportTalks and Councilor Egan noted it would be simple to post pages 1-26 on FreeportTalks.

Ms. Yacoben noted that she is drafting an RFP to 36 trust and advisory firms and plans to get them out in a couple of weeks. She hopes to bring something to the Council in August or September. Chair Cassida mentioned that if any Councilor has a burning desire to sit down with the interviewees, they should let he or Vice Chair Gideon know. It will most likely involve a full day.

Councilor Gideon requested that Ms. Yacoben discuss Enterprise Funds and Special Revenue Funds as well as Non Emergency Transport Funds, which Ms. Yacoben was happy to do.

4) USRA Half Marathon Proposal

Councilor Hendricks explained that this particular Marathon was done in Freeport last August and the Police Department was not paid the \$700 owed to them until this year. Councilor Hendricks provided background information on the promoter for Councilors. While there has not been any permit issued, the Freeport race has been advertised. It appears that 30 people have already paid their fee and they will not get their money back if the race does not take place. He feels that this promoter is a less than positive or honest businessman.

Mark Grenadagle, public citizen and avid runner, explained that he works with running clubs from Maine to West Virginia. He requested that the Council deny the permit on behalf of the running community. He mentioned all the successful running activities that take place in Freeport and that last year's USRA Half Marathon was not a success. He explained the danger of making libelous comments.

Chair Cassida surveyed the Council. Councilor Gideon noted that it is the Council's responsibility to deny the permit and put a stop to this individual that does not operate above board. Councilor Egan thanked Councilor Hendricks for all the work he did and uncovering all this information. She agrees with Councilor Gideon and wants to protect our local runners. She would like to see a notice put up saying that the Council has not voted to provide a permit. Councilor Hendricks does not want to see Freeport or Maine get a black eye. He is aware that at least 30 people will not recover their application money. Councilor DeGrandpre would be comfortable not having the race. There are plenty of other opportunities for people to come and run in Freeport. Councilor Bishop does not want to be connected with this proposal. She would like a notice saying that the Council is not sanctioning this race and no permits have been granted on the Town's website. Chair Cassida agreed and noted the Council cannot insulate the people applying. There was consensus that the Police Chief should not issue the permit. Councilor Gideon would like to figure out how to relate to the public that the race will not take place.

5) Discussion on road paving contract for the coming year

Mr. Olmstead explained that the Town Engineer and Public Works Superintendent have been expressing their concerns about the rise in pavement costs. He asked Mr. Presgraves to talk to Crooker and see if he would be willing to extend last year's contract for this year's paving. Initially they said they would not do that but we asked them to give it more consideration. Last week they came back to us making a good offer to the Town, which he feels should be accepted by the Council. If the offer is not accepted and we are forced into a bidding process, he is confident the Town will end up with a higher bid price. He believes a COG bid will be higher and we can save money by extending Crooker's bid of two years ago to the 2012/2013 season. He noted that the Council has the right to extend the bid or waive the bidding process and accept an offer. He is bringing the written offer to the Council this year and recommending that it be accepted. Discussion followed.

MOVED AND SECONDED: That the Town Council waive the bid for the 2012/2013 paving season and accept the offer from Crooker outlined in a memo dated April 17, 2012 from the Town Engineer. (DeGrandpre & Hendricks) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arno)

6) Informational Exchange / Committee Report

Councilor DeGrandpre explained that the Fields Committee has been meeting biweekly and they have been working with the School Department, Town Manager, Superintendent and Dennis to come up with a method for getting the Hunter Road property maintained. Initially, for the first year, the committee thought they would try to do the scheduling themselves. They would schedule three months of time in one block and allocate internally. They are meeting again on Thursday morning.

Councilor Egan heard from the architect that is addressing overcrowding issues at the high school. The architect has come back with some new preliminary floor plans for how the additions to the high school could happen. The plans are available on the RSU5 Facilities Committee website. If anyone has problems locating them, they should shoot her an E-mail or call any of the School Board members. The school is also going through their budgeting process at the same time the Council is. The committee working on the redesign of the high school will be bringing a budget item to the RSU5 Board to go to the next design phase and get more information on how the high school can meet its future needs.

Chair Cassida reminded everyone that tomorrow evening at 6:30 p.m. the Council would work shop with Eaton Peabody on the Town Manager search. There will be a discussion on what is on the table regarding the process moving forward and the qualities we want to see in the next Town Manager. Some decisions will be made tomorrow night about moving the process forward. He urged Councilors to read the information before coming to the workshop at the Library.

Chair Cassida announced that he and Councilor Arno have resigned their positions on the FEDC Board. A Council liaison will now be needed so if anyone has any interest, he suggested that they let he or Vice Chair Gideon know. They meet on Tuesday mornings at 7:30 a.m. and the meetings typically run to 9 a.m. It is a non-voting position.

Councilor Hendricks mentioned that there was discussion about meeting quarterly with the commerce groups. Chair Cassida noted that the Council would meet with them in three-month increments, most likely prior to a Council meeting.

ITEM #64-12	To consider action relative to an executive session to discuss the acquisition of property for train platform access, Police Bargaining Unit Issues, and contract negotiations for Hunter Road Field Maintenance. (1 M.R.S.A. § 405(6)(C & D)).
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MOVED AND SECONDED: That the Council enter into Executive Session.
(DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arno)

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

MOVED AND SECONDED: that the Town Council approve the proposed
contract with the Police Union based on terms outlined in the memo from the
Town Manager dated May 1, 2012. (Egan & Bishop) **ROLL CALL VOTE:** (6
Ayes) (1 Excused—Arno)

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

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #09-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, MAY 15, 2012 – 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		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston 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 #08-12 held on May 1, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #08-12 held on May 1, 2012 and to accept the Minutes as printed. (Bishop & DeGrandpre)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida pointed out that the Freeport Town Manager position was posted in three locations 1½ weeks ago. It was posted on the Town's website, the Maine Municipal Association's website and the International City Manager's website. Our consultant is already receiving applications. Anyone interested can view the posting on one of those three locations.

Councilor Hendricks advised that Freeport Family Fun Day would take place on June 2 at Winslow Park. There will be a 5K and a 10K Race which begins at 9 a.m. The Children's Fun Run begins at 10 a.m. and is free. Wilbur's Chocolates is donating prizes to the winners of the Children's Fun Run. The Freeport Rotary Club is sponsoring the event with all proceeds donated to charity. Adult prizes for the race will be pies from Valley View Farm in Hebron. There will be free admission to the Park, free food and free activities. For more information, residents can go to www.freeport-rotary.org.

Councilor Gideon explained that next Friday, May 25, Anne Marie Davies is coordinating the first "Ride Your Bike To School Day". The purpose of this is to provide a safe route to school and demonstrate to parents how it can be done. If anyone has questions, they can E-mail Councilor Gideon.

Councilor Arno pointed out on June 23 Harraseeket Heritage Days will take place at Brewer's Marine. The Freeport Historical Society is sponsoring this event. Folks that attend can view or sail on the Schooner Bowdoin (a Maine Maritime Academy training vessel) and learn about maritime things such as tying knots, etc. The day runs from 10 a.m. to 4 p.m. and a Harborside Gala will begin at 6:30 p.m. with music. Tickets are on sale now at Brewer's and at the Freeport Historical Society.

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

Chair Cassida reminded everyone of the rules that will be followed this evening and that a three-minute timer will be used for each speaker. He noted he would hold up a finger when there is one minute to go. He requested that no one bring up personnel issues and asked that the comments be civil and respectful. No applause or booing is permitted.

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

Sande Updegraph of FEDC pointed out that on June 2 and 3 the Second Annual Fly In at the Brunswick Executive Airport will take place. Last year 322 planes took part, which included pilots and families. This year Freeport USA, FEDC and Atlantic Regional Credit Union will sponsor a bus that will run all day on Saturday to bring people to Freeport to shop and to eat. This is something that people requested last year.

She also announced that Camoin Associates from Scarborough has been chosen as the Vision 2025 consultant. Ms. Updegraph thanked everyone that participated in the train platform ribbon cutting yesterday. It was very exciting. The train will be coming on a regular schedule in November.

Julie Fraser of Freeport Childcare Services thanked the Council for all their support over the years.

Wayne Hollingworth of Durham Road spoke in support of the Shellfish Ordinance and is in favor of whatever the Clammers need. He is interested in encouraging commercial student licensing. He also fully supports increasing technical help for the Community Library.

Rod Regier of South Street announced that EcoMaine would be debt free by the end of this summer. The benefit of this is already starting to trickle down in the budget the Council is considering this evening. He cautioned that the expensive costs would not be going away. Councilor Gideon asked that Mr. Regier provide a brief synopsis of how Freeport is part of EcoMaine, which Mr. Regier provided.

Marie Gunning of Telos Road thanked all the people that have supported her recently by providing kind words of support. She mentioned the campaign highlighted in the Crow's Nest. She feels the Council is aware of the Crow's Nest and permits it to be circulated in Town Hall. She noted that a number of good women in town have been recently targeted. None of the targeted women are politicians nor do they hold public positions. She asked the women on the Council to stand up against this abuse to the democratic process.

Beth Edmonds, Library Director, pointed out that on Wednesday, May 23 at 6:30 p.m. the Library has a great program planned. It will be an opportunity to hear directly from the local World War II Veterans. She hopes everyone will come and hear from them directly. There will be light refreshments.

Roben Voigt of Maquoit Drive advised that the Freeport Save Our Neighborhood Coalition is sponsoring a Candidate's Reception and Debate on May 29 from 7-9 p.m. at the Freeport Community Center. He encouraged residents to attend.

Councilor Gideon read a letter into the public record from a resident addressed to Christopher McCormick, president of L.L. Bean asking that they scale back the fireworks planned in July because of the harmful effect it will have on her farm animals.

Councilor Gideon requested permission from the Chair to step down and make a public comment.

Councilor Gideon explained that she disapproves of the Crow's Nest and does not condone it in any way. The Council, too, disapproves of it and asked for a legal opinion from the Town Attorney concerning possible lawsuits that could be brought forward if they prevented its circulation. She repeated that she

absolutely does not approve of it in anyway. As a Council, they have a responsibility to go by the law and that is how the Town's Attorney has advised them.

Tom Wilbur asked if L.L. Bean has offered to move the animals for the duration of the fireworks.

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 #71-12 To consider action relative to adopting the May 15, 2012 Consent Agenda.

BE IT ORDERED: That the May 15, 2012 Consent Agenda be adopted. (Hendricks & Bishop)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor DeGrandpre pointed out that the bid items being approved tonight in the Capital Budget came in under budget.

ROLL CALL VOTE: (7 Ayes)

ITEM #72-12 To consider action relative to the adoption of Fiscal Year 2013 Operating Budget for the Town of Freeport which includes amending the Alarm Systems Ordinance (Chapter 14) to allow for the collection of user fees from businesses with commercial fire alarm boxes which would generate an estimated \$35,000 annually in revenue. **PUBLIC HEARING**

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

Finance Director, Abbe Yacoben provided a brief recap and Chair Cassida explained the process that would be followed.

Evan Kumagae from The Port Teen Center explained that they are facing a \$20,000 gap and they have been actively seeking additional revenues. In this year's budget, the RSU has not contributed anything to The Port. He answered questions for Councilors. Chair Cassida noted that a more in-depth discussion would take place tomorrow night.

Eric Brobst of Freeport Middle School, Julie Fraser, Tom Edwards, John Woodbury, Beth Edmonds, Kristen Bernhardt and Kristen Dorsey urged the Council to support the Teen Center with public money and not allow it to close.

Karen Hause from Visiting Health Visiting Nurses thanked the Council for their continued support. They cared for 94 Freeport residents. Some of it was uncompensated care. She asked the Council to keep them in mind as they work on next year's budget.

Joyce Veilleux of Island View Lane spoke in support of the Fire Department's budget request for extra personnel. She urged the Council to consider their budget and increase the budget so that they can have two full-time people available 24/7.

Erica Neilson of Family Crisis Services noted they are asking for \$500 from the General Fund again this year. Last year they serviced about 86 Freeport families.

Tom Wilbur, resident and business owner, supports the funding for an additional EMT for the Fire Department but he does not believe it should be funded in the way it is proposed. He does not feel it should be a user fee. He believes residents need this service 24/7 and the extra person should be funded out of the General Fund. He would like the Library open on weekends. He feels The Port is essential and FCS should have adequate money for heat for the needy. He complained about the new tax of \$275 per year and that the largest business will pay the same amount as the smallest business in Freeport. He noted it is difficult enough to do business in Freeport as it is with the fees and existing tax structures. He also requested that the Council take another look at the \$100 Food Seller's Permit in Freeport since they get nothing in return.

Tom Freemont-Smith spoke in support of the extra EMT position because time counts. It is crucial to have two people at the station to do their jobs properly. He mentioned an instance that recently occurred in Freeport.

John Creasy, resident, representing the Library's Board of Trustees, spoke in favor of the budget request for additional Library personnel. He explained all of the resources that are available at the Library.

Natalie Dean of the Sexual Assault Center in Southern Maine explained that their services are free and are available to all. She described the services they provide. They are again asking for \$500.

Lisa Evans, resident, supports the Library's request as well as all of the other requests that she heard tonight.

Rod Regier of South Street noted that new positions are very expensive but in Public Safety, the Council needs to simply decide to fund it. He suggested that when the Council considers creating new positions as a general practice, that they first consider looking at the people that we have already and determine whether they need more training, further support through education or equipment. He hopes that as the Council matches the demands from the public to the available capacity that people who serve the people in town and as positions are considered, the Council consider this first as an adaptive process rather than an additive process. In thinking about the revenue side for the budget the Council is considering, he wonders if this is the time for the Council to realize some capital gains. It is certainly not something that the Council can do as a matter of course every year but in thinking of the budget as a whole, we are going through a period of historic low return on income investments. He believes the portfolio has done fairly well over the last year and a half and with some careful planning, it may be the time to add into the mix some capital gains into the revenue side too.

Jonas Werner, resident, spoke in favor of assisting The Port Teen Center. He also supports the additional personnel for the Fire Department.

Marg Migliaccio, resident, spoke in favor of the EMT's position but feels it should come out of the General Fund. She mentioned that the fee should come out of the NET program. She does not want to see another tax put on businesses. They are already being taxed enough.

Tory Garren, resident and business owner, fully supports the EMT position but is opposed to a tax on business owners. Funding for this position should come out of the General Fund since it is a service for the entire community.

Chris Parker, resident and business owner, agrees that the tax for the additional Fire Department position is severely unfair to businesses when all should share it. He also noted that he feels FEDC, Freeport USA and the Freeport Chamber should all be funded evenly or not at all. The proposed \$100,000 salary for a

FEDC Director to be named later is ludicrous. He noted the Chamber is a business related organization in its third year and should be brought to task to support itself.

Joe Migliaccio of South Freeport Road is in favor of the additional EMT position and feels the Fire Department should be commended. He asked why the Council feels the need to increase the Town budget by 3.7% when it is really not 3.7% in real spending. A lot of cash was invested in Natural Gas conversion over the last few years and that is saving us tens of thousands of dollars per year. He also pointed out the savings that have been generated by Dispatch consolidation. He is not completely against the increases but he would like the Council to look at some areas. At last week's workshop, everybody agreed that the structure we used for commerce support is working swimmingly. He feels a good FEDC Director can be hired at \$85,000 and asked the Council to do some research because they are out there.

Roben Voigt of Maquoit Drive explained that he and his neighbors, who cannot be here tonight, were not expecting to see an increase in property taxes since there is plenty of money tucked away in reserve funds. He noted that many citizens in Freeport are struggling to make ends meet. He asked the Council to address the following questions

- Why is the Council budgeting an additional \$22,000 for a new Town Manager when we are already paying the highest salary for a Town Manager in our state?
- Wouldn't it be wise to ask the new Town Manager if he or she needs additional staff before hiring someone to assist?
- Why are we increasing funds for economic development when it is questionable in many people's minds whether any tax dollars should go into private corporations?
- Since reserve funds are set aside for other purposes, like the \$2.3 million for the athletic fields, why aren't we reserving funds to meet unexpected expenses and prevent tax increases?
- Why are we giving \$20,000 per year for ten years to the Nordica Movie Theater? Were taxpayers asked if this was a good idea?

He would like the Council to be good stewards of the tax revenues and actually "minimize the impact of the budget and Municipal mil rate on the residents."

He suggested that the Council not pull back taxes to the current level or reduce them by looking for ways to reduce spending in areas as he just mentioned. Perhaps the operational budget should be redone to address the harmful impact that higher taxes will have on Freeport citizens.

Elizabeth Adams of Merrill Road spoke in favor of the additional personnel at the Library. She feels the Teen Center also deserves support from the town.

Mia Dyson, resident and parent of four children, spoke in support of funding for The Port Teen Center.

Ethel Wilkerson of Loon Drive spoke in favor of a full-time Technology Librarian being proposed.

Lt. Susan Nourse spoke in favor of the additional police officer requested in this year's budget. She also thanked Evan Kumagae for his work at the Teen Center. She urged the Council to keep this resource funded also.

Stephanie Helms spoke in favor of Public Safety and the security of our children. She asked the Council to take care of business and fund them correctly.

Marg Migliaccio explained that she did not see any money listed for FEDC and Chair Cassida explained that it is funded as a capital budget item and approved last month.

Lucy Lloyd noted that she supports the funds requested for The Teen Center and the EMT position. She does not support the increase in the Town Manager's salary or the addition of an extra person. She read a letter from Peter Moore into the public record in support of the Clammers' request to invest in our natural resources and jobs but is upset that a tax increase is needed to accommodate that request because of the Council's action to spend the entire surplus of \$2.3 million dollars for one project—the Hunter Road Playing Fields. He asked about the teachers that need a raise and also a contract. He noted some of his elderly neighbors can barely afford to pay for heat and food, and certainly not a tax increase. They needed a tax refund, not playing fields or a tax increase. He feels balance is sorely needed in how the Council spends our money.

Marie Gunning thanked Councilor Gideon for standing up and making comments. She feels it is an embarrassment for Freeport to allow a piece of literature to be distributed in the Town Hall that categorizes any woman that stands up to speak as being crazy. She asked everybody to start thinking of how we can save money and look at expense reduction. She explained that in looking at the Maine Municipal Salary Survey, it shows that Freeport is paying the highest salaries in a lot of different categories in the State. She suggested bringing new people on at more normal levels and also look at the benefit packages. With consolidation to RSU5, the picture painted was that we were going to save money and be more efficient. She asked why Freeport has one of the more expensive town managers and one of the more expensive finance directors. She feels we should have a Town Manager that can be our Finance Director and our Finance Director should apply for the job. She asked if there could be discussion about priorities and how we are prioritizing economic development expenses, which the residents are continuing to bear and more is being added on. The train is one example and she asked how much a town of 8,000 people could bear for economic development. She asked how much the Hunter Road Fields will cost. It is not in the budget and it would be nice for people to understand what it is all about.

Susan Campbell of Hunter Road noted she is in support of the basic services needed in Freeport, particularly the EMT position. Two people are needed 24/7 to help people survive and live a decent life in Freeport. She commended the work this group does. She hopes the Council will hold the line and not raise taxes.

Officer Mike McManus spoke in favor of the Police position being requested. He also supports the Port Teen Center and feels the Council should support both requests.

Kristen Dorsey asked about the calculations used to determine the number of Fire and Safety people that are needed during certain seasons. During the Fourth of July week, she is hearing that the town is "booked". When things like this happen, is this a place where there could be some sort of fee structure for businesses that are drawing people in and out to make sure the Town's resources are not stressed.

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

BE IT ORDERED: That Item #72-12 be tabled until May 17, 2012. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #73-12 To consider action relative to amendments to the Shellfish Conservation Ordinance concerning licenses and license fees (Chapter 32). **PUBLIC HEARING**

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

Chad Coffin from the Shellfish Commission explained that they are interested in bumping up the number of student licenses from 3 to 9 and also create the Senior License Program so that when someone possessing a clamming license turns 70, they will be able to keep their license with the stipulation that their license will be reissued to someone in the community. This will bolster the connection between Freeport's youths and Freeport's natural resources. It will provide an opportunity for young people to earn money.

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

BE IT ORDERED: That the proposed amendments to the Shellfish Conservation Ordinance concerning licenses and license fees be approved. (DeGrandpre & Bishop)

Councilor Arno asked what is the motivation for these changes. Mr. Coffin provided an explanation.

ROLL CALL VOTE: (7 Ayes)

ITEM #74-12 To consider action relative to a proposed ordinance exempting eligible active duty military personnel from Vehicle Excise Tax (Chapter 54). **PUBLIC HEARING**

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

Councilor Gideon explained this Ordinance has been adopted by the Legislature and it pertains to active duty military personnel. In order for it to be adopted, every municipality needs to vote to adopt it individually. They looked to see if this could be applicable to retired military personnel but unfortunately it was specifically passed by the Legislature and was not possible.

Joyce Veilleux, American Legion Post Adjutant in Freeport recommended that this be approved. She explained that the Council is only looking at National Guard Reserve Soldiers and Sailors when they are activated. At that time, their income usually decreases greatly so every savings will mean a lot to the families left here. As the Council writes its policy, she asked the Council to remember that a soldier may not have much advance notice of their deployment and at that time, vehicle excise tax is the last thing on their mind. The policy should somehow state that a family member or a person with power of attorney may bring the registration and a copy of the deployment order to Town Hall to activate the policy because most likely the soldier will be gone.

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

BE IT ORDERED: That the proposed Ordinance exempting eligible active duty military personnel from Vehicle Excise Tax be approved. (Arno & Bishop)

Councilor Gideon suggested looking into the changes suggested by Mrs. Veilleux before approving the ordinance tonight and letting Staff look into it. Mr. Olmstead disagreed and suggested adopting it tonight and if an amendment is determined necessary, it can be made later. If tabled tonight and an active military person walks into Town Hall tomorrow, he or she would have to pay excise tax.

ROLL CALL VOTE: (7 Ayes)

Councilor Egan suggested posting this information on the Town's website immediately.

ITEM #75-12 To consider action relative to a request from the Conservation Commission for an appropriation from the Land Bond Fund to purchase a conservation easement from Freeport Conservation Trust on Frost Gully Woods.

BE IT ORDERED: That \$12,500 be appropriated from the Land Bond Fund to purchase a conservation easement from Freeport Conservation Trust on Frost Gully Woods. (Egan & Hendricks)

Councilor Egan explained that this appropriation would help create a wildlife recreation area open to the public behind Burr Cemetery. Freeport Conservation Trust will be sharing part of the cost with the Town. A site walk was held last week with the Conservation Commission, the Freeport Conservation Trust, members of the Town Council and some members of the public. It is a fairly small area and perfect for small kids to get out and explore the forest and streambeds.

The Land Bond Fund will provide half of the \$25,000 and it will not impact the operations budget being discussed tonight. The Trust will actually purchase an access easement from the Cemetery and the money we pay to the Trust will be used to help purchase the easement. The Council has approved this before in concept but didn't do it right technically. This is basically a correction coming back to the Council to allow this project to move forward.

Bob Santomenna from the Freeport Conservation Trust did not have anything to add but offered to answer questions for the Council. He did point out that the Conservation Commission was very helpful in developing this project and revising the process by which they could seek funds from the Land Bond Fund. The Trust has owned the land since 2009. The Water Company donated the 13.4 acres to them. They haven't done anything about developing the land other than exploring possibilities. They plan to build a passive recreation trail as soon as the deal is closed. They need to come up with half of the \$25,000 and line up a closing. He is confident the cemetery representatives would like to close this deal very soon. He mentioned that volunteers do most of the trail development.

Councilor DeGrandpre explained that it is important to note that this includes parking for five cars and the access will be plowed during the winter.

ROLL CALL VOTE: (7 Ayes)

ITEM #76-12 To consider action relative to the appointing of delegates to the annual Greater Portland Council of Governments (GPCOG) general assembly.

BE IT ORDERED: That James Cassida and Kate Arno be appointed to represent Freeport at the GPCOG annual meeting to be held on June 6, 2012. (Gideon & Bishop)

ROLL CALL VOTE: (7 Ayes)

ITEM #77-12 To consider action relative to an appropriation from the Traffic and Parking Reserve Account to provide for rehabilitating Trailblazing Signs and a “warrant analysis” for a traffic light at the Main Street and School Street intersection.

BE IT ORDERED: That \$7,500.00 be appropriated from the Traffic and Parking Reserve Account to provide for rehabilitating Trailblazing Signs and a “warrant analysis” for a traffic light at the Main Street and School Street intersection. (Egan & Bishop)

Councilor DeGrandpre provided an explanation for Councilors. Councilor Egan noted that the analysis of what happens at Main Street and School Street was an item that the students came and talked to the Council about. That information is still being displayed in Town Hall. She feels it is great for the Council to move forward with one of their suggestions. Councilor Arno asked if other public input was received and Chair Cassida advised that other public comments were received.

ROLL CALL VOTE: (7 Ayes)

ITEM #78-12 To consider action relative to proposed amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks. (Chapter 9)

BE IT ORDERED: That a Public Hearing be scheduled for June 5, 2012 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks.

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. (Arno & DeGrandpre)

Chair Cassida noted that this is an opportunity to get input on sidewalk maintenance in the village. Councilor DeGrandpre encouraged folks to pick up a copy of this information along with a map.

ROLL CALL VOTE: (7 Ayes)

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

ITEM #79-12 To consider action relative to authorizing the Town Manager to administratively open the Little League fields located at the Hunter Road Field Complex immediately upon determination that the guarantee being provided by the Freeport-Pownal Little League is equal in value to the contractor’s performance bond.

BE IT ORDERED: that the Town Manager be authorized to administratively open the Little League fields located at the Hunter Road Field Complex immediately upon determination that the guarantee being provided by the Freeport-Pownal Little League is equal in value to the contractor’s performance bond. (Gideon & DeGrandpre).

Chair Cassida explained that this was brought to his attention this morning by the President of Little League. They desperately want to use the Little League fields in the Hunter Road Field Complex in June but the fields were not scheduled to open until July 1. To do so prior to July 1 would void the contractor's performance bond. The Little League has agreed to cover the guarantee for the portion of the fields they would like to use. They provided insurance information today to the Town Manager, which they feel will cover any damage they may cause to those fields. The Manager will send this information to the Town Attorney and MMA and ask for legal advice. If the determination comes back that the coverage is sufficient, it will provide him with the flexibility to open the fields without any further Council action. Discussion followed. Councilor Arno is confident that Mr. Olmstead will be careful to err on the side of caution because this is one of the Town's biggest investments. Councilor Egan wants to be sure that the irrigation system is protected as well as the road.

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

OTHER BUSINESS:

1. Presentation of LL Bean 100th Anniversary Scheduled Activities

Carolyn Beem from L.L. Bean explained that they are excited about their 100th Birthday and thanked everybody in Town Hall and Public Safety who has worked with them. She recognized the long-standing relationship they have had with Freeport. They plan to make it a community event and there will be a town mailing next week. They plan to incur Town services but at no cost to the Town. She described the proposed activities that will take place during the week of July 4. Fireworks will take place on Saturday night, not on the 4th. She answered questions for Councilors.

2. Introduction to proposed amendments to the Policies and Procedures Manual for Freeport Cable Television Regarding Programming of Political Nature

Ed Bonney stood in for Michael Reis this evening. He provided some historical information on Freeport Cable Television and explained the proposed amendments. Discussion followed. Chair Cassida explained that this would come back on a future agenda so the Council can take public comments on it. He asked Mr. Bonney if it is ready to be put on an agenda and Mr. Bonney replied that it is ready.

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

Chair Cassida explained that this is something that needs to be done every year. On June 12, the school validation vote will be taken at the High School. Councilor DeGrandpre noted it is important to get the meeting schedule on the Town's website. Chair Cassida will explain on June 5th that folks can vote on the school budget on June 12th. Councilors were asked to sign the warrant.

Councilor Egan mentioned that a vote on the draft school budget would take place on May 23 at 6:30 p.m. at the Freeport High School Gymnasium. It is the draft budget and people will be able to add or subtract items.

4. Discussion on nominations to MMA's Legislative Policy Committee

Chair Cassida explained that we do this every year. Mr. Olmstead noted that Ms. Yacoben has been serving for the last two years and she has requested that she be authorized to continue serving.

MOVED AND SECONDED: To nominate Abbe Yacoben to serve on MMA's Legislative Policy Committee. (Bishop & Egan) **VOTE:** (7 Ayes)

5. Informational Exchange / Committee Report

Chair Cassida mentioned that he and Councilor Arno have resigned their seats on the FEDC Board. Since there are no sitting Councilors on the Board, a liaison needs to be appointed. Since no one stepped forward, he and Councilor Gideon discussed it and they would like to have Councilor Arno serve as the liaison to the FEDC Board. It is a non-voting position. Councilor Arno indicated that she would be willing to serve in this capacity.

Councilor DeGrandpre announced that the next Fields Committee meeting is a week from Thursday at 7:30 a.m. here in Council Chambers.

ITEM #79-12 To consider action relative to an executive session to discuss ~~the acquisition of property for train platform access and~~ contract negotiations for Hunter Road Field Maintenance. (1 M.R.S.A. § 405(6)(C).

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

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

MOVED AND SECONDED: To adjourn at 10:36 p.m. (Gideon & Arno) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN SPECIAL COUNCIL MEETING #10-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
THURSDAY, MAY 17, 2012 - 7:00 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 (late)		
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 7:04 p.m. and took the roll. He announced that Councilor Gideon would be arriving momentarily. He explained the procedure the Council would follow this evening.

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

ITEM #81-12 To consider action relative to the acceptance of State Funds for fiscal year 2013.

BE IT ORDERED: That the following categories for State Funds be accepted for fiscal year 2013.

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 (Egan & Bishop)

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

ITEM #82-12 To consider action relative to the operating budget for Winslow Park for fiscal year 2013.

BE IT ORDERED: That \$252,402 be approved for the Winslow Park budget from July 1, 2012 to June 30, 2013 and \$15,050 be approved for the Harb Cottage budget from July 1, 2012 to June 30, 2013. (Arno & Bishop)

Chair Cassida noted that the Winslow Park folks clarified questions for the Council at last night's workshop. There are no changes contemplated by the Council coming out of last night's workshop.

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

ITEM #83-12 To consider action relative to adopting a Non-Emergency Transport (NET) budget for fiscal year 2013.

BE IT ORDERED: That the Non-Emergency Transport Budget in the amount of \$501,079 be approved for fiscal year 2013. (DeGrandpre & Bishop)

Chair Cassida again pointed out that based upon the discussions last evening, there are no changes being contemplated to the NET budget.

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

Mr. Olmstead advised that the Finance Director has developed a new motion with a new set of numbers reflecting last night's amendments. The Council has two choices. He can pass out the revised agenda, which includes the amendments from last evening, or the Council can read this motion and amend each and every item one by one. Chair Cassida asked what is the pleasure of the Council. There was consensus to read the amended one and Chair Cassida will read through the summary. The Council will not be approving any of these changes until a vote is taken. The new sheet has a check in the right hand corner.

NOTE: Councilor Gideon arrived at 7:13 p.m.

ITEM #72-12 Tabled May 15, 2012

To consider action relative to the adoption of a Fiscal Year 2013 Operating Budget for the Town of Freeport which includes amending the Alarm Systems Ordinance (Chapter 14) to allow for the collection of user fees from businesses with commercial fire alarm boxes will generate an estimated \$35,000 in annual revenue.

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, 2012 to June 30, 2013 Municipal Budget.

FY 2013 Appropriations

General Government	\$1,336,958
Protection and Enforcement	\$2,249,458
Health and Welfare	\$129,355
Public Works/Solid Waste	\$2,065,001
Library	\$376,311
Unclassified	\$1,828,063
Debt Services-Local	\$372,339
County Tax	\$831,619
Human Service Agencies	\$43,200
Bustins Island	\$172,000
Community Center Building	\$40,000
Abatements	\$25,000
EcoMaine Debt Contribution	\$120,868

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Total Appropriations	\$9,590,172
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FY 2013 Estimated Revenues

Non-Property Tax	\$1,306,500
Intergovernmental	\$1,207,742
Charges for Services	\$224,450
Licenses and Permits	\$269,940
Fines and Forfeitures	\$92,400
Miscellaneous	\$195,000
Library Lease Proceeds	\$175,000
Total Estimated	\$3,471,032

Amount Transferred from Undesignated Funds	\$500,000
Amount to be Raised by Taxation	\$5,619,140

Total Revenues	\$9,590,172
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BE IT FURTHER ORDERED: that the amendments to the Alarms Systems Ordinance, (Chapter 14) to allow for the collection of user fees from businesses with commercial fire alarm boxes which would generate an estimated \$35,000 annually in revenue be adopted. (Bishop & DeGrandpre)

Chair Cassida noted that these general categories differ from the draft agenda that was originally published based upon comments the Council received from the general public and Council discussion. He went through each change in summary form and offered to open them up for Council discussion.

Line Item 100-0101—Professional Salaries, \$14,743 was removed for Manager's Support. It eliminates the proposal to hire a half-time Administrative Assistant for the Town Manager. The rationale was that it would be best to allow the new Town Manager to make this decision by himself/herself.

Line Item 300-8616—An increase in support for the Port Teen Center. The Council added \$5,000 to that line bringing the total to \$7,500. L.L. Bean agreed to make an additional donation of \$10,000 to their ongoing support. Evan Kumagae announced that they got a \$1,000 grant today but they need \$5,000 to fill the gap. On May 23, at 6:30 p.m. at the high school, the RSU5 School Board will be meeting. While the School Board has declined to provide any financial support, he urged citizens to add items into the budget by a simple majority vote. Every vote literally counts. If anyone has questions, they can call him at 865-6171 Extension 29.

Next change to Line Item 500-6240—Library will be hooked up to Natural Gas so the Town Manager reduced the line item by \$4,000.

Line Item 608-7700—The Energy Reserve Line was reduced by \$12,400 because most Municipal Facilities are now on Natural Gas.

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Line Item 608-9200—Misc. Contingency Line, the Council agreed last night to increase this line by \$5,000 so it is now \$30,000.

Line Item 609-7800—Special Projects, the Council added \$1,800 for Video Streaming.

In summary, Chair Cassida noted the Council has removed \$19,343 from the budget. Mr. Olmstead explained that \$119,387 is additional money that needs to be raised by taxation in order to have a balanced budget.

Mr. Olmstead advised that the School budget would drive Freeport's taxes 1.03% assuming that the Superintendent's budget is approved and the Town budget if approved with these amendments, would increase taxes by .62%.

Chair Cassida opened the meeting up for discussion.

Councilor Arno wished the Council would not have to incorporate the alarm fees at this time. She clarified that it is a discretionary charge and not a tax. It doesn't pertain to non-profits at this time. She really liked the process that the Council and Town Staff used to consider staffing. She appreciates that it was fully explored. As for the Internet Service, she is not sure \$12,500 would make a big difference but wonders if it would be better to not include that figure since it has not yet been negotiated. Chair Cassida agreed that the line should be removed at this time since a lot can happen in negotiations. Mr. Olmstead noted that the number is not a number we achieved at the bargaining table. He explained that they are trying to package Internet Service, phone Service and an extension of the franchise fee together. He is confident that we are not going to get Internet Service for free. No town is getting it for free. Councilor Gideon noted that the responsible thing is to keep the number in. Councilor Bishop pointed out that this is a placeholder. Councilor DeGrandpre agreed the Council would be better off leaving it in.

Councilor DeGrandpre looked at the revenue side and tried to understand some of the tax acquired property that has been sold and will be coming on line as tax revenue. He mentioned the West Street property. He feels the Council should be talking about the mil rate increase. Mr. Olmstead explained how the money is handled upon the sale of tax-acquired property. Councilor DeGrandpre noted he has thoughts on how we are funding reserve accounts. Chair Cassida mentioned that this is a conversation the Council will have on the amount of undesignated funds before wrapping this up.

Councilor Bishop thanked Municipal Facilities and wanted to make sure residents understand that the positions being added this year were brought about by a long process by the Municipal Facilities Committee. The Council is able to provide more services this year for a good dollar value. She feels this is a responsible budget. Mr. Olmstead pointed out that if it were not for the train station expenses which the Town has to fund; a shift from the State to the Town in General Assistance and the additional personnel, we would have had a decrease in the Municipal Tax Rate of 2 cents. For 9 cents, we are getting an Amtrak train station, we are going to help General Assistance and we are getting a new full time police officer, a new full time fire fighter and a ½ time Librarian. We restructured Public Works to put more people on the street. It is his opinion

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that for 9 cents, residents are getting tremendous value as a taxpayer. Improved service and safety is a bargain.

Councilor Hendricks noted Mr. Olmstead said everything he planned to say, only better. He was disappointed last year. While the Council had a lot of meetings, most of the work was done this year by department heads, employees, Mr. Olmstead and Judy Hawley. It was an enlightening process. Instead of a Christmas list, a needs list was provided to the Council. He is entirely committed to all of the increases listed for 9 cents. He will have questions when the Council gets to undesignated funds.

Councilor Gideon agrees with everything that has been said. She recognized that Town Staff and Department Heads have done their jobs gracefully and incredibly well over the years. She is very supportive of this year's strong budget but recognizes that a tax increase is difficult for many people.

Councilor Egan indicated that everybody has said things well. She is supportive of the budget but has a heavy heart after learning how property tax increases really affect residents that are on fixed incomes when she went door to door. It is tough to support a property tax increase. She gave credit to our Town Manager because our town is in a better position than some of the surrounding towns since we haven't had a property tax increase for five years. Tonight we are looking at a less than a 2% increase. She is supportive of having more technological expertise at the Library as well as the full-time police officer and the fire fighter. For small dollars, the Council is going to ramp up its electronic presence so it can engage more fully all the busy folks so they can participate in Town Government. She mentioned the discussion that took place last night regarding a study of Maine Legislation that was recently passed that would allow the Town to cap property taxes for elders that have been here a long time and are on a fixed income to try to mitigate this kind of increase on that particular population. We don't know what the fiscal impact is so it is not appropriate to move forward with something like that now in her estimation. She feels the Council should be looking at programs around the country that try to keep people that have grown up here and belong here as best it can. Maine Legislation gives the Council the option so perhaps the Council can look at it next year. She thanked the Municipal Facilities Committee for doing their due diligence for bringing forward such a responsible budget. She is aware that it was a tremendous amount of work.

Chair Cassida noted that everyone has spoken eloquently. He mentioned the budget workshop was televised last night. If anyone missed it, please feel free to catch it on replay. He agrees this is a very responsible budget and the Town Manager and his staff have done a great job administering the services we have, using the resources we have. He stressed that the Council has no control over the RSU5 budget. The Council has control of the Municipal Budget and it has added personnel and has held the budget to a less than 1% increase. His only criticism of the new process is that he cannot read this font. He asked the Finance Director to find a bigger font for next year.

Councilor DeGrandpre echoed everybody's statements. He appreciates all the hard work that staff and department heads put into it.

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Chair Cassida brought up Undesignated Fund Balance. Mr. Olmstead asked the Finance Director to explain Fund Balance. She explained that Fund Balance is the difference between assets and liabilities on the books and Mr. Olmstead translated into layman's terms. Discussion followed. Mr. Olmstead pointed out that Freeport is fortunate to be financially well off. It has fully funded reserves, we don't need to borrow when we need to purchase a truck, we have a nearly fully funded undesignated fund balance, and we are adequately funding town services. He mentioned that Freeport has had three brilliant Finance Directors and his specialty is finding good talent and getting them here. He recognized Heddy Fillmore, Greg L'Heureux and Abbe Yacoben and noted that Ms. Yacoben will be the best in the State in another ten years.

Chair Cassida asked if we should transfer more funds from the Undesignated Funds, over and above the \$500,000, to mitigate against the proposed .62%. This is the question that needs to be answered before the Council can take a vote. Ms. Yacoben explained that the town is a little over the minimum but not where we want to be. Councilor Hendricks had questions and Mr. Olmstead pointed out that a lot would be driven by the economy and how quickly it picks up. Until the Council starts seeing the evaluation number go up, he would rather not pull more money out.

Mr. Olmstead mentioned that there was a rumor going around that he was going to leave his job and become a consultant for FEDC. He advised that he plans to move out of Freeport in October and will not be involved in local politics or government ever again.

Councilor DeGrandpre explained that his goal was not to mitigate this to zero. His point was that if the Council wants to make a change, it could make a decision on what mil rate increase is appropriate. We have to be able to duplicate anything we do for a year or two, so it is not for one time. The Council is hoping that more homes will be built, and more businesses and more jobs added.

Councilor Egan does not think the Council should reduce the amount transferred from Undesignated Funds. It would not be good for the Town. Chair Cassida noted that residents have indicated they would rather face a consistently small increase rather than huge spikes. He is not willing to gamble with the public's money.

Councilor DeGrandpre noted that the Council is concerned with how a tax increase affects Freeport residents. There is consensus to have further discussions over the coming months about providing relief to older residents. The Council's goal is that people don't have to leave their homes.

ROLL CALL VOTE ON BUDGET: (7 Ayes)

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

MOVED AND SECONDED: that the Town of Freeport conduct a review of programs around the country that cap property taxes for elders, disabled and/or low income residents and investigate other programs to protect those same populations from property tax increases and include studying the fiscal impact going forward. (Egan & DeGrandpre)

COUNCIL MEETING #10-12

MAY 17, 2012

Councilor DeGrandpre mentioned that there are Constitutional requirements on people's obligations for taxes and he wants to see how this comes back whether they are caps on value, etc. We would have to see what the impact would be for the Town. Councilor Bishop felt there was no need for a motion tonight. It is obvious the Council agrees to do this but we don't know what direction we are going in.

Mr. Olmstead advised that the town of Wells is the only one in Maine that has done something like this but they did extensive research and MMA helped them with it. He does not see this as a huge project since there is a lot of information to draw on. The new Town Manager will probably get this underway in mid-September. Ms. Yacoben would come back to the Council with lots of information in 4-6 weeks.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To adjourn at 8:25 p.m. (Hendricks & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary.

MINUTES
FREEPORT TOWN SPECIAL COUNCIL MEETING #11-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, JUNE 5, 2012 - 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 (arrived at 6:36)		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x (arrived at 6:35)		

Chair Cassida called the meeting to order at 7:04 p.m. and took the roll. He announced that Councilors Hendricks and Egan would be arriving momentarily.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #09-12 held on May 15, 2012 and #10-12 held on May 17, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #09-12 held on May 15, 2012 and #10-12 held on May 17, 2012 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Egan and Hendricks)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida, on behalf of the entire Council, welcomed Boy Scout Troop #92 to tonight's meeting. They need to attend a local town meeting and form an opinion on one of the issues discussed in order to earn a Citizenship in the Community Badge. He offered to have further discussion with the Scouts after the meeting should they have any questions.

Chair Cassida announced:

- The next Council meeting will take place on June 19 in District 2 at Wolfe Neck Farm. It will start at 6:30 p.m. and will begin with an open session with the District 2 residents with the regular meeting following at 8 p.m. The recent mailer had the items listed incorrectly. The Council will take the individual District Session first. He asked residents of District 2 to spread the word that the postcard was incorrect.
- On June 12 the polls will be open from 7 a.m.- 8 p.m. at the Freeport High School Gymnasium. The RSU5 Budget Validation will be on the ballot. Also on the ballot will be the Democrat, the Green Independent and the Republican Primary Elections. The Town Clerk and voter registration will be available at Town Hall during the hours of 7:30 a.m.-6: p.m. Monday through Thursday and on Tuesday, June 5 until 7 p.m. for the purpose of voter registration and absentee voting. The Voter Registrar will also be available at the polls on Election Day.
- The Town's Annual Clean-up Days will be held on June 6, 7, 8 and 9 at the Recycling Center. A town-wide mailer was sent to residents containing a coupon that will allow them to dispose of one load of bulky waste at the Transfer Facility on anyone of those days. People with post office

boxes may not have received the postcard. For more information, or if anyone did not receive a coupon, please contact Mike at 865-3740. The Town has compost bins and rain barrels available for purchase at the Recycling Center.

- There will be a public information meeting regarding the South Street Reconstruction Project on Thursday, June 14 at 5:30 p.m. in Town Hall. The meeting is open to anyone interested.
- A public hearing will be held by the Traffic & Parking Committee on June 14 at 7 p.m. at Town Hall to discuss the removal of some Town street lights.
- Public Works successfully competed in this year's Snow Plow Rodeo. We had two teams that competed and one team placed second out of 27 teams. The winning team is eligible to compete at the State Snow Plow Rodeo scheduled in Skowhegan on June 7.
- Volunteers are needed to help with the Concord Gully Brook Water Shed Project. Training will take place on Friday, June 8 from 9 a.m-12 p.m. in the Freeport Public Safety Building and fieldwork will start that day. For more information, please call Joe Anderson at (207) 899-5957.
- Freeport Players are looking for singers for a Gilbert & Sullivan summer production to take place July 19-August 5. No auditions are necessary. Please call 865-2220 for information.

Councilor Gideon pointed out that the first Freeport Day at the Nordica will take place on June 19. Twice a year the Nordica will not charge any Freeport resident for coming to the movies and a non-profit would be able to collect donations. The Freeport Performing Arts Boosters will collect on June 19 and there will be fliers placed around town.

Councilor DeGrandpre noted that:

- The Freeport Planning Board has a meeting scheduled to discuss Village Parking requirements on June 6 at 6:30 p.m.
- The Project Review Board will meet Wednesday, June 13 at 6 p.m. in the Town Hall to discuss the Hunter Road Playing Fields. The applicant will present a conceptual plan for a Site Plan Amendment. The changes include a new 32' x 50' lodge, covered pavilions, designated areas for portable toilets and a playground.
- Regarding the lights scheduled for removal in the consultant's recommendation, the selected poles will have a large orange poster placed on them. He asked anyone interested to come and share his or her thoughts with Traffic and Parking on June 14.

Citizen of the Year Award for 2011

Councilor Bishop recognized long time Freeport resident, Vicki Lowe as the 2011 Citizen of the Year and presented her with an award and floral bouquet. She itemized Mrs. Lowe's accomplishments. Beth Edmonds and Christina White also spoke about their relationships with Mrs. Lowe. Mrs. Lowe accepted the award.

Chair Cassida suggested taking a recess and refreshments were available.

7:07 p.m. The Council reconvened.

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

There were no members of the public interested in speaking during this period.

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

ITEM #88-12 To consider action relative to adopting the June 5, 2012 Consent Agenda.

BE IT ORDERED: That the June 5, 2012 Consent Agenda be adopted.
(DeGrandpre & Bishop)

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

ROLL CALL VOTE:

Councilor Egan apologized for arriving late and mentioned that she had a revision to the Minutes of May 15 and May 17. Since they had already been approved, she asked about Council Rules. Mr. Olmstead explained that anyone who voted in the affirmative can ask for reconsideration at the meeting.

MOVED AND SECONDED: To reconsider the May 15 And May 17 Minutes
(Arno and Gideon) **VOTE:** (7 Ayes)

Councilor Egan referred to page 8 of the May 15 Minutes under Item #75-12 and suggested changing the sentence in the third paragraph to read: They haven't done anything about developing ~~the land-trails~~ other than exploring possibilities. In the May 17 Minutes, Councilor Egan referred to the 5th paragraph on the second to last page where the sentence reads: It would not be good for the Town. She suggested adding the words: **and goes against the recently adopted Town policy to hold one and a half months worth of expenditures in fund balance.** There was consensus to accept the amendments.

MOVED AND SECONDED: To amend the May 15 and May 17 Minutes as amended. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

ITEM #89-12 To consider action relative to proposed amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks. (Chapter 9) **PUBLIC HEARING**

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

Gary Profenno, Chair of Traffic & Parking provided an explanation and displayed maps encompassing the area. Going forward, all of the contractors involved will be notified when the equipment will be coming onto the street to actually remove the snow in the parking area so they can get the snow off the curb and into the street so that it can be picked up.

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

BE IT ORDERED: That the proposed Ordinance amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks be approved. (Egan & DeGrandpre)

Councilor DeGrandpre noted that they wanted to clarify what they are doing now. They still need to figure out how to have Public Works not push snow and ice back onto sidewalks. Councilor Arno noted she is happy to see that this is being taken care of before the next snow season. Chair Cassida asked if there is a plan to notify everyone in the district that a change has occurred. Mr. Profenno is confident that Traffic and Parking and the Town Engineer can make that happen.

Tom Wilbur sent an E-mail to Chair Cassida asking about the cost involved to a business owner if the Ordinance goes through. The three contractors in attendance did not have a specific cost to share. J. P. Wallace of Walbow's noted that unless there is a contract, the cost is negotiable from customer to customer.

Councilor DeGrandpre mentioned that he spoke to Public Works and the Town Engineer and noted if we figure out how to pick up snow, there are opportunities because of the space available. A lot of the contractors could move the snow that is at the curb and the Town could pick it up during the day at straight time rather than at overtime.

ROLL CALL VOTE: (7 Ayes)

ITEM #90-12	To consider action relative to proposed amendments to the Policies and Procedures for Freeport Cable Television concerning political programming.
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BE IT ORDERED: That the proposed amendments to the Policies and Procedures for Freeport Cable Television concerning political programming be approved. (Hendricks & Bishop)

Edward Bonney, Board member, provided an explanation of the proposed amendments using seven points.

Councilor Bishop noted that there is no fee for using the equipment but asked who would be responsible should the equipment become damaged. Mr. Bonney replied that it is his opinion that the Town would be responsible but it would not use that same operator again. Chair Cassida asked if the committee has given any thought to coming up with a contract that would make the user responsible for returning the equipment in the same condition that he or she took it. Mr. Bonney replied that the answer is "no" but it is a point well taken.

Councilor Arno mentioned that regarding loaning the equipment, the equipment is really the responsibility of the Town and the Town should have insurance on it. Mr. Bonney explained the editing process for Councilors. He went on to mention that as soon as the Candidates List has been certified by the Town Clerk, the Cable Director must notify the candidates of their ability to use the channel. Councilor Arno asked for a definition of "appropriate" programs. Mr. Bonney could not define "appropriate" tonight. Councilor Arno suggested that Mr. Bonney consider adding a little more clarification. Mr. Bonney agreed that he could get rid of "appropriate" if he was going to rewrite the amendment and rephrase it somehow. Mr. Bonney mentioned there is time since nothing will kick in on this until after filing for the November Election. He explained that the Council could adopt this and let him come back with amendments or he could proceed in rewriting them and run them by the committee.

There was Council consensus to have Mr. Bonney rewrite the language.

Mr. Bonney asked the Council Secretary to send him an E-mail reminding him of two points—contracts for equipment use and rewriting “appropriate”.

MOVED AND SECONDED: To table to July 10. (DeGrandpre & Egan)

VOTE: (7 Ayes)

ITEM #91-12

To consider action relative to proposed amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits (Chapter 46).

MOVED AND SECONDED: To change the location of the public hearings scheduled on June 19 to Wolfe’s Neck Farm. (Arno & DeGrandpre) **VOTE:** (7 Ayes)

BE IT ORDERED: That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at the Wolfe’s Neck Farm ~~Town Hall Council Chambers~~ to discuss proposed amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits (Chapter 46).

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

Mr. Olmstead provided background information for Councilors.

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #92-12

To consider action relative to proposed amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D), and the minimum lot size if residential and commercial uses are on the same property (Section 601.F). (Chapter 21)

BE IT ORDERED: That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe’s Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D), and the minimum lot size if residential and commercial uses are on the same property (Section 601.F).

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)

Fred Reeder, Codes Officer, provided an explanation of the amendments.

ROLL CALL VOTE: (7 Ayes)

Councilor Egan asked if this change would negatively impact any RSU5 facilities. Mr. Reeder did not know the answer. Chair Cassida asked Mr. Reeder to check with the Town Planner and have her be prepared to discuss this at the June 19th meeting.

ITEM #93-12 To consider action relative to proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code (Chapter 2).

BE IT ORDERED: That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code (Chapter 2).

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

Fred Reeder, Codes Officer, explained the proposed amendments.

ROLL CALL VOTE: (7 Ayes)

ITEM #94-12 To consider action relative to proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code (Chapter 11).

BE IT ORDERED: That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code (Chapter 11).

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 & DeGrandpre)

Fred Reeder, Codes Officer, explained the proposed amendments.

ROLL CALL VOTE: (7 Ayes)

ITEM #95-12 To consider action relative to proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail (Chapter 23).

BE IT ORDERED: That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail (Chapter 23).

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

Fred Reeder, Codes Officer, explained the proposed amendments.

ROLL CALL VOTE: (7 Ayes)

ITEM #96-12 To consider action relative to the approval of a maintenance contract between the Town of Freeport and Regional School Unit #5 (RSU#5) for maintenance of the Hunter Road Recreation Fields.

BE IT ORDERED: That the maintenance contract between the Town of Freeport and Regional School Unit #5 (RSU#5) for maintenance of the Hunter Road Recreation Fields be approved.

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

Mr. Olmstead explained the five-year contract. He feels it is the best price that can be achieved. Chair Cassida asked about the delivery of equipment and Dennis Ouellette pointed out that there is a six-week lead-time.

Marie Gunning of Telos Road asked about the contract and Mr. Olmstead provided an explanation. She mentioned that she would like to get an update on this project. It would help a lot of people understand where the project stands. Lucy Lloyd of Maquoit Drive noted that people want to know what the big picture is and where we stand. As taxpayers, she noted they are funding it and want to be informed. It is difficult to follow it. Councilor DeGrandpre proposed getting a budget summary of this whole project for the next meeting in District 2. He encouraged people to follow up on the Project Review Board meeting scheduled on the 13th in the Council Chambers. Chair Cassida advised that the Council now knows what the cost of the maintenance will be for five years and will put it together and have it available on the 19th. He stated that the regular Council meeting on the 19th would begin at 8 p.m. The information on the postcard was incorrect. The District 2 meeting starts at 6:30 p.m. Councilor DeGrandpre would like the time change advertised on public access.

Getting back to the contract, Councilor Gideon mentioned that originally \$60,000 was set aside as an estimate for three years of maintenance. In looking at realistic costs, the Council then learned that it would be looking at \$140,000 to \$150,000 per year. The Town Manager negotiated with the RSU regarding the purchase of the machinery by the Town. We got down to a reasonable number, which includes organics so she feels this is ultimately a good partnership. We are also creating a stronger relationship between the Town and the RSU, which will benefit everybody. She pointed out that there

would be discussions in future meetings but the Council has to determine how to deal with the DEP issue. More discussion followed. Councilor DeGrandpre noted that he will support this and thanked everybody for their hard work. Councilor Hendricks also thanked everyone for all the work that was done to get to this point.

ROLL CALL VOTE: (7 Ayes)

ITEM #97-12 To consider action relative to approving funds for field maintenance equipment.

BE IT ORDERED: That up to \$90,000.00 be appropriated from revenue derived from the sale of tax-acquired property to purchase equipment to maintain the Town's recreation facilities.

Note: The proceeds in the tax-acquired property account total \$692,000. (Arno & DeGrandpre)

Mr. Olmstead explained that five pieces of equipment would be purchased. The actual cost is \$89,335.33. He will attach a list to the contract.

ROLL CALL VOTE: (7 Ayes)

ITEM #98-12 To consider action relative to approving the Shellfish Stock Restoration Project and approving the expenditure of funds through August 1, 2012.

BE IT ORDERED: That the proposed Shellfish Stock Restoration Project be approved and that up to \$47,080 be approved through August 1, 2012. (DeGrandpre & Bishop)

Chad Coffin, of the Freeport Shellfish Conservation Commission, provided handouts to the Council. He explained that Phase One is collecting and interpreting data for a baseline on the population of clams and green crabs. Their goal is to increase shellfish production. Once the baseline is established in Phase One, there will be a benchmark for Phase Two.

Chair Cassida pointed out that while there is no doubt that enhancing the clam flats will be of benefit to people that derive their living from fishing those flats, there is also the benefit to restore the native population of a fishery irrespective of whether or not it is fished or not. Everybody in Freeport, not just the clammers will benefit if the Town is successful.

Councilor DeGrandpre noted that this is where new money comes from. It comes to the clammers and they spend it in the community and then it gets spent a couple more times before it goes away. There is a great benefit in creating a larger resource here. It is a great opportunity to be able to learn everything possible in the first phase. He is happy that they will be documenting so much of this along the way.

Mr. Coffin answered questions for Councilors. He advised that the field data will be processed by a Scientist. Dr. Beal will be doing the training. He noted that boats and labor for deep-water traps is still in progress. They have had to extend the bid process for another week. Town Planner, Donna Larson, explained that they have to work through the unknowns. She plans to handle the billing and will keep an eye on the budget. She also plans to give periodic reports to the Council.

Councilor Egan asked if they plan to pursue any grant opportunities. Mr. Coffin explained that they did pursue some but it became clear how important it is for them to maintain the science aspect of this

project. The grant opportunities they have found are small but they are being used as stepping-stones. If they can pull it off and communicate and deliver the science, they will find that a lot more opportunities will open up. They have looked at the Sea Grant Program, the Maine Technology Institute, the Coastal Harbors Improvement Program, etc.

Chair Cassida called for public comment. Lucy Lloyd of Maquoit Drive noted that this project is great. She mentioned the flats that are currently closed because of water quality issues and asked if any portion of this study will be done on how to improve water quality. Mr. Coffin noted that the answer is no because this project is separate but they have a special funds account to do some validation testing and identifying the DNA source of pollution.

Robin Hadlock Seeley, former resident of Freeport and a biologist, pointed out that she has been doing research on Maine green crabs since 2004. She was invited by the Director of Maine Sea Grant to comment on the Shellfish Commission's plan, in particular the green crab control project. She applied her analytical eye to the rest of the project. She viewed the one on the web. The goal and mechanism is a really great idea but she feels the essential pieces of the plan are missing with the result that the town may not be getting the best and wisest use of funds devoted to this project. She feels the proposal is not yet at the scientific level where it could be submitted to other agencies like Sea Grant to obtain external funding. Doing an experiment like green crab trapping before having baseline data is putting the cart before the horse. In the Recompense area, green crabs may be a problem affecting the clam resource whereas in the Harraseeket, it may be water quality but it would be good to lay it all out. She noted that the green crabs have been in Freeport for 110 years so they are abundant and established. In this part of the coast, she feels you cannot control green crabs by trapping. It was determined in the 50s that a fencing and trapping combination may be more successful. She recommends hiring a biologist as a partner for every aspect of the project, from design, analysis and evaluation.

Mr. Coffin pointed out that through the Municipal Shellfish Program, a full-time DMR biologist is available at their disposal any time one is needed. Dr. Beal has been working with the DMR to design the project. He will be playing an important role in this project.

Councilor Egan requested that Dr. Beal provide a letter outlining his role and what he is committed to doing. He is needed to oversee the project design, oversee the data collection, analyze the data, and provide the Council with a report. In his letter, she would like him to provide his outline on what the project is measuring and what the metrics are that are being used to measure that success.

Mr. Coffin explained that in talking with Dr. Beal he learned that he felt he already sent a letter indicating that he will consult on the project. Mr. Coffin does not feel that Dr. Beal should assume oversight of the project. The Shellfish Commission is the group that should determine the direction the project should be going in but they will use consultants to make good decisions. The letter from Dr. Beal was in the original packet given to the Council. Chair Cassida asked Mr. Coffin to make sure everyone has a copy of it.

Councilor Gideon requested that an update be provided to the Council regularly, perhaps at every other Council meeting. Mr. Coffin is confident that they will have some information to report by September 30.

Councilor Bishop asked if the buyer is prepared to take in a half million crabs. Mr. Coffin indicated that the buyer is prepared to take them in because he needs to fill 20,000 lb. containers.

MOVED AND SECONDED: To amend the dollar figure from \$47,080 to \$58,825 and the date to September 30, 2012. (Bishop & Hendricks) **ROLL CALL VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #99-12 To consider action relative to a resolution regarding an Amendment to the United States Constitution to overturn *Citizens United v. Federal Election Commission*.

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech of persons; and

WHEREAS, Corporations are not people but instead are artificial entities created by the law of states and nations; and

WHEREAS, corporations are not mentioned in the Constitution; and

WHEREAS, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations and extremely wealthy individuals seeking to evade democratically-enacted reforms; and

WHEREAS, corporate misuse of the First Amendment and the Constitution reached an extreme conclusion in *Citizens United v. Federal Election Commission* (2010); and

WHEREAS, the ruling in *Citizens United* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, the majority in *Citizens United* rejected the common sense that has guided over 100 years of state and federal efforts to prevent electoral spending from becoming a form of influence buying; and

WHEREAS, the majority in *Citizens United* erroneously presumed that disclosure of corporate expenditures to shareholders and to the public sufficiently exist and can alone sufficiently protect democracy from the purchasing of preferred access to elected officials; and

WHEREAS, *Citizens United* erroneously equated the desire of large corporations to influence political decision-making through massive electoral expenditures with the speech of disadvantaged individuals and groups seeking to make their voices heard; and

WHEREAS, Justice John Paul Stevens' opinion for the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, the *Citizens United* dissent correctly observed that money spent on behalf of candidates is a means of amplifying speech and not a form of political speech itself, and

WHEREAS, as a result of the decision in *Citizens United*, the political spending of corporations and wealthy individuals receives a constitutional presumption of protected status; and

WHEREAS, *Citizens United* has in fact unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, contrary to the *Citizens United* court's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by secretive political committees not required to disclose their donors; and

WHEREAS, independent expenditures, including those made by corporations, have played a dominant and deleterious role in shaping the 2012 presidential election thus far; and

WHEREAS, *Citizens United* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections, many of them over 100 years old; and

WHEREAS, the opinion of the Montana Supreme Court in *Western Tradition Partnership v Attorney General* demonstrated the continued compelling state interest in preventing corruption that motivates reasonable restrictions on corporate campaign spending; and

WHEREAS, *Citizens United* represents a serious and direct threat to our democracy; and

WHEREAS, the general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, Notwithstanding the decision in *Citizens United*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections;

NOW THEREFORE, in light of the United States Supreme Court's *Citizens United* decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, the Council of the Town of Freeport, Maine voted on June 5, 2012, to urge the Maine Congressional Delegation and the U.S. Congress to propose an amendment to the U.S.

Constitution for the States' consideration which provides that **money is not speech**, and that **corporations are not persons** under the U.S. Constitution; to urge the Legislature of the State of Maine pass a similar resolution; and to direct the Town to send its resolution to Maine State and Federal representatives within thirty days of passage of this measure.

Note: This resolution is being recommended by Councilor Gideon

Councilor Gideon explained the resolution and asked the Council to make this bold statement. Councilor DeGrandpre explained his concerns and noted that he won't support this because he feels it is a half measure. Councilor Arno thanked Councilor Gideon for bringing it forward. She hadn't paid much attention to this issue and has not had time to research this. Chair Cassida feels that all parties are taking advantage of the loopholes.

Ed Bradley, resident, thanked Councilor Gideon for bringing this issue forward. He feels that Citizens United has made a substantial change in the way politics are conducted in the U.S. It has to do with a fundamental difference between what motivates companies and what motivates people in the political process. We are all good people and differ. He stated that profit motivates corporations. Money is playing such a huge role in the conduct of politics on the national and state levels. He asked the Council to make a symbolic vote tonight. This is a serious issue.

Councilor Egan pointed out that this is not typical town business but it is a big threat to how America has done business for a long time. It's bigger than Freeport but she feels the Council should take a stand.

Chair Cassida polled the Council, asking for a show of hands and there were (6 Ayes) and (1 Nay—DeGrandpre)

OTHER BUSINESS:

1. Informational Exchange / Committee Report

Councilor Gideon advised that she and Councilor Egan have been working with a group of people on pedestrian and bike access in Freeport. They were not able to move it forward the way they hoped. They would like to create a plan that lays out where we have pedestrian and bike lanes now and definitively lays out how we should move forward in the future to expand access through town. They would like to create a committee. They will schedule a meeting and ask anyone interested in the public to come to this first meeting to help them. Their proposed charge is to make it easier and safer to hike, bike, walk and ski in Freeport. The first meeting will take place on June 20 at 9 a.m. at Town Hall. For more information, residents can call Councilors Gideon or Egan.

Councilor Egan mentioned that they are looking forward to working with the Traffic and Parking Committee who has been looking at some of the recommendations that came from students earlier this year.

Mr. Olmstead suggested adding to the charge to require the committee to bring forward recommendations for costs and potential funding sources. Chair Cassida had conversations with Councilors Gideon and Egan and he would be comfortable having come out of this June 20 meeting to have all the interested parties get together and brainstorm how to proceed. He would like this group to come up with a slate of committee members and decide who will lead the charge. When it returns to the Council on July 10 some of the details will all be ironed out and presented to the Council for authorization and then they can move forward with doing that work. He clarified that this is not a town committee until the Council appoints one.

Councilor DeGrandpre pointed out that the Fields Committee will meet Thursday morning at 7:30 a.m. in Council Chambers.

ITEM #100-12 To consider action relative to an executive session with the Town Attorney to discuss the Town's rights and responsibilities concerning Cable T.V. Franchise Negotiations (1 M.R.S.A. § 405(6)(E)) and a real estate transaction (1 M.R.S.A. § 405(6)(C)).

MOVED AND SECONDED: That the Council enter into Executive Session. (Gideon & DeGrandpre) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To take an item off the printed agenda. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To authorize the Town Manager to enter into signing the franchise agreement for Cable Television with Comcast with regards to the two memos dated June 4, 2012 and June 5, 2012. (Bishop & Egan) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:46 p.m. (Bishop & Hendricks) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council secretary

MINUTES
FREEPORT SPECIAL TOWN COUNCIL MEETING #12-12
FREEPORT PUBLIC SAFETY BUILDING – MEETING ROOM
WEDNESDAY, JUNE 13, 2012 - 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 6:30 p.m.

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

ITEM #101-12	To consider action relative to an Executive Session with Eaton Peabody Consultants 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).
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MOVED AND SECONDED: That the Town council enter into Executive Session.
(Degrandpre & Bishop) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To adjourn at 8:05 p.m. (Bishop & Hendricks)
VOTE: (7 Ayes)

Respectfully submitted,

Judith Hawley
Assistant to the Town Manager

MINUTES
FREEPORT SPECIAL TOWN COUNCIL MEETING #13-12
HAMPTON INN – MEETING ROOM
MONDAY, JUNE 18, 2012 - 6:00 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 6:00 p.m.

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

ITEM #102-12	To consider action relative to an Executive Session with Eaton Peabody Consultants for the purpose of interviewing candidates for the position of Town Manager. 30A MRSA 2702(1A) and 30A MRSA 405(6).
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MOVED AND SECONDED: That the Town council enter into Executive Session.
(Gideon & DeGrandpre) **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 10:05 p.m. (Bishop & DeGrandpre)
VOTE: (7 Ayes)

Respectfully submitted,

Judith Hawley
Assistant to the Town Manager

**MINUTES
FREEPORT TOWN COUNCIL MEETING #14-12
WOLFE'S NECK FARM HOUSE
TUESDAY, JUNE 19, 2012 - 8:00 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 8 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #11-12 held on June 5, 2012 and #12-12 held on June 13, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #11-12 held on June 5, 2012 and #12-12 held on June 13, 2012 and to accept the Minutes as printed. (Bishop & Egan)

Councilor Arno referred to page 12 regarding the motion to consider the resolution. Instead of "Councilor Arno mentioned she hasn't paid much attention to this issue and has not had time to research this, she suggested clarifying the language to "Her concern was how partisan an issue this is."

VOTE ON AMENDED ORDER: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Councilor Arno reminded everyone that on June 23 Harraseeket Heritage Days would take place at Brewer's in South Freeport. The Schooner Bowdoin will be there and there will be an opportunity for tours as well as to sail for a couple of hours. There will be activities throughout the day as well as an evening event. Information is on the Freeport Historical Society website.

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

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

Eric Pandora of Birch Point Road asked if the memorandum with the summary of the Hunter Road Fields is on the agenda this evening. Chair Cassida explained that it is not on the agenda but was provided to the public for information purposes. Mr. Pandora asked about the \$500,000 received from L.L. Bean and the planned initial fundraising efforts of \$1 million. Chair Cassida pointed out that his understanding is that the fundraising effort is no longer necessary because the size of the lodge has been scaled back. The fundraising was planned primarily for the construction of a larger lodge.

COUNCIL MEETING #14-12
JUNE 19, 2012

Marie Gunning of Telos Road asked if there are any other anticipated costs such as trash removal and road maintenance. Councilor DeGrandpre explained that the RSU5 will handle the trash removal and the dirt work will be done by the Highway Department. He suggested that Ms. Gunning obtain a copy of the Hunter Road Fields scope of work by requesting one at Town Hall. He suspected she might also be able to find one on the Town's website. Councilor Egan pointed out that it was included in the Council's packet for its last meeting so it would be on the Town's website. Ms. Gunning asked what is going on with the parking.

Councilor DeGrandpre noted that there are 300 parking spaces on site. Ms. Gunning explained that she does not believe 300 spaces are enough and mentioned overflow parking. This issue came up at Project Review. She feels this is a critical issue and if a lodge is brought on, the parking will need to be accommodated. Chair Cassida advised that this is a legitimate point and offered to look into it and will address it at the next Council meeting. Chair Cassida will ensure that the appropriate committee is working on it.

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

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

ITEM #109-12 To consider action relative to adopting the June 19, 2012 Consent Agenda.

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Johanna Hanselman pointed out that the Town has only received two completed Waste Hauler Licenses—Waterman's and Wentworth's. Chair Cassida recommended that someone make a motion to remove Reynolds & Sons, Waste Management of Maine, Troiano Waste Services, Pine Tree Waste and BBI Waste Industries from the Consent Agenda. They can be taken up separately and adopted provisionally.

MOVED AND SECONDED: To remove Reynolds & Sons, Waste Management of Maine, Troiano Waste Services, Pine Tree Waste and BBI Waste Industries from the Consent Agenda and deal with them as a separate item. (DeGrandpre & Gideon) **VOTE:** (7 Ayes)

BE IT ORDERED: That the June 19, 2012 Consent Agenda be adopted as amended. (DeGrandpre & Gideon) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: That Reynolds & Sons, Waste Management of Maine, Troiano Waste Services, Pine Tree Waste and BBI Waste Industries be approved on the condition that their application and fees are received prior to the receipt of their license. (Bishop & Gideon) **ROLL CALL VOTE:** (7 Ayes)

ITEM #110-12 To consider action relative to proposed amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits (Chapter 46). **PUBLIC HEARING**

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

COUNCIL MEETING #14-12
JUNE 19, 2012

Johanna Hanselman provided an explanation for Councilors. There were no public comments.

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

Discussion followed. Councilor Gideon pointed out that FCS has a heating fuel fund as well as the Town and they plan and coordinate with Ms. Hanselman. Councilor DeGrandpre mentioned that announcements regarding needs could always be made at the Council level.

BE IT ORDERED: That the proposed Ordinance amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits be approved. (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #111-12 To consider action relative to proposed amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D), and the minimum lot size if residential and commercial uses are on the same property (Section 601.F). (Chapter 21) **PUBLIC HEARING**

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

Fred Reeder, Codes Officer, provided an explanation on this item. There were no public comments.

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

BE IT ORDERED: That the proposed Ordinance amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D, and the minimum lot size if residential and commercial uses are on the same property (Section 601.F) be approved. (DeGrandpre & Bishop)

Councilor Gideon asked which zone this would apply to and if it would apply to home occupations. Mr. Reeder advised that it would be the Rural Residential Zones but does not apply to home occupations.

ROLL CALL VOTE: (7 Ayes)

ITEM #112-12 To consider action relative to proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code (Chapter 2). **PUBLIC HEARING**

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

Fred Reeder, Codes Officer, provided an explanation on this item. There were no public comments.

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

BE IT ORDERED: That the proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code be approved. (Arno & Bishop)

ROLL CALL VOTE: (7 Ayes)

ITEM #113-12 To consider action relative to proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code (Chapter 11). **PUBLIC HEARING**

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

Fred Reeder, Codes Officer, provided an explanation on this item. There were no public comments.

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

BE IT ORDERED: That the proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code be accepted. (Egan & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #114-12 To consider action relative to proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail (Chapter 23). **PUBLIC HEARING**

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

Mr. Reeder, Codes Officer, explained that there is no longer a town rail and no need to reference it. There were no public comments.

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

BE IT ORDERED: That the proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail be approved. (Bishop & DeGrandpre)

Councilor Gideon advised that she, Sande Updegraph and Donna Larson tried a number of locations in town and asked businesses if they would let the Town have a new rail. They found no one willing to do that.

ROLL CALL VOTE: (7 Ayes)

ITEM #115-12 To consider action relative to accepting a grant from CDBG in the amount of ~~\$43,000~~ \$143,000 to install utilities at West Street property owned by the Town.

BE IT ORDERED: That the grant from CDBG be accepted.

COUNCIL MEETING #14-12
JUNE 19, 2012

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the contract with CDBG. (Gideon & DeGrandpre)

Town Planner, Donna Larson explained that the West Street property in question is located behind Freeport Farms. She corrected the amount of the grant to \$143,000 and explained the grant to Councilors. Councilors congratulated Ms. Larson on her success in obtaining this grant.

ROLL CALL VOTE: (7 Ayes)

ITEM #116-12 To consider action relative to signing a two-year contract to provide for Mind Mixer.

BE IT ORDERED: That the Town Manager be authorized to sign a two-year contract with Mind Mixer to provide for Mind Mixer for Fiscal Years 2013 and 2014.

Note: The contract amount is \$12,000.00 of which \$6,000 was funded for FY 2013. (Hendricks & Bishop)

Chair Cassida explained that the reason this item is on the agenda this evening is because the Council's trial period will cease at the end of this month. If the Council does nothing, the site will cease to exist. If the Council wants to keep Mind Mixer moving while it studies whether or not it is a useful tool, the Council needs to take action this evening. The Town Planner had a conversation today with Mind Mixer regarding the contract. He clarified that the contract in place would be \$12,000 for two years but the Council would only pay \$4,000 up front and will be billed approximately \$180 per month. The Council has a 30-day out clause.

Councilor Arno pointed out another option is to do no action and let it go and then decide if the Council wants to contract it. It would not rule out reactivating it once the Council got its plan together. The Council has had a test period. She is interested in hearing more. Councilor DeGrandpre hopes that the Council can find a better way to measure the success of Mind Mixer with better questions or different questions. He feels the Council spent time as a trial without really putting it to the test. He would like to know if this is effective in helping the Council communicate better with everybody in the community and vice versa. Councilor Hendricks advised that he wasn't sold on Mind Mixer the last time it was discussed and is not sold on it now. He has paid attention to the user ship and there are few people talking about it.

Roben Voigt of Maquoit Drive pointed out that he doesn't find it very effective and feels confident the Council can find something else.

Councilor Gideon feels this is a great opportunity and it takes time to actually build a participating body to make a difference. She noted that it would be a missed opportunity to let it go and then try to reinstate it in the future. She is confident it is a valuable tool but is sensitive to the fact that it costs thousands of dollars.

Councilor Egan advised that she has been disappointed with how this has played out. There are 71 active users and some new ideas have come forward. She mentioned the Town Planner has been able to use some of the suggestions that have come forward in her grant applications. She feels it has value. She noted that the Council didn't do much advertising around town and feels they have not given it a real try. She mentioned that the Council decided in the Operations Budget that they wanted to use the website money and the Mind Mixer money and put it together in a pot that helps the Council do a comprehensive strategy for electronic communications with citizens. She would hope that the Council could convince

COUNCIL MEETING #14-12
JUNE 19, 2012

Mind Mixer to not take down the site, but allow it to limp along for a few weeks, it would provide time for a few Councilors to get together in a task force to investigate if there is an equivalent to Mind Mixer out there that doesn't cost money. It can be brought back for a vote and the Council can continue some kind of interactive web. Over the summer the Council can have a more comprehensive strategy on how to upgrade its web presence with citizens.

Donna Larson noted that Mind Mixer might be willing to entertain this but the monthly rate would not be \$180. The typical fee would be somewhere around \$500 a month. She offered to call them tomorrow morning. She advised that the promotional package is ready which includes 100 posters and hundreds of small business cards. They are waiting for a decision. A discussion about questions still needs to take place. She would love to hear what the Council thinks would be good questions to put up there. It has been trying in attempting to not go too far out on a limb but doing something to try to draw some interest to the site. She mentioned that she would copy comments with the sidewalk project into the grant proposal so the Council can see there is solid public support. Announcements can also be put on it. She noted that there are different things that can be done on this site that haven't yet been done.

Chair Cassida pointed out that he is not comfortable voting for \$12,000 tonight. He would like to see it continue for a short time. He is willing to make a commitment of \$4,000 and \$180 month for three or four months to give it a little more time to see if it can be successful. He would recommend that the Council approve it tonight and check back monthly to determine if it is working or not and decide if the Council should pull the plug. If there are issues, the Council should continually fix them.

Councilor Bishop pointed out that it is possible that Ms. Larson could get Mind Mixer for three months at \$500 a month without jumping into the \$4,000 commitment.

Councilor DeGrandpre asked Eric Pandora and Roben Voigt for their opinions on Mind Mixer. They both indicated that they look at it but do not use it much. They would like the structure to be more sophisticated and useful. Mac Lloyd noted that he does not use a computer.

Councilor Arno appreciates Ms. Larson finding the time to integrate the use of this new tool. She noted the Council does not have a strategy but has left it up to the Town Planner to technically launch Mind Mixer and also create strategically compelling content. She is not excited about signing onto a \$12,000 contract until the Council has more strategy. She is willing to have Ms. Larson ask if the Council can have a few more months to work with Mind Mixer while the Council activates a team and seriously thinks about it.

Councilor Hendricks pointed out that he would not vote for this unless there is commitment from the Council to work together as a committee. Councilors Egan, Arno and DeGrandpre volunteered. Ms. Larson noted that the best sites have topics that change frequently. She would need help with ideas and it could be handled by E-mail.

MOVED AND SECONDED: To authorize the Town Manager to go back and see what he can negotiate until the end of September and report back at the next Council meeting with the subcommittee of three that will assist. (Bishop & Egan) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

OTHER BUSINESS:

1. Activity update from the Freeport Chamber of Commerce and the Freeport Economic Development Corporation.

COUNCIL MEETING #14-12
JUNE 19, 2012

Debora King from the Freeport Chamber thanked the Council for its financial support. She provided an activity update for Councilors.

Sande Updegraph from FEDC thanked the Council for providing an opportunity for her to provide her quarterly updates and proceeded to do so.

Chair Cassida asked what the contract cost for Vision 2025 is and Ms. Updegraph advised that it is \$39,000 and change. The budget they have developed for the project is \$60,000. \$20,000 has been appropriated from FEDC funds, their "savings account" that is accumulated every year. The other \$40,000 has been mostly committed by private businesses. They have commitments to cover the \$39,000 plus some additional monies. They may not use the entire \$60,000 but sometimes there are cost over runs. Chair Cassida inquired about a schedule for public participation events and Ms. Updegraph advised that the schedule would be put on their website shortly.

Councilor Hendricks asked if there is a list of individuals that is being asked to participate in the public portion of the project that can ask questions of the consultant. Ms. Updegraph did not have a list on the website but mentioned that eight people have been asked so far. There will be more conversations next week. She was asked to put the list on the website.

Councilor Arno is pleased that Ms. King is reaching out to the Brunswick Chamber. She mentioned that she has a great connection that can help Ms. King with that project. She hopes the next quarterly report will be televised and scheduled earlier in the evening.

Councilor DeGrandpre mentioned that he would like the Council to look at the mechanisms that are available to move Natural Gas around Freeport. He mentioned that the Council should perhaps look at redirecting TIF funds for this purpose.

Councilor Egan thanked Ms. King and Ms. Updegraph for their reports. She knows that Vision 2025 is really important and is certain that Ms. Updegraph will be putting together a plan for civic engagement and public involvement. It would be useful for the Council to know sooner rather than later what the consultant is planning and to make sure there are more open public meetings in the fall. She feels having these public meetings would be great. She recalled the Council having discussions in the spring about whether the Council should be funding economic development. A very rich discussion was held around that. One of the outcomes was that the Council wanted to have Council goals. These quarterly reports were going to help the Council evaluate whether its investment of public tax dollars were meeting those goals. She is not sure the Council actually established those goals. She is expecting that Vision 2025 will help the Council with that. Maybe a goal is around Natural Gas expansion or decreasing vacancy rates. Part of the reason for funding the Chamber is to see support for Freeport's smaller homegrown businesses and make them stronger. She would want some indicators to know whether those programs are actually succeeding in those goals. She asked the Council if it did this or does it have it in some form. If not, she asked if the Council could put a process in place to start to establish those goals.

Councilor DeGrandpre noted that the next quarterly meeting with the Chamber and FEDC will be in the fall, which will be at the end of the Council year. He noted the Council does not have a goal established yet. Chair Cassida pointed out that the idea was to have the goals before investing the dollars but the Council should make a concerted effort to sit down with FEDC and the Chamber and have a conversation about what those goals should be. He noted that this could be done in July or August to work this through. He advised that the Council is trying hard to get Natural Gas representatives to talk to them. The Council is not getting a lot of help from them in extending the line to parts of the community, mostly residential where they feel it is not within their financial

COUNCIL MEETING #14-12
JUNE 19, 2012

interests to do so. As a community, we may decide that servicing certain residential areas is of value to the community. The Council may be willing to make some public investment in that area.

Councilor Arno advised that FEDC and the Chamber have their own goals and they are responsive and eager to help. The Council is certainly not operating without goals.

Councilor Egan wants the Council to set economic development goals in general which may include Natural Gas and which may or may not include those organizations but is a direction the Council may want to take. She feels it is valuable for the Council to have its own set of goals. Chair Cassida noted that if the Council sets its own goals and encourages the two organizations to have goals that work with the Council's so that everyone is working towards a common end. It is not the Council's job to set their internal goals but it can set its own goals as a community. They will know that these are the Council's priorities.

Councilor Egan asked FEDC and the Chamber to provide their goals in written form, which were presented earlier. She mentioned that the Council needs to make sure it is holding these organizations accountable for the public investment. She wants to know that the benchmarks are being met through the grants that have been provided to each organization. She explained that the Council could work back and make sure that the investments the Council is making in these organizations are measurable against the goals the Council has set for itself.

Councilor Arno pointed out that the FEDC goals have been provided to the Council in written form a couple of times.

Mac Lloyd explained that these people have been hired to work for residents. He would like to see what they are being paid for. He hasn't seen any FEDC goals and if they are using his tax dollars to pay for the consultant, he would like to participate with this consultant. \$20,000 is being paid to the consultant from money they have saved up over the years. He feels that it is taxpayer's money they have saved up over the years. He also wants to know who the other participants are. There is a gray area in this whole operation of public and private. It could turn ugly. Mr. Lloyd asked:

- Is Vision 2025 a town project or an FEDC project?
- After it is done, will the Council vote for it?
- What did the Council do with Vision 2010 and were all the goals met on it?
- Is it an amendment to the Town Charter or does it just sit there?

Chair Cassida pointed out that Vision 2010 was accepted as a visionary plan for the community for that period of time. FEDC continued to shepherd the progress toward the goals set in that plan and they were modified over time because things changed. He is certain that many of the goals were met, but perhaps not all of them. Some of them became irrelevant over time. Ms. Updegraph explained that approximately 80% of the goals were met.

Councilor Gideon suggested that Councilors individually could come up with ideas and have it be an agenda item. The Council could discuss this for 20-25 minutes and see how it goes, rather than making it into another whole workshop. Chair Cassida agreed and suggested putting it on the August agenda.

Councilor DeGrandpre asked for the written FEDC and Chamber goals so he could understand their thoughts. Chair Cassida feels this is something the Council should do yearly. He recommended setting the economic development goals early in December for the forthcoming year. Because the Council is doing this now, he recommended that the goals that are being set for now and the forthcoming year so the Council will not have to duplicate them in December. When that happens, he suggested getting on a regular schedule of setting economic goals in conjunction with the organizations in December so that everybody is on the same page going into next year. The discussion will be put on the August agenda.

2. Informational Exchange / Committee Report

Chair Cassida noted that if he is here at all, he would be late for the next Council meeting scheduled in July. He has a work commitment that he cannot change. He expects to be back in town at 8:30 or 9 p.m. He explained that Vice Chair Gideon is very capable.

Councilor DeGrandpre pointed out that the second meeting in July has been moved to the 19th. Chair Cassida explained that the Town Manager's search is underway. The first round of interviews were held yesterday and a second round of first interviews will take place tomorrow. The schedule is on the Town's website. There will be a public reception with the chosen finalists on July 12 at the Community Center. The Council will be making a hiring decision sometime thereafter. The new Town Manager should be on board on September 4 and Mr. Olmstead's last day is scheduled on October 18. So far the Council is on schedule. If anything needs to be changed, it will be posted on the web.

Councilor DeGrandpre advised that Traffic and Parking has come up with a light removal list that will be coming to the Council at some point. Albert Presgraves will work on the locations for the lights being added in the village. They are looking at the Snow Road to Justin's Way as well as the Snow Road and Elm Street.

The Fields Committee folks will be meeting Thursday evening at 5 p.m. or 5:30 p.m. at Hunter Road to look at an irrigation leak. There is another area where the irrigation is not working quite right. They are talking about a final inspection and want to make sure the school is on board when accepting it from the Town. That is moving forward. The league has been playing there and he noted that it is good to see the fields being used. Councilor Egan pointed out that her son participated in the first game on the third field and was very excited.

MOVED AND SECONDED: To adjourn at 10:15 p.m. (DeGrandpre & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT SPECIAL TOWN COUNCIL MEETING #15-12
HAMPTON INN – MEETING ROOM
WEDNESDAY, JUNE 20, 2012 - 6:00 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 6:00 p.m.

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

ITEM #117-12	To consider action relative to an Executive Session with Eaton Peabody Consultants for the purpose of interviewing candidates for the position of Town Manager. 30A MRSA 2702(1A) and 30A MRSA 405(6).
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MOVED AND SECONDED: That the Town council enter into Executive Session.
(DeGrandpre & Bishop) **VOTE:** (7 Ayes)

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

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

Respectfully submitted,

Judith Hawley
Assistant to the Town Manager

MINUTES
FREEPORT TOWN COUNCIL MEETING #17-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, JULY 10, 2012 -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 (late)		
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		

Vice Chair Gideon called the meeting to order at 6:30 p.m. and took the roll. She explained that Chair Cassida would be arriving at approximately 9 p.m. this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #13-12 held on June 18, 2012, Meeting #14-12 held on June 19, 2012, Meeting #15-12 held on June 20, 2012 and meeting #16-12 held on July 9, 2012 to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #13-12 held on June 18, 2012, Meeting #14-12 held on June 19, 2012, Meeting #15-12 held on June 20, 2012 and meeting #16-12 held on July 9, 2012 to accept the Minutes as printed. (Bishop & DeGrandpre)

Councilor Egan referred to the Minutes of June 19, 2012, page 6 and suggested striking the motion recorded under Item #116-12. Discussion followed. There was consensus that this would make the issue easier. Councilor Egan proposed new language.

MOVED AND SECONDED: To strike the motion under Item #116-12 and direct the Town Manager to try to negotiate a \$500 per month three-month extension and if unsuccessful, negotiate a two-year contract with no up front costs at \$500 per month with a 30-day opt out clause and authorize the Town Manager to sign the contract. (Egan & DeGrandpre) **ROLL**

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

MOVED AND SECONDED: To approve the fourmeeting minutes as amended. (DeGrandpre & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

SECOND ORDER OF BUSINESS: Announcements

Vice Chair Gideon advised that Mike Pottle, Site Manager of the Town's Recycling Center passed away last week unexpectedly. He worked for the Town of Freeport for 20 years and he will be missed greatly. She called for a moment of silence to be observed.

Vice Chair Gideon announced:

- The Appointments Committee is looking for applicants to fill vacancies on the Project Review Board, Planning Board and Recycling/Solid Waste Committee. Applications can be obtained at the Town Clerk's office or from the Town's website. Applications should be returned to the Town Clerk's office or the Town Manager's office.

- The New England Forestry Foundation will be hosting a forest tour on Friday, August 3 beginning at 10 a.m. at the Arnold Family Forest in South Freeport. For more information, residents can go to www.Newenglandforestry.org/events.
- The Winslow Park Summer Concerts have begun. This Thursday will be the Robby Coffin Combo. The entrance fee for residents is \$2 and for non-residents it is \$3. Season pass holders and campers are admitted free. Concerts will take place every Thursday evening until August 16. For a full schedule of events or information, please call the gatehouse at 865-4198.
- FCTV is down temporarily and will not be broadcasting for approximately one to two weeks. The server is under warranty and has been sent back to the manufacturer. Video on Demand will still be available for meetings currently on file and any meetings held at Town Hall while awaiting the equipment to be returned.

Councilor DeGrandpre reminded everyone that one of the two Town Manager finalists will be available to meet with the public Thursday from 6-7 p.m. and the second one will be available from 7:15 p.m. to 8:15 p.m. at the Community Center. If anyone has feedback, please forward the information to the consultant, Eaton Peabody so everybody will get it. He encouraged everyone to spread the word.

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. (Egan & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Cassida)

Sande Updegraph noted that as part of Vision 2025, the consultant has requested permission from the Town to use Freeporttalks.org, the Mind Mixer interactive comment software package the Council has just been talking about. He has been given permission as part of the public process for visioning to structure some questions and post them. The consultant is working closely with Donna Larson and she will be monitoring the structure of the questions and how it works as she does for other entities. Ms. Updegraph is looking forward to seeing the type of comments that are provided.

Mac Lloyd of Lower Flying Point Road had a few questions regarding FEDC. He noticed that all of their meetings are scheduled at the Freeport Community Center and asked if they get use of the Center free. He noted that FEDC appears to give money to non-profits in Freeport and he wonders why they can give money to non-profits. He does not understand why they can donate taxpayer money to non-profits. He requested that someone get back to him with this information.

Andy Wellen of 83 Hunter Road had questions about the possibility of giving the Pownal Road field to the RSU. Vice Chair Gideon explained that this is an agenda item and he is welcome to address this issue later when it comes up. Mr. Wellen noted his concern that agenda items appear on the table at the last minute, which does not give the public much of an opportunity to comment before hand. He would like the Council to revisit the rule. He would prefer an open debate with the community.

Councilor DeGrandpre explained that when the Council calls for the agenda item, the public would have an opportunity to provide comments.

Roben Voigt of Maquoit Drive voiced concerns with the high-density build up on his road and on the waterfront. He explained his concerns at an Appeals Board meeting last week but wanted to bring potential problems with water, septic and parking to the Council's attention.

MOVED AND SECONDED: To close the Public Comment Period for Non-Agenda Items only. (Egan & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Cassida)

Vice Chair Gideon requested that Ms. Updegraph provide answers to Mr. Lloyd as well as the Council. She plans to have a conversation with the Town Manager about Mr. Voigt's concerns. Councilor Egan suggested that Mr. Wellen sign up on the Town's website to get the Council agendas in advance. Councilor Arno mentioned that Fred Reeder has a wealth of information on the high-density issue and it may be valuable for the Council to sit down with Mr. Voigt and Mr. Reeder to get the Council's hands around it.

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

ITEM #126-12 To consider action relative to adopting the July 10, 2012 Consent Agenda.

BE IT ORDERED: That the July 10, 2012 Consent Agenda be adopted.
(Egan & Bishop)

Vice Chair Gideon reviewed the items on the Consent Agenda for members of the public. Finance Director, Abbe Yacoben explained the issuance of Municipal Tax Release Deeds.

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

ITEM #127-12 To consider action relative to applications for Special Amusement Permits.
PUBLIC HEARING

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

There were no public comments made.

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

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

Harraseeket Inn, 162 Main St
Azure Café, 21 Carriage Rd
Lobster Cooker, 39 Main St
Buck's Naked BBQ, 568 US Route 1
Linda Bean's Maine Kitchen & Topside Tavern, 88 Main St
Jameson Tavern, 115 Main St (DeGrandpre & Bishop)

Vice Chair Gideon noted that she spoke to the Town Manager and learned that there have not been any complaints on any of these businesses during the past year.

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

ITEM #128-12 To consider action relative to the endorsement of a Small Harbor Improvement Program (SHIP) grant and the appropriation of a local match in the amount of \$4,990 for the repair of stairs and drainage improvements at Sandy Beach.

PUBLIC HEARING

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

There were no public comments made.

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

Vice Chair Gideon explained that Sandy Beach is located in South Freeport and there are some steep stairs that go down to the beach that are in disrepair. There are also drainage issues under the stairs which need to be addressed. In order to apply for the grant, endorsement by the Council is needed. If the grant is received, the work will have to be done immediately.

BE IT ORDERED: That the SHIP grant application be endorsed by the Freeport Town Council. (Arno & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

Note: This grant requires that a public hearing be held on the grant application. It also requires a local match of \$4,990 that will be taken from the Infrastructure Reserve Account. The balance of that account is \$19,960. The grant application is due on August 3rd. Some minor adjustments to the draft application may be made before the application is submitted.

ITEM #129-12 To consider action relative to the endorsement of a Safe Routes to School / Transportation Enhancements grant for the construction of a sidewalk on Elm Street and Snow Road. **PUBLIC HEARING**

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

Vice Chair Gideon explained that this is a highly walked and biked area. There are a large number of young children that live and play in this neighborhood and who will be walking to school in the future. Additionally, the RSU is talking about making major renovations to the High School and possibly some field changes which could increase traffic in this area. The Town is looking to complete the sidewalk structure from the end of the High School to Elm Street in order to complete a comprehensive sidewalk system for the schools. The Town is applying to MDOT which has public grant programs and MDOT will decide which programs the money will go towards. The Town will be applying for two separate grants for Snow Road versus Elm Street and it is highly unlikely Freeport would get both. Discussion followed.

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

Councilor Arno noted that this is a great idea for this area. As the Town adds more sidewalks, she asked how it is calculating its long-term maintenance. She explained that she doesn't need all of this

information this evening. Councilor DeGrandpre pointed out that the largest piece is snow removal from a maintenance standpoint. Vice Chair Gideon pointed out that Council endorsement is necessary in order to apply for the grants.

BE IT ORDERED: That the Safe Routes to School / Transportation Enhancements grant application be endorsed by the Freeport Town Council.

Note: This grant requires that a public hearing be held on the grant application. A local match may be required and would have to be included in the 2013/2014 Capital Budget. The application is due on August 3, 2012. Some minor adjustments to the draft application may be made before the application is submitted. (Hendricks & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #130-12 To consider action relative to entering into a lease agreement between the Town of Freeport and L.L. Bean Inc. for the leasing of property located on Depot Street (a portion of Tax Assessor Map 11, Lot 134).

BE IT ORDERED: That the proposed lease be approved and the Town Manager be authorized to sign the lease on behalf of the Town of Freeport.

MOVED AND SECONDED: To table Item #130-12 until later in the evening when the Town Manager arrives and move on to Item #131-12. (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #131-12 To consider action relative to a transfer of funds from the Fiscal Year 2012 Operating Budget to the Freeport Fuel Fund.

BE IT ORDERED: That \$8,000 be transferred from the FY 2012 General Assistance budget to the Freeport Fuel Fund. (Bishop & Egan)

Vice Chair Gideon provided some background information.

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

ITEM #132-12 To consider action relative to the transfer of a portion of Town owned property located on the Pownal Road to Regional School Unit #5 (Tax Assessor Map 22, Lot 64).

MOVED AND SECONDED: To table until the Town Manager can explain the thought process and Chair Cassida arrives. (DeGrandpre & Hendricks) **VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #133-12 To consider action relative to establishing “Quiet Zones” at railroad crossings within the Town of Freeport.

BE IT ORDERED: That a Public Hearing be scheduled for August 7, 2012 at 6:30 p.m. in the Town Hall Council Chambers to discuss a proposal to establish “Quiet Zones” at railroad crossings within 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. (Arno & DeGrandpre)

Vice Chair Gideon mentioned that Wayne Duffett is not here tonight and also will not be at the public hearing. Mr. Duffett put some information together for the Council in the event it is interested in applying for “quiet zones”. She provided an explanation on supplemental safety measures for Councilors.

Councilor Arno asked if the Town Planner would be at the public hearing. Vice Chair Gideon noted that Ms. Larson would be in attendance and she hopes Mr. Duffett will also send a representative from his firm. She worries that too many questions may come up. The Council needs to set the public hearing this evening.

Councilor Egan requested a summary of all the Freeport intersections and asked if Freeport can do channelization or not, at what cost and from a safety perspective. She also is interested in maintenance costs. Councilor DeGrandpre noted he wants a public hearing so the Council can get public input and then the Council will have to discuss what it will do with all the information. Councilor Arno would like to hear from the Train Committee on their outreach plan and whether our Police are already active in communicating with the schools and other people that like to walk the tracks. Knowledge of this would have bearing on how she feels about quiet zones.

Shannon Garrity, abutter to the railroad tracks on West Street, explained that she is in favor of quiet zones. She has been talking with her neighbors about the number of potential trains and the timing. She will point out when the public hearing will take place to all her neighbors. Councilor Hendricks offered to meet with the neighborhood should they want to get together and discuss their concerns. Councilor Egan requested that decibel levels of the train going by at different times should be provided at the public hearing.

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

ITEM #134-12	To consider action relative to casting a vote for Freeport’s delegate to the Maine Municipal Association’s Legislative Policy Committee.
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BE IT ORDERED: That Freeport casts its vote for Abigail Yacoben to represent Freeport on MMA’s Legislative Policy Committee from July 1, 2012 to June 30, 2014. (Egan & DeGrandpre)

Ms. Yacoben explained who makes up the committee to Councilors and that she would enjoy serving again. Councilors thanked her for doing this.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion on proposed amendments to the Policies and Procedures Manual for Freeport Cable Television regarding programming of a political nature. (Tabled from May 15, 2012)

Ed Bonney explained the four changes he made to the Manual. Councilors thanked him for his efforts.

MOVED AND SECONDED: To adopt the amendments to the Policies and Procedures Manual for Freeport Cable Television (Egan & Gideon) **ROLL CALL VOTE:** (7 Ayes)

2. Discussion on needed repairs to a rescue unit

NOTE: Mr. Olmstead arrived at 7:50 p.m.

Fire Chief Darrel Fournier explained that the engine blew on his 2006 Rescue vehicle. He explained the options that are available and that Ford Motor has worked out the problems with this type of engine and can provide a two-year warranty. He recommends replacing the engine with a factory-reconditioned motor with a two-year warranty and unlimited mileage for \$25,000. He can have the truck back in two weeks. Mr. Olmstead explained that the money will come from the Fire Department's Reserve account and he assumes it could potentially extend the life of the vehicle. There was consensus to go with Option One and replace the engine.

MOVED AND SECONDED: To go with the first option and replace the engine at a cost of \$25,000. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #130-12	To consider action relative to entering into a lease agreement between the Town of Freeport and L.L. Bean Inc. for the leasing of property located on Depot Street (a portion of Tax Assessor Map 11, Lot 134).
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BE IT ORDERED: That the proposed lease be approved and the Town Manager be authorized to sign the lease on behalf of the Town of Freeport. (Arno & DeGrandpre)

Mr. Olmstead explained how the Train Committee explored how to address the arrival of Amtrak, which is scheduled to make its first run from Portland to Brunswick in November of this year. A facility is needed for stops in Freeport. L.L. Bean has agreed to make the Hose Tower available to Freeport for \$1 per year for a train station. The Town would have to forgive the taxes of \$1,200 a year. A discussion was held during the Capital Budget process and in the Capital Budget was a \$50,000 expenditure to convert that building to a train station. The Council agreed to that expenditure and L.L. Bean will make the conversion and the Town will reimburse L.L. Bean up to \$50,000. L.L. Bean has gone out to bid and came in with a number that is much lower than \$50,000. He feels the Town is in great shape budgetarily. L.L. Bean took the lease they had with Freeport USA and presented it to the Town saying this was what they were prepared to sign. A number of changes were requested which was agreed to by L.L. Bean. It is a ten-year lease with options to renew. Mr. Olmstead believes this will be the least costly train station north of Boston. If approved this evening, he and Ms. Updegraph will send out an RFP to various non-profit groups in Freeport asking them to submit proposals to partner with the Town to manage the station. He is hopeful that someone in Town will pay the tax bill so that it will be neutral to Freeport taxpayers. He thanked Ms. Updegraph and Ed Bonney for their efforts.

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

3. Request from the Island Rover Foundation to extend the January 26, 2010 consent agreement from January 20, 2013 to January 26, 2018.

Councilor Hendricks, chair of the Municipal Facilities Committee, reported that they met with Mr. Arndt and discussed the history of the project. Mr. Arndt is asking for a five-year extension of the consent agreement. The mission was to build a vessel out of discarded materials. They have suffered from the lack of fundraising during this difficult economy. Mr. Arndt mentioned that he has received verbal support as well as financial support from his neighbors. He invited the Council to come down and take a look at the project. Councilor Hendricks noted that the Municipal Facilities Committee unanimously agreed to extend the agreement but agreed to bring it to the Council. They have not received any complaints.

NOTE: Chair Cassida arrived at 8:05 p.m.

Chair Cassida advised that he spoke with a neighbor who asked what assurance the neighborhood has that their environment is being protected. This particular neighbor is concerned that a deadline was set for the completion of the vessel but it has been extended twice already. The neighbor's level of support could wane if the boat is not completed. Mr. Arndt feels the questions are fair but explained that he is asking for five years because it will take a fair amount of time for the country to get out of its financial troubles. He has no hazardous materials on the property. The 'stuff' is related to the construction or support of the construction. Once the vessel is finished, the "stuff" will disappear since it is simply metals and wood and can disappear quickly before the vessel can be moved. He is open to any inspections.

Councilor Bishop advised that she is a neighbor and that this is not an allowed activity in this zone. While some neighbors support this project, there are others that do not. There are concerns with the extensions. The neighbors are also worried about a fire since it is in the woods. She asked if there is access for the Fire Department to get to the project.

Fire Chief, Darrel Fournier, advised that he reviewed the site today and recommends that brush be cut back on the paper street (Bucknam Road) and that the street be clearly marked so that people can respond in an emergency. He could lay hose in two directions to get in there. Fire extinguishers were installed in the vessel as well as outside the vessel sometime ago. He is willing to go down and work with Mr. Arndt. Mr. Arndt advised that the road is a paper street and recognizes that there is a lot of existing brush.

Councilor Arno noted this is a great project but it is clearly in the wrong location. Preserving the character of our neighborhoods has been discussed a lot lately and this endeavor is not an accepted use. She is not inclined to vote for a five-year extension since there is no guarantee that the vessel will be completed in five years.

Vice Chair Gideon noted that this is an amazing project in many ways. She recommends shortening the time period from five to three years and that the DEP inspect the site for any hazardous materials. She would also request that the Fire Chief go out and ensure that the street is clearly marked and that the existing brush is removed. The Fire Chief will also go out and review the safety precautions on and around the boat, as was done three years ago. Mr. Olmstead pointed out that Mr. Arndt would have to go to his abutters to clear away the brush on their property. If he comes up with objections, Town staff will have to do some research on the paper street.

Councilor DeGrandpre explained that physically moving the boat is a bigger project than finishing it. He suggested that the Council go down and take a look at the project to see where it is in terms of completion. He would like to see some steps to understand at the end of some period of time, that this boat will be completed and in the water somewhere. He would like to see that it is accessible for fire protection. Vice Chair Gideon suggested bringing this back to the next Council meeting to give

Councilors an opportunity to view the project. Mr. Olmstead suggested notifying the abutters that Mr. Arndt has requested an extension and that the matter will be on the agenda in August. Vice Chair Gideon asked Mr. Arndt to go to his abutters and ask for permission to cut down the brush that exists on this paper street. Mr. Arndt agreed and noted that if he did not meet any objections, this would be quickly done.

Chair Cassida has concerns with the extension upon extension upon extension. It is not the Council's concern as to how much it costs to move the boat. It is not an allowed use and at some point, the boat will have to be moved. He encouraged Mr. Arndt to come back with a plan, if the Council were to grant an extension, that focuses on what has to be done to get it trailer ready so that in three years or five years or whatever extension the Council agrees to grant, it can be moved. There will come a time when the Council will not grant another extension. It has to be made ready to move.

Councilor Egan asked Mr. Arndt to make sure the paper street is marked with a street name. Councilor Bishop advised that it is called Bucknam Road but it lacks a sign. Mr. Olmstead advised that Public Works could order a sign for \$25 or whatever the exact cost is.

ITEM #132-12 To consider action relative to the transfer of a portion of Town owned property located on the Pownal Road to Regional School Unit #5 (Tax Assessor Map 22, Lot 64).

BE IT ORDERED: That the Town Manager be authorized to transfer ownership of the developed portion of Town owned property located on the Pownal Road to Regional School Unit #5 (Tax Assessor Map 22, Lot 64).

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute all documents required to complete the transfer.

BE IT FURTHER ORDERED: That the transfer be conditional on the continued use of the property for public recreation. (Egan & Gideon)

Chair Cassida explained that when the Hunter Road Field parcel was developed, there was a purchase and sale agreement with Seacoast United Soccer on a piece of property that is between the Hunter Road and Pownal Road facility. At the time of the development, there was a consultation with the DEP regarding what permits were necessary for the Hunter Road Field. Full disclosure was made to DEP regarding the purchase and sale. It was determined at that time, given the purchase and sale agreement, that the Pownal Road facility and the Hunter Road facility were not in the common scheme of development. Each would stand-alone from a permitting perspective. The Hunter Road facility was permitted with a Stormwater permit issued by the Town of Freeport for the State of Maine. It was being developed just under 20 acres which is the jurisdictional limit for the Site Permit and it was understood at that time that when and if the Seacoast project was developed, the Seacoast development in combination with the Hunter Road and Pownal Road facilities would push the development over 20 acres and the developer in that case would get the Site Location Permit for the entire development. When Seacoast went away, that area between the Pownal Road facility and the Hunter Road facility disappeared. Now the two projects are linked under common ownership. We have to add the developed area from the Pownal Road field which was developed in 1997 to the Hunter Road facility and it goes over 20 acres. The DEP has given the Town two options—begin the permitting process with DEP or disengage ownership of one of the parcels so they are not under common ownership. The Town has 90 days to either transfer the property or apply for an environmental review. He mentioned that the Town's Project Review Board has already done this review. He asked Councilors to consider what is the value added in going through a permitting process that has already been done at the local level.

Chair Cassida answered questions for Councilors and invited public comments. Mac Lloyd read a paragraph into the public record from the Save Our Neighborhood's attorney mentioning that he never heard of anyone trying to avoid Site Location Review because of its cost. He would be surprised if the cost of the Site Location Review would equal the value of what the Town proposal is giving away. Mr. Lloyd asked if Pownal and Durham are partial owners of this field. Has anyone from Freeport actually got a cost of what it would cost for a DEP review. The public has no idea how much it would cost.

Andy Wellen of Hunter Road noted that it would make more sense to keep the Pownal Road field and not give it away to the RSU. He asked the Council to think broadly about giving away this valuable land. If we are going to pass it on, we should get compensation. It would potentially give away taxpayer land without getting fair compensation. This would not be right. Roben Voigt of Maquoit Drive echoed what Mr. Wellen said. He asked the Council to table this and give it more thought and seek more public input.

Ken Mann of Mann Road noted that it seems like it was just a few years ago when the Town borrowed \$450,000 for recreational fields and playground equipment. It is a tremendous asset for taxpayers. He would hate to see it transferred to the RSU. We would lose final control of how that property will be used. We have put together a package of property that has tremendous potential for Freeport. What is needed is a comprehensive study or plan on bike trails, water line expansions, access to property, and the overall view of how the Town wants to use this property. He would appreciate the Council putting this on hold tonight and solicit more input. He is confident that DEP Site Review is going to happen. The Hedgehog Mountain folks are talking about expanding the trail width and it triggers DEP review. He mentioned that a lot of taxpayer money went into the purchase of this land and people do use this area.

Kate Butler of Hunter Road noted she does not understand why the Council would want to give away this land to the RSU. We don't know what will happen in the future. She urged caution and seeking more public input.

Vice Chair Gideon appreciated Chair Cassida explaining what the Town does in its own permitting process. She understands the argument that Freeport purchased these fields as a town and we are now two separate entities—a town and an RSU. She has a lot of reservations about transferring this property and not keeping it for Freeport. She is strongly considering just going through the permitting process and considering a broader plan for connecting all the pieces. She would like the Conservation Commission to come back to the Council as was discussed. Chair Cassida advised that the town still has enough time to apply for a DEP permit application but not enough time to do the master plan Vice Chair Gideon mentioned.

Councilor Egan noted on the environmental side, we are not losing anything by not going through DEP review. Freeport has high standards. If the town were to seek delegation, then the permit that would be required would be from the town. In terms of transferring the property from the town to the RSU, she feels we are all one big family and the field will still be going to be designated for recreation. She noted that the RSU is a governmental unit that takes care of all of our children. If the town were to seek delegation, then the permit that would be required would be from the town and it can waive its own fees.

Councilor Arno noted that she would be comfortable transferring the land to the RSU with conditions. It would appear to remain the same and would not be noticed. She would hate to spend up to \$40,000 to permit what has been permitted already out there.

Councilor DeGrandpre agreed with Councilor Arno. There is no additional value to have it permitted again and he is troubled spending the money. The DEP gave Freeport a couple of choices. He is troubled by people accusing the Council of trying to circumvent anything. There are a lot of fine details that people are not taking into consideration. He noted that this is our RSU that is being discussed.

Councilor Bishop would like to keep the land for Freeport. The town has always been land starved for sports and recreation. This property is used by a lot of other groups and perhaps there is another project that can go up there. She would like to keep it since it is contiguous. The cost of the permit is more than anticipated but she suggested biting the bullet and doing it.

Councilor Hendricks agreed with a lot of points already made. He feels it is unfortunate that the town has been backed into this corner. Up to \$40,000 could be spent. He really doesn't want to give the property away. There are people that use the property that are unhappy with the way it has been maintained. It comes down to value and he really doesn't want to give the property away. He is confident there are creative ways to mitigate the cost to taxpayers. He suggested biting the bullet to enable the town to move forward with the trails in the future.

Councilor Arno asked if it would be possible to obtain an extension from the DEP in order to put some plans together. Chair Cassida recognized early on that he had a conflict with the DEP so he has been staying out of it. He had no involvement whatsoever in any DEP decisions. He suggested that Mr. Olmstead answer Councilor Arno's question.

Mr. Olmstead advised that he doesn't know if an extension could be obtained. He can go back and ask but if there is a decision to file a plan, the Council has to identify the plan quickly and where the funding will come from.

Chair Cassida agrees with much of what has been said tonight. \$40,000 appears to be a reasonable estimate but he would hate to spend it on a permit that has already been permitted. He feels it is probably inevitable that at some point in the future improvements to the Hunter Road facility will trigger a site permit. Some future Council will have to grapple with getting a permit for future development. Councilor Egan made a valid point in stating that if the Town were to seek delegation, then the permit that would be required would be from the Town and it can waive its own fees so there wouldn't be an application fee if the town had delegation. The review would be exactly the same if the town had delegation. She would hate to give the land away. It makes more sense to go through the permitting process and if we can, convince DEP to give us more time to do the planning, or we could seek delegation or both. If they don't grant the extension, the Town will have to go through the permitting process. There were plans on the table for additional outdoor fields as part of the Seacoast project but those plans are not town owned. We do know the consultant that drew them up and there is probably a way to benefit from this to some degree. We have to start from scratch. Perhaps we can get access to those plans and then pave the way. She recommends asking the DEP for more time. Based on what they say, we will need to find the money and do the permitting for what is there now and seek delegation and then permit something else down the road.

The Planning Board has chosen not to seek delegation. Chair Cassida suggested that a conversation with the Planning Board should take place so that the Council will understand why they have chosen not to seek delegation in the past.

ROLL CALL VOTE: (1 Aye—Arno (6 Nays)

MOVED AND SECONDED: That the Town of Freeport seek an extension from DEP for filing application and that the Town of Freeport seek delegation for permitting pending a conversation with the Planning Board that reveals no significant concerns to obtaining that delegation and that the Town of Freeport pursue an expedited process for developing a comprehensive plan for uses of the Hunter Road Field and the Pownal Road area and that we seek local permits for the overall site plan review to include Pownal Road Field, Hunter Road Field and other improvements recommended in the

Comprehensive Plan. If we do not win an extension, the Town of Freeport will move forward with the Site Location Review Permitting Process for the Pownal Road Field and the Hunter Road Field. (Egan & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Arno)

4. Discussion on infrastructure maintenance of the Habitat for Humanity West Street Project. Steve Bolton was not in attendance. Mr. Olmstead explained that the road to be built to service the West Street project will be built to a private road standard, not a public road standard and there is a request that it be accepted as a public road. Mr. Olmstead's recommendation would be to never do this. The Town has 40 miles of private roads and if the Council deviates from its policy, he would encourage all of the property owners on those private roads to come in and talk to the Council about maintenance. It would be a monumental mistake on the Council's part. Mr. Bolton wants the Town to take ownership and maintain the drainage system that exists on the site. Mr. Olmstead feels less strong about this since it is part of the Town's drainage system. He suggested that the Council not act on either request since Mr. Bolton is not here. There was consensus to table this discussion.

5. Review of Council goals for 2012

Chair Cassida apologized for not checking on these more frequently. After reviewing the goals, he discovered there is only one that is not done which is the last bullet—Conduct a workshop or series of workshops with representatives of Durham, Pownal and RSU 5 to improve communication between the communities and identify pathways to effective collaboration in the administration of our municipal services and excellence in our schools. Chair Cassida mentioned that a request to meet with them was made earlier but we didn't get a response. He asked Mr. Olmstead to make another request for a meeting and see if we get a response this time. Mr. Olmstead learned today that Pownal and Durham are having a joint meeting on Thursday evening and will discuss Freeport's request. Chair Cassida advised that the motive was to create a dialogue with those towns. All of the financial management pieces are done and the Town Manager pieces are well underway. Chair Cassida congratulated the Council for doing a very good job regarding its goals.

6. Informational Exchange / Committee Report

Chair Cassida referred back to a loose end to the property transfer to the RSU, which was not addressed. He asked where the financing would come from regardless of what extensions the town gets. Mr. Olmstead explained that he and Ms. Yacoben would not recommend drawing down reserves. If \$40,000 will be needed for permitting, the Council will have to take it out of fund balance and it will severely complicate the budgeting process next year. There are no magic pots. There is \$200,000 in the Hunter Road Field money but drawing from this will eat into the maintenance fund. There is also tax-acquired money but if the Council eats away at that fund in little chunks, there will be nothing left for things such as establishing a maintenance fund for Pownal Road Fields. No decision is needed tonight but Chair Cassida mentioned that the cost needs to be determined. He is confident it will involve some pain on the Council's part to find this money. Mr. Olmstead mentioned that he would put the Planning Board on the August agenda to discuss delegation.

Vice Chair Gideon received a request from a citizen requesting that the potholes on the Griffin Road and Route 125 be filled immediately. Mr. Olmstead advised Councilors that citizens should be instructed to call Public Works on this type of call. If they don't get any satisfaction, they should be instructed to call him.

Councilor Egan updated the Council on the meeting with the Communications Group. They discussed and drafted goals. They recommend to the Town Council to add to the job description of the new Town Manager that he produce a Town Manager's Report but how he distributes it will have to be determined. They found some of the discussion on website changes were fairly easy.

Councilor Hendricks advised that the Municipal Facilities Committee discussed tax-acquired properties and instructed Town Staff to go through the process so that they can be sold. Two properties are not being lived in and they are not primaries. He plans to bring five properties to the Council to discuss in an Executive Session. Mr. Olmstead mentioned it is not productive to try to sell property without a realtor.

ITEM #135-12 To consider action relative to an executive session with the Town Attorney to discuss the acquisition of property for train platform access. (1 M.R.S.A. § 405(6)(C)).

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

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

MOVED AND SECONDED: To adjourn at 11 p.m. (Bishop & Hendricks)
ROLL CALL VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT SPECIAL TOWN COUNCIL MEETING #18-12
HAMPTON INN – MEETING ROOM
THURSDAY, JULY 19, 2012 - 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.

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

ITEM #102-12	To consider action relative to an Executive Session with Eaton Peabody Consultants for the purpose of discussing candidates for the position of Town Manager. 30A MRSA 2702(1A) and 30A MRSA 405(6).
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MOVED AND SECONDED: That the Town council enter into Executive Session.
(Bishop/Egan) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To adjourn at 8:20 p.m. (Bishop & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Judith Hawley
Assistant to the Town Manager

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, AUGUST 7, 2012 -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 (arrived at 6:50 p.m.)		
James Hendricks, 21 West Street	x (arrived at 6:53 p.m.)		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x (arrived at 6:45 p.m.)		

Chair Cassida called the meeting to order at 6:35 p.m. and took the roll. He noted that Councilors Egan, Gideon and Hendricks would be arriving later this evening. He mentioned an item would be taken up this evening that is not on the printed agenda, which must be dealt with this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #17-12 held on July 10, 2012 and Meeting #18-12 held on July 19, 2012 and to accept the Minutes as printed.

Councilor Arno referred to page 10 of the July 10 meeting, regarding the transfer of land to the RSU, the second paragraph from the bottom of the page and suggested adding clarifying language. The sentence reads: “she would be comfortable transferring the land to the RSU with conditions.” She suggested adding: *that its current use would remain the same and that the Town had first refusal to take back the land if the RSU no longer used it as it is currently being used.* After saying she would hate to spend up to \$40,000 to permit what has been permitted already out there, she suggested adding: *The added value to doing any additional permitting there would be to obtain permits for the additional recreational activity we have envisioned for that site. She said that only if we were able to permit that activity, would it be worth spending the \$40,000.*

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #17-12 held on July 10, 2012 and Meeting #18-12 held on July 19, 2012 and to accept the Minutes as amended. (DeGrandpre & Bishop) **VOTE:** (4 Ayes) (3 Excused—Egan, Gideon & Hendricks)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that:

Nomination papers are available at the Town Clerk’s Office for the November 6, 2012 Municipal Election for any person seeking to fill the following offices in the Town of Freeport:

- District 4 Councilor
- Councilor at Large
- Three Sewer District Trustee seats
- One Water District Trustee seat
- Two RSU5 Board of Directors

Nomination papers need to be returned by 6 p.m. on September 12. For more information, residents can call the Town Clerk’s office at 865-4743, Extension 123.

- A new topic has been added to the FreeportTalks website. The Council is interested in hearing new creative ideas on how residents can lead more active and healthier lives. Ideas will be judged and there will be winners in various categories. To share ideas, residents can go to www.Freeporttalks.org.
- The Maine Residents Property Tax and Rent Refund Circuit Breaker program has been accepting applications for property tax assessed and rent paid during 2011. \$1,600 is the maximum refund available. Residents can find out if they are eligible and/or apply by going to www.Maine.gov/revenue/netfile/gateweay2.htm. Applications are also available at the Town Office. If anyone needs help, they can contact Johanna Hanselman at 865-4743, Extension 120 for an appointment. Councilor Bishop pointed out it would be easier to simply go to www.MaineRevenueServices.com.
- The Appointments Committee is looking for applicants to fill vacancies on the Project Review Board, Planning Board and Recycling/Solid Waste Committee. Applications can be obtained at the Town Clerk's office or from the Town's website. Applications should be returned to the Town Clerk's office or the Town Manager's office.
- The Winslow Park Summer Concerts continue until August 16. This Thursday, the Jason Schooner Trio will be performing. The entrance fee for residents is \$2 and for non-residents it is \$3. Season pass holders and campers are admitted free. For a full schedule of events or information, please call the gatehouse at 865-4198.
- On September 22, from 8:30-11:00 a.m. as part of Ecomaine's Annual Open House, residents can bring their old TVs and electronics for free recycling. There will be a drive-thru with people to help unload. There will be activities for children and a free raffle for a tent and two sleeping bags made from recycled materials. Breakfast sandwiches will be offered. More details will be posted on the Town's website as they become available.

Councilor Arno announced that a Vision 2025 public meeting has been scheduled on August 15 from 6-8 p.m. at the Hilton Garden Inn at 5 Park Street in Freeport. Residents are encouraged to join their neighbors and local business people to continue the conversation about Freeport's future and define many of the ideas that have been talked about and identify actions for the coming year.

NOTE: Councilor Egan arrived at 6:45 p.m.

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

Before opening the public comment period, Chair Cassida provided a brief recap of the rules to be followed.

MOVED AND SECONDED: To open the Public Comment Period. (Arno & Egan)
VOTE: 4 Ayes) (2 Excused—Gideon and Hendricks)

Edward Bonney noted that the Northern New England Passenger Rail Authority will be announcing the Downeaster service schedule to Freeport and Brunswick at its September Board meeting and he will inform the Council as soon as he gets the information. He mentioned that he made a mistake in the Council's packets concerning quiet zones this evening and his copy on public education efforts was attached but he is not scheduled to report on this to the Council until September 4.

Janet Dutson, Executive Director of Freeport USA introduced herself and provided an update on what Freeport USA is involved with. They launched a new website yesterday and it is loaded with new features. It is still www.FreeportUSA.com. She noted that she would welcome input from the community.

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

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

Please note: The item relative to extending the Consent Agreement dated February 15, 2005 between the Town of Freeport and the Island Rover Foundation has been postponed until the September 4, 2012 Town Council meeting for the following reasons: a) The Department of Environmental Protection has not yet visited the site or submitted a written report in time to be included in the packets b) The Codes Enforcement Officer will not be available to attend the August meeting to answer questions.

ITEM #140-12 To consider action relative to adopting the August 7, 2012 Consent Agenda.

BE IT ORDERED: That the August 7, 2012 Consent Agenda be adopted. (Bishop & Egan)

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

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

ITEM #141-12 To consider action relative to applications for Special Amusement Permits. **PUBLIC HEARING**

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

Mr. Olmstead explained that this is an annual occurrence and that no complaints have been received this past year.

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

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

Gritty McDuff's, 187 Lower Main St
Hilton Garden Inn, 5 Park St

~~The Fresh Batch, 20 Bow St~~—(DeGrandpre & Egan) **ROLL CALL VOTE:** (5 Ayes) (2 Excused—Gideon & Hendricks)

NOTE: Councilor Gideon arrived at 6:50 p.m.

ITEM #142-12 To consider action relative to establishing "Quiet Zones" at railroad crossings within the Town of Freeport. **PUBLIC HEARING**

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

Councilor Gideon provided background information for this Public Hearing.

State Representative David Webster noted he is speaking as a representative as well as a resident of Freeport. He noted that safety is a high priority. He asked the Council to work to create quiet zones. He provided some research material to the Council and suggested that they review it.

Shannon Garrity of 25 West Street, railroad abutter, explained her concerns. She explained that there are several residents who will have the value of their homes dramatically affected by the lack of a quiet zone, which will reduce their property taxes and this will subsequently be a revenue loss to the town. She urged the Council to institute quiet zones. She provided a copy of her notes to the Secretary since she ran over her allotted time.

Jamie LeBlanc, Hilton Garden Inn owner, provided some historical information on their negotiations to build their hotel. It is located 15' from the tracks. He is confident that the train whistle will be impactful and disturbing to their guests. In the past they have tried to do what is right for the Town. He asked the Council to try to find the funds to install quiet zones but agreed safety comes first.

Note: Councilor Hendricks arrived at 6:53 p.m.

Kelly Fitz-Randolph of 19 East Street spoke in favor of quiet zones.

Edward Bonney of Lower Main Street, spoke as a private citizen. He noted that the Freeport Train Committee has no position on quiet zones. The Downeaster will be coming in early November and that train whistles will be blown to warn of their impending presence for safety. He stated that the cost of supplemental safety measures and annual maintenance of same to implement quiet zones should undergo a cost benefit analysis before a decision is made. He pointed out that at the end of the day, safety has to be the number one factor in the Council's decision. He provided a copy of his remarks to the Secretary.

Linda D'Amico of 12 Chapel Street, train track abutter, agrees that safety is the number one concern but the option for quiet zones should be given strong consideration.

Candace Myers of Cottage Street pointed out that someone was killed in Biddeford on train tracks wearing headphones a few months ago.

Dale Inman of Hunter Road asked the Council to consider quiet zones for all of the Freeport crossings.

Scott Gleason of 21 Park Street supported Councilor Gideon for bringing this issue up. He is a proponent for quiet zones. He noted that other communities have installed them and he is confident Freeport will also support them.

Holly Pastore of 23 West Street pointed out that sometimes no whistle is blown when the train goes through. She explained what is actually happening at the crossing now.

Melanie Sachs of 84 Kelsey Ridge wanted the Council to know that there is support for quiet zones from people that do not abut the railroad. She suggested that the Council look at the cost benefit analysis. She urged the Council to strongly consider the quiet zones.

Tom Bull of South Street, speaking as a resident, urged the Council to make sure that safety is most important. He would like the town to focus efforts on keeping people off the tracks. He would like to see

some really intensive education efforts, outreach, or patrolling the tracks to reduce any possibility for an accident.

Chair Cassida read an E-mail message from Rod Regier from South Street, requesting that it be read into the public record. He encouraged the Council to not adopt the quiet zones.

Councilor Arno read an E-mail message into the public record from John Lowe asking the Council to not vote to spend the money for quiet zones.

Councilor Gideon explained that another Chapel Street resident is in favor of quiet zones.

John Bourassa of 29 School Street explained that he is in favor of safety but is hoping for a common sense solution and compromise in this situation.

Andrew Davidson of Cottage Street spoke in support of quiet zones. He wants everyone to enjoy the “niceness” of living in Freeport.

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

Chair Cassida reminded everyone that the Council is not scheduled to take action this evening. This is an opportunity for everyone to be more educated. He noted that the public’s comments were very helpful in allowing the Council to hear the pulse of the community. He introduced Wayne Duffett, a consultant.

Wayne Duffett, a consultant with TEC Associates, advised that the Town already meets the federal threshold for establishing quiet zones but for safety, he recommended installing channelization at all crossings in Freeport. He estimated the cost for each installation would be approximately \$15,000. Installing a “quad gate” would cost approximately \$100,000 per intersection. Discussion followed. Mr. Olmstead pointed out that if the Council voted to establish quiet zones and build channelization devices within the next month, construction couldn’t begin until spring.

Edward Bonney, Chair of the Freeport Train Station Committee pointed out that the actual schedule and fares would be announced by NEPRA in September. He stated that he has never heard any mention of a 4 a.m. train. Until a facility is built in Brunswick, all trains must overnight in Portland and will come to Brunswick prior to the approximate 7 a.m. trip. Councilor Gideon pointed out that in addition to the passenger trains, there will still be freight trains. The frequency of the freight trains is unknown but they run at night. He also pointed out that Freeport has an option, which is the “Do Nothing” option and all of the whistling may be during the 7 a.m. to 10 p.m. range, which may be something Freeport may choose to live with. Once the facility is built in Brunswick so no trains are laying over, it will eliminate the first and last move of the day. Councilor Gideon asked what the timing is for the construction of the Brunswick terminal. Senator Stan Gerzofsky advised that the cost for the terminal came in two or three times higher than expected and no one can predict what will happen. He estimates it is a couple of years down the road. NEPRA needs to come to grips with the cost drivers. He cautioned that the maintenance facility and layovers in Brunswick would be increasing the amount of trips. If the dead runs are being knocked off mornings and nights, more traffic will occur in the daytimes.

Mr. Duffett explained there is no advantage to doing this right now and no disadvantage to doing it later.

Representative David Webster disclosed that Shannon Garrity is his niece. Councilor Hendricks asked for input from Albert Presgraves on maintenance of curbs or tubes and the potential hazards for drivers. Mr. Presgraves advised that he provided a memo for the Council’s packets. He estimates it will cost \$15,000 a year to maintain the lane separation structures and deal with extra ice and snow in the winter. He has

concerns with ice and snow safety impacts at the crossings. He has done some research but has not found anyone in New England with experience with those things. He is confident there will be issues with emergency vehicles. Councilor Hendricks lives on West Street and a neighbor has shared concerns with the considerable amount of pedestrian traffic. He would support a quiet zone after a sidewalk is constructed.

Councilor Bishop is more interested in concrete curbing. She is not a proponent of the plastic tubes. She is confident the Council is obviously not going to spend millions of dollars for the quad gates.

Councilor Hendricks asked the Town Manager where the money would come from. Mr. Olmstead suggested that the Council include this in the next round of capital budgeting which the Council will deal with next February. The Council will have to tap a reserve account or find another funding source.

Councilor DeGrandpre mentioned he is inclined to learn more about this and he will find it helpful to look at the schedule which will be available next month. He wants to have more discussion with public safety about the challenges they see. He wants a better picture of what the maintenance of channelization is. He really needs to know how narrow a road needs to be before quad gates are needed.

Councilor Arno feels the same way. This is a tremendous expense and the Council still does not have the schedule. She feels the schedule will be informative. It would be useful to highlight the schedule for a while and keep in touch with the residents, other towns, Fire, Police and Rescue, etc. who can provide their experience in working with this schedule. It would give the Council more time to do more homework. The Council can reconvene in the spring and make a decision then.

Councilor Egan stated that she knows what the whistle sounds like and noted that accidents that happen on the tracks are grizzly. The safety issue is very important. In Massachusetts she always advised towns to not adopt quiet zones. Because Freeport has so many kids and visitors, she would hesitate to put in quiet zones at this point. She advised that the Council needs to have full-court press education for its residents and in our schools about safety and this cannot wait. She feels a quiet zone is not as safe as one where a train sounds its horn to warn of its passage.

Councilor Gideon encouraged her fellow Councilors to continue to consider quiet zones and stated that she would like to consider them in the shorter term rather than the longer term and not wait until spring. She mentioned that vehicular accidents were very low during 2005-2010 and she could only find one that occurred in a quiet zone. She would like to investigate with an open mind to determine whether we can be safe and have quiet zones. She requested that the Council consider this again when the train schedule is made available in September.

Chair Cassida pointed out that he is not convinced that quiet zones are really needed here. He would like to experience it and it appears we will get that experience by default. He hears there is a willingness to investigate this from his fellow Councilors. There is quite a bit of information that needs to come back to the Council before a decision can be made. He suggested instructing the manager to take all of the comments and get staff working on getting the information and perhaps the Council will need one or two meetings to peck away at this. The Council needs to bring things into place such as when the Council has a schedule, information on safety liability, the cost of maintenance, the cost of constructing the different devices, which will hinge on Mr. Presgraves' design on the West Street improvements, etc. The Council will schedule something when a piece of information is ready for further discussion, perhaps in September or October or as soon as we are ready. He explained that the Council should be cautious and comfortable in what it is doing. Chair Cassida thanked everybody and offered to keep them all notified when discussions are scheduled.

ITEM #143-12 To consider action relative to an expenditure of funds from the Library donation account to provide for the hiring of a librarian to work with teens.

BE IT ORDERED: That up to \$10,000 be expended from the Library Donation Account to provide for the hiring of a librarian to work with teens.

Note: The balance of the Library Donation account is \$23,204.70 (Arno & DeGrandpre)

Chair Cassida explained that Beth Edmonds is not in attendance but provided a memo explaining this issue. Councilor Gideon asked why it was coming from the Library Donation Account. Mr. Olmstead explained that the Library raises money during its annual fundraiser. It is conceivable that this position could be funded through the Donation Account on an ongoing basis with some support from the operating budget going forward. He explained that the Council has reserved the right to approve expenditures.

ROLL CALL VOTE: (7 Ayes)

ITEM #144-12 To consider action relative to the proposed removal of 25 existing street lights and the addition of 6 new street lights as recommended by the Traffic and Parking Committee.

BE IT ORDERED: That a Public Hearing be scheduled for September 4, 2012 at 6:30 p.m. in the Town Hall Council Chambers to discuss the proposed elimination of 25 existing street lights and the addition of 6 new street lights.

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 and notify abutters within 200 feet of each light to be eliminated or added. (Egan & DeGrandpre)

Councilor DeGrandpre provided an explanation to Councilors and answered questions. Councilor Egan requested that an explanation of the Street Lighting Policy be provided at the Public Hearing.

ROLL CALL VOTE: (7 Ayes)

ITEM #145-12 To consider the adoption of an Organic Pest Management Plan for Town-owned properties.

BE IT ORDERED: That the proposed Organic Pest Management Plan for the Town-owned properties be adopted. (Gideon & Egan)

Councilor Gideon provided an explanation of the plan. Chair Cassida mentioned that the Council would instruct the Manager and a representative from the various facilities to keep the Council informed if things are working well next spring. If they are not, the Council should be informed since the Council wants to keep its facilities looking good.

ROLL CALL VOTE: (7 Ayes)

ITEM #146-12 To consider action relative to the sale of Tax Acquired Property.

BE IT ORDERED: That the following Tax Acquired Properties be sold using brokerage sales with terms to be approved by the Town Manager.

<u>Property</u>	<u>Address</u>	<u>Map/Lot</u>	<u>Type</u>
DUPONT, GLADYS	GRANITE STREET	26/7	LAND
GRIFFIN, NATHAN S	NOBLE DRIVE	21/39	LAND
LANE, FREDERICK K	PLEASANT HILL ROAD	18/83C	LAND
DIPIETRO ASSOCIATES	10 DIPIETRO DRIVE	17/55	HOUSE & LAND
WORTH, JOSHUA (Hendricks & Bishop)	119 DURHAM ROAD	21/12B	MOBILE & LAND

Councilor Hendricks explained that the properties were determined to not be primary residences and all due diligence has been met.

ROLL CALL VOTE: (7 Ayes)

ITEM #147-12 To consider action relative to a request from the Freeport Fire Department to expend up to \$20,000 from the Fire Department Equipment Capital Reserve Fund for the replacement of the foam pump on Engine One.

BE IT ORDERED: That up to \$20,000 be expended from the Fire Department Equipment Capital Reserve Fund for the replacement of the foam pump on Engine One.

Note: The balance of the Fire Department Equipment Capital Reserve Fund is \$778,090.08 (Bishop & DeGrandpre)

Chair Cassida reminded Councilors about the items not on the printed agenda which would be taken up after this item.

Chief Darrel Fournier advised that rather than replacing the foam pump, he hopes to get it rebuilt for \$10,000. It will take about a week or ten days to get it rebuilt. He assured the Council that the public's safety would not be impacted.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take up items not on the printed agenda.
(DeGrandpre & Gideon) **VOTE:** (7 Ayes)

ITEM #151-12 To consider action relative to the use of Howard Place Parking Lot to provide for a Combat Challenge Tower during the Maine State Federation of Firefighters Convention to be held in Freeport, September 7-9, 2012.

BE IT ORDERED: that the Freeport Fire Company be authorized to use the Howard Place Parking Lot to provide for a Combat Challenge Tower during the Maine State Federation of Firefighters Convention to be held in Freeport, September 7-9, 2012.

BE IT FURTHER ORDERED: that the Freeport Fire Company provide the Town of Freeport with a liability policy in the amount of \$1,000,000 naming the Town additionally insured to cover the activity. (DeGrandpre & Bishop)

Chief Fournier explained that Freeport is hosting the convention in September. He feels it will be a great attraction to residents as well as visitors. He thanked Mr. Olmstead and Councilor DeGrandpre for their help. Chair Cassida pointed out that this is coming to Freeport at no cost.

ROLL CALL VOTE: (7 Ayes)

ITEM #152-12 To consider action relative to the use of the Public Safety Building property for a welcome tent and refreshment garden.

BE IT ORDERED: That the Freeport Fire Company be authorized to the use of the Public Safety Building property for a welcome tent and refreshment garden during the Maine State Federation of Firefighters Convention, September 7-9, 2012.

BE IT FURTHER ORDERED: that the Freeport Fire Company provide the Town of Freeport with a liability policy in the amount of \$1,000,000 naming the Town additionally insured to cover the activity. (Arno & DeGrandpre)

Chief Fournier explained that Buck's Naked will be running the refreshment garden for the Fire Department and will be providing their own insurance. A police officer will be on hand.

ROLL CALL VOTE: (7 Ayes)

ITEM #148-12 To consider action relative to the appointment of a Town Manager.

BE IT ORDERED: That Peter E. Joseph, Jr. be appointed Freeport's Town Manager.

BE IT FURTHER ORDERED: That the Employment Agreement between Peter E. Joseph, Jr. and The Town of Freeport, dated August 7, 2012 be approved. (Hendricks & Bishop)

Chair Cassida provided some background for the public. This has been a deliberative process. The Town was blessed with two qualified finalists but the Council felt that one individual stood out and would be the best candidate for leading Freeport in the forthcoming years and that candidate is Peter Joseph, Jr. The Council will ratify the contract that has been negotiated with Mr. Joseph becoming the new Freeport Town Manager. A copy of the contract is on the table and was in the Council's packets. He noted that Mr. Joseph has signed the agreement and his first day will be September 17. A transition plan is being finalized and will return to the Council on September 4. A set of performance expectations will also be made available on the 4th. Mr. Joseph will be joining the Council on its Bustin's Island trip.

ROLL CALL VOTE: (7 Ayes)

Mr. Joseph thanked the Council for the opportunity. He is really looking forward to begin working in Freeport. He and his wife are excited about the community.

ITEM #149-12 To consider action relative to establishing the Active Living Task Force.

BE IT ORDERED: That the Council hereby establishes the Active Living Task Force with the charge “To assess Freeport’s existing walking, biking and hiking infrastructure and develop an active living plan that supports the Town’s Comprehensive Plan and considers resource constraints. The target for the plan’s completion is June 2013”.

BE IT FURTHER ORDERED: That the following individuals be appointed to the Active Living Task Force:

Anne-Marie Davee
Sara Gideon
Kristina Egan
DeDe Bennell
Michelle Broderick
Phil Dirusso
Chris O’Neil
Kent Simmons
Barney Baker
Gretchen or Gino Giumarro
Donna Larson, ex-officio (DeGrandpre & Gideon)

Councilor Egan asked Anne-Marie Davee to explain the origin of the Task Force. Ms. Davee explained the growing momentum of walkers, bikers, hikers, skiers and active people over the past four years that are committed to making Freeport a safer place for outdoor activities and outdoor recreation. They have compiled a list of 30 residents who have committed to being active supporters and committee members of the Task Force. She explained what is happening in surrounding towns.

Councilor Arno noticed that this is not being called a committee. Councilor Egan explained that it is not expected to be a standing committee. This is a charge to develop a plan on how to improve hiking and biking in Freeport. The goal is to have something ready for next spring. The Town Planner will serve as a resource but this will be a volunteer task force.

Councilor Egan explained how the task force was formed. It is posted on the town’s website and everybody is welcome to attend the meetings and share ideas. Mr. Olmstead explained how the Council has put together task forces in the past to look at specific issues and upon completion, they were dissolved.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion regarding fee structure for the Hunter Road Fields & Trails Facility.

Chair Cassida explained that Kirk Cameron, chair of the Hunter Road Fields Committee, brought to his attention that the committee is having problems with the fee structure proposal and the policies and procedures for the facility. They wanted to have a conversation with the Council about fees.

Mr. Cameron pointed out that the committee is stuck on a couple of points on the fee structure. There is some question as to whether Town usage and RSU usage should be considered equal. In looking at some of the groups that have traditionally used Town fields without paying, they don’t have it on their radar screen and suddenly something they used to do at Pownal Road for five years for free, there is going to be

a new cost to them to do the same activity at Hunter Road. He questioned if a non-profit should be treated differently than a for-profit enterprise.

Chair Cassida noted that there are two schools of thought here. One would be to start off small with virtually no fees to try to encourage use. Once use is established, ease into the fee structure. The other school of thought that he chimed in on was to start off with nominal fees. It is easier to ramp the fee up from a starting number than to initiate a fee four or five years into a facility where there was no fee. This was his thought and he threw it on the table so people could chew on it. He did not weigh in on which groups should have a fee. The committee wants some guidance from the Council.

Councilor Bishop mentioned that Community Ed charges for their programs and anyone can sign up for a program and come from any place. Councilor Gideon's personal feeling is that the RSU is our children's school system and it includes three communities. She does not want to start dividing up costs for different towns. Councilor DeGrandpre mentioned striping fees and questioned how it is paid. Mr. Cameron is struggling to figure out how much it is going to cost to line the fields for Recreation/Community Ed and Freeport United. Both groups will benefit from it. It will be lined once and how do they determine what portion Freeport United pays and what portion does Recreation/Community Ed pay. Do they not pay because they have an employee that is doing it as part of his salary? Similarly, what do they do about porta potties since they are needed until the lodge is built. He feels it is perfectly fine for clubs to pay for them but how do they determine what part will be funded by Recreation/Community Ed? What part will be funded by the football group or Freeport United that will use them? The challenge is to determine how to manage them.

Councilor Hendricks doesn't want to charge the RSU, Recreation/Community Ed or the non-profits. Anybody hosting a tournament (non-profit or for-profit) should pay as should any other community organization whether or not it is a business, non-profit, charity, whatever should get charged. He wished Mr. Cameron luck in trying to figure out the fee for the porta potties.

Walter Libby, Co-Chair, explained that Cumberland has redone their fee structures and has scheduled six events this year. They are expecting to recover enough money to pay for all the lining of the fields at Twin Brook for the entire year.

Mr. Cameron clarified that anyone except the RSU and Community Ed should contribute something up front. Tonight's input gives them enough to work on. Chair Cassida explained that striping is not in the contractual agreement for maintenance with the RSU and it should be added in so it is clear that they are doing the striping and groups on an as-needed basis will pay them. He suggested that Mr. Cameron bring it back as an addendum to the maintenance contract and the Council will consider it all at one time.

~~2. Request from Painter's Parlor Inc. to place seating in the public right of way at the corner of Main and School Streets. (Larry Greenlaw)(20 minutes)~~

3. Discussion regarding the formation of a committee to develop a permitting plan for the Town recreation facilities off Hunter & Pownal Roads.

Chair Cassida explained that this is a continuation of a discussion the Council had at its last meeting. He noted that the Save our Neighborhoods Coalition has been meeting on this and will alert the Council tonight as to what it is thinking. He pointed out that there is an E-mail from Lisa Vickers from the DEP stating they would like a preliminary plan presented to them by December 1 and a complete Site Location of Development application by January 15. While this is what Chair Cassida expected, it means the Town will have to move rapidly. The Town of Freeport seeking delegation cannot be completed within this time schedule. This project needs to go through the State permitting review.

Chair Cassida explained the process for delegation. The Town Planner has indicated that there are a few areas where the Freeport Ordinance does not measure up to the State's. Before we could submit our Ordinance to the State for review, we would need to go through a process of adjusting our Ordinance to ensure that it meets the State's standards and this will take time. He feels there is real value in having the DEP doing an independent review of the application.

David LaTulippe explained that the Save Our Neighborhoods Coalition met and focused on the best way to manage the Hunter Road and Pownal Road fields as well as Hedgehog Mountain in a comprehensive way. To answer the DEP question, the group would like to stay involved with the Council and the Town as much as possible. This is an ongoing discussion as a community and it falls into what the task force is doing for pedestrians, bikers and trail hikers. They discussed connecting trails on the Hunter Road piece. They discussed how to connect the trails to Hedgehog. He noted the Town is generating some beautiful assets and the group is asking how as a community do we really use all of our assets. They want to have this big discussion over time.

Susan Campbell of 38 Hunter Road explained that the Coalition has continued to have questions raised about Hunter Road Fields, the whole complex, Pownal Road Fields and Hedgehog Mountain. They posted two meetings to try to hear what residents' concerns were and what they would like to see for a vision for that complex. They put out notices around town and reached out to people that had concerns over the zoning changes. There is a lot of interest in this. Groups came forward wanting to create a common vision for the properties. They see them as a tremendous asset for the town and the parcels should not be looked at in isolation. Their next meeting is scheduled on August 28 at the Moses Dyer Coffee House from 7-9 p.m. Anyone is welcome to join them and they would welcome Council participation and Planning Board assistance.

Chair Cassida suggested forming a committee to do this and recommends that the Planning Department be tasked with putting the application together. Mr. Presgraves and Ms. Larson are experienced but they will need the help of a consultant to prepare the DEP application. The first thing that needs to happen is for the Council to authorize the Town Manager to hire a consultant to assist the Planning Department in the preparation for a DEP application. Once the consultant has been hired, the Planning Department with the consultant's assistance, should organize a community charette that will incorporate people in the community interested in brainstorming one facility out there. That will give the consultant and Planning Department guidance to generate a plan. That plan will be brought back through the normal processes and ultimately end up in the Council's lap for authorization. This authorization does not necessarily have to happen prior to December 1. What has to happen by December 1 is that a conceptual plan has to be presented to the DEP. The final application has to be submitted to them by January 15.

Councilor Arno has concerns with the \$40,000 but loves the idea of permitting something with that money and likes how Chair Cassida created a definitive plan to do that. She is excited about the Save Our Neighborhoods Group and the parallel activity that we had in July and the idea of capturing this passion from the entire community. Councilors Egan and Gideon noted that they like the plan.

Ken Mann pointed out that charettes are useful but it would be helpful for the consultant to meet once with the Save Our Neighborhoods Group and they could become part of the charge. They could make sure that the various committees already working would provide more direct meaning to the consultant. Chair Cassida agreed that this is a great idea.

Lucy Lloyd advised that Ethel Wilkerson came to their first meeting and noted that she plans to have a public meeting in August.

Mr. Olmstead explained that he expects a consultant to cost in excess of \$10,000 and asked the Council to waive the bid policy for this particular project. He suggested speaking to engineers from Milone and

MacBroom & Gorrill Palmer. He is confident that he can get proposals from both of these folks quickly and if the Council gives authority to staff to make the decision on which one to hire, he will work with the Town Planner to evaluate the proposals, make a selection and move forward. He will move quickly to set up a charette. He discussed having a facilitator with Chair Cassida and they have someone in mind for that. He is confident that a plan can be put into place quickly. It appears that the DEP is going to be fairly firm on the dates they gave Freeport. When asked where the funding would come from, Mr. Olmstead advised that the money could come from the project budget which would eat into the maintenance fund or it could come from the sale of tax-acquired property from a year ago.

Councilor Arno would prefer to take the money from the tax-acquired property fund. Councilor Hendricks advised that the Council would have to replace the money either way. He is willing to take it out of the existing project fund and replace it at some point. Councilor Bishop suggested taking it out of the tax-acquired property fund. Chair Cassida suggested taking it out of the existing project fund but would like to have a discussion on the tax-acquired property fund. Councilor DeGrandpre suggested scheduling a discussion on how to fund forward the maintenance of the property in September.

Tom Ross pointed out that we need to fix the Pownal Road Field but wants to protect the asset the Town just purchased.

MOVED AND SECONDED: To authorize the Town Manager to waive the bidding policy and request proposals from Milone & MacBroom and Gorrill Palmer, and authorize the Town Manager to expend up to \$40,000 on DEP permitting fees and consultant fees taken from the existing Hunter Road Maintenance Fund. (Egan & Gideon) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—Bishop, DeGrandpre & Arno)

4. ~~Green Crab Project Update. (Chad Coffin)(10 minutes)~~

5. Informational Exchange / Committee Report

Councilor Arno advised that on August 15 from 6-8 p.m. a Vision 2025. meeting will take place at the Hilton Garden Inn. She is the Council liaison to FEDC and would welcome Councilors.

Councilor Egan announced that the Communications Sub Group is meeting this Thursday at 7:30 a.m. This group is charged with figuring out how to enhance communications with the community on the Town's website, FreeportTalks.org, and how the new Town Manager may communicate with the public. The agenda should already be posted on the website.

Councilor Egan noted that FreeportTalks.org has a new challenge. They want to hear all the ideas on how to make Freeport a healthier and more active place to live and a winner will be chosen. Hopefully people will get on line and offer ideas.

Councilor Gideon advised that the Ordinance Committee would be looking at a draft of the Code of Ethics Policy on August 20 at 8 a.m.

ITEM #150-12	To consider action relative to an executive session to discuss negotiations with the Town Attorney concerning the Town's legal contract and negotiations for selecting a new financial advisor for the Town of Freeport. (1 M.R.S.A. § 4056(E)).
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MOVED AND SECONDED: That the Council enter into Executive Session. (Gideon & Egan) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To adjourn at 10:47 p.m. (Bishop & Egan) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #20-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 4, 2012 -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 (arrived at 6:39 p.m.)		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x (arrived at 6:36 p.m.)		

Chair Cassida called the meeting to order at 6:33 p.m. and took the roll. He noted that Councilors Egan and Hendricks would be arriving shortly. He assured the Council that the meeting is being broadcasted live but the monitor has malfunctioned.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #19-12 held on August 7, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #19-12 held on August 7, 2012 and to accept the Minutes as printed. (DeGrandpre & Bishop)

VOTE: (6 Ayes) (1 Excused—Hendricks)

THIRD ORDER OF BUSINESS: Announcements

Chair Cassida announced that:

1. The next Council meeting scheduled on September 18, 2012 will be held in District 3 at the South Freeport Church. There will be a Meet and Greet Session beginning at 6:30 p.m. and an opportunity for the residents to meet with the Council to discuss issues that pertain to their district. The regular Council agenda will begin at 8 p.m.
2. On December 4, the Council will meet with residents of District 4 and it will be held at the Merriconeag Waldorf School on Desert Road.
3. Nomination papers are available at the Town Clerk's Office for the November 6, 2012 Municipal Election for any person seeking to fill the following offices in the Town of Freeport:
 - a. District 4 Councilor
 - b. Councilor at Large
 - c. Three Sewer District Trustee seats
 - d. One Water District Trustee seat
 - e. Two RSU5 Board of Directors seats
 - f. Nomination papers need to be returned by September 12 by 6 p.m. For more information, residents can call the Town Clerk's office at 865-4743, Extension 123.
4. A Community Charrette will take place on Thursday, September 27 beginning at 6:30 p.m. at the Freeport Community Center. The purpose of this is to develop ideas that will put together a

preferred plan to be submitted to the Maine DEP on the recreation land on Hunter and Pownal Roads. Lesa Andreasen will facilitate it. Individuals planning to attend should pre register by calling the Town Planner at 865-4743, Extension 103 or by E-mailing to Dlarson@freeportmaine.com. Chair Cassida strongly encouraged everybody to pre register so that the Town Planner can get people into small working groups ahead of time and make the start of the process that much smoother once the charrette starts. Anyone not pre registered will not be turned away. Anyone with an interest in the Hunter and Pownal Road playing fields is strongly encourage to participate.

5. CHANS will be conducting a public flu clinic for the seasonal flu vaccination on September 19 from 9-11 a.m. in the Freeport Town Hall. CHANS accepts donations for these vaccinations.
6. Winslow Park will be offering free camping for residents from September 17-29. Please arrive no earlier than 1 p.m. on the day you wish to check in. Contact the Gatehouse at 865-4195 for more information.
7. Freeport Day at the Nordica Theatre will take place on September 12. All Freeport residents are invited to enjoy a film at the Nordica for free. Tickets are limited to the seating capacity and there will be no rain checks provided. Residents can check their website www.Nordicatheatre.com. While the theatre will not be charging for admission, Freeport High School groups will be accepting donations and the money will go to a good cause. A driver's license or school I.D. will be necessary to prove residency.

Councilor DeGrandpre pointed out that the Maine Federation of Firefighters would be here this coming weekend. Events will take place on Friday, Saturday and Sunday. A parade is scheduled to begin at 9:30 a.m. The Federation has been in Freeport several times in the past.

Councilor Gideon reminded everyone that school is back in session and there are lots of kids walking and biking. She encouraged residents to give them a wide berth.

Councilor Egan noted that the Active Living Task Force is having a kick off Thursday morning 7:30-8:45 a.m. in Freeport Town Hall. This group is working to make walking, biking and hiking easier and more fun in Freeport. She encouraged everybody to come to the kick off.

FOURTH ORDER OF BUSINESS: Public Comment Period – (Non-Agenda Items Only)

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

Tom Wilbur advised that he hopes the closing of Route One/Main Street on Saturday for the parade will be limited to a few hours if possible.

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

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

ITEM #156-12 To consider action relative to adopting the September 4, 2012 Consent Agenda.

BE IT ORDERED: That the September 4, 2012 Consent Agenda be adopted.
(Hendricks & DeGrandpre)

Chair Cassida reviewed the items for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #157-12 To consider action relative to re-applications for an Automobile Graveyard and/or Junkyard Permit. **PUBLIC HEARING**

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

David Bolduc d/b/a D.A.B. Inc., 13 Allen Range Road.
John Ingerson d/b/a Freeport Auto Parts, 33 Allen Range Road. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

Fred Reeder, Codes Enforcement Officer, explained that these licenses come up every year. Each junkyard has been cited with DEP violations. He spoke with Chris Redmond of DEP and he felt that most of the items have been taken care of and the DEP would not want to get involved in the Town's proceedings. They felt they would take care of this on their own and let the Town go ahead if it feels its obligations have been taken care of and they can issue the licenses. He noted that DEP would monitor the clean up and may levy fines. This is a DEP decision and they do it independent of the Town. He mentioned that there are not many instances where the Town licenses businesses. If DEP regulations were to be violated with any other business in town, it is an independent action or enforcement by DEP and sometimes the town is notified and other times it is not. Mr. Reeder explained that the Town has been licensing these businesses for 26 years. There were no public comments.

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

Chair Cassida mentioned that the Council deals with this every year. Councilor Arno noted she asked Mr. Olmstead and Mr. Reeder today how serious the DEP violations were. Both explained to her that the DEP regards these as fairly insignificant violations that can be easily remedied. There have not been any complaints from neighbors. She is feeling comfortable with these applications. Councilor Bishop asked Mr. Reeder if DEP would report back to him when the violations are cleaned up. Mr. Reeder noted that he has been having a lot more interaction with DEP on a number of issues. It is his feeling that they will report back to him. If he has not heard in three months, he will contact them. Chair Cassida explained that the Council could approve these licenses this evening conditioned upon a satisfactory report back from DEP if the Council so chooses. If the Council does not approve the licenses beyond September 18, these businesses will be unlicensed activities.

Councilor Egan pointed out that the DEP letters do not indicate that these violations are insignificant but they sound quite scary when one reads them. She would feel a lot better if the Council had a letter from DEP saying that many of these things have already been remedied or there is a plan in place and they will be remedied by some point.

Councilor DeGrandpre noted that a lot of the violations were in labeling and there was confusion on how often they get labeled and how long one can have some of this stuff on site. This is a substantial change from where they were five years ago. He believes much of this has been cleaned up already. He does not see a problem with the Council renewing the licenses. The DEP will continue their enforcement and will make sure this stuff is done. He noted that in the past both of these yards have been responsive to Town requests.

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Chair Cassida explained that the Council could avoid having this on one of its agendas by approving the licenses conditional upon the receipt from DEP of verification that these things have been taken care of to their satisfaction and the Council could authorize the Town Manager to move forward and reissue the licenses without returning to the Council for additional approval. If they are able to do it within the time period, they will not be unlicensed facilities.

Mr. Reeder asked that if this is going to be the Council's desire, that he get some authorization or request from the Council that he could pass on to DEP. It would have a lot more effect than a codes officer from one more town asking for one more thing. Chair Cassida agreed something could come out of the Town Manager's office that makes it clear that the Council has requested that DEP provide documentation that the issues have been resolved. Councilor Egan pointed out that the onus is on businesses to comply with regulations and it should not be up to the Council to have to enforce these things by threatening that licenses are not going to be renewed. It is important that the Council send a message that it is serious about making sure that there is good environmental compliance by our businesses and it will be looking at that as we consider the requests coming to us. Mr. Reeder agreed and it might be a good idea that when licenses or consent agreements, etc. are issued, it becomes their responsibility to come to the Council to make a report either monthly or bimonthly. The Council will continually be up to speed. It will require the businesses to not become complacent if they have a longer period of time and to be proactive in what has to be done.

Councilor Hendricks noted that these people will be unlicensed if DEP doesn't get back to us and he is not comfortable with this. He likes the environment as well as everyone else. Councilor DeGrandpre noted that he is not comfortable with this as well and read Item 13 and 14 from the reports. There was consensus to issue the licenses now conditioned upon satisfactory documentation from DEP within three months.

BE IT ORDERED: That the re-applications for an Automobile Graveyard and/or Junkyard Permit be issued to the above named applicants conditioned upon receipt of satisfactory documentation from the Maine DEP that all environmental issues have been resolved within three months of permit issuance. (Cassida & DeGrandpre)

ROLL CALL VOTE: (7 Ayes)

ITEM #158-12 To consider action relative to the proposed removal of 25 existing street lights and the addition of 6 new street lights as recommended by the Traffic and Parking Committee. **PUBLIC HEARING**

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

Gary Profenno from the Traffic & Parking Committee explained that the Town Planner was working on energy conservation programs. As part of this program, she hired Bartlett Design to do a review of all Freeport's streetlights to see if any of the existing lights could be removed to save the Town money on electrical bills. The plan was completed and submitted on May 11, 2011. Bartlett Design recommended safely removing 65 lights which would save the town \$525 per month in electrical costs. The Traffic and Parking Committee reviewed the plan for many months. They held numerous meetings taking public input and the committee decided to send to public hearing, the removal of 45 lights rather than 65. They added lights back in at intersections and on the commuter routes approaching the village. They posted in all the normal ways, a nighttime public hearing and also marked the poles they were considering removing. They held their public hearing and learned that lights were requested in really populated neighborhoods that do not have sidewalks. After that meeting, they are now proposing to remove 25 lights. They asked Bartlett Design to come up with recommendations on how to better light the Route One corridor crosswalks. They recommended bulb changes and two new streetlights on Main Street—one

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at Bow Street to light the crosswalk across Bow Street and one at the Village Station. The Village Station light was taken down during construction but CMP has already put it back up. The Engineer also recommended adding two lights on Kendall Lane, one street light at Bow Street illuminating as one crosses from the north side to the south side and two lights on the Snow Road, one at the intersection of Snow Road and Justin's Way and one further down towards the school. While Traffic and Parking is not entirely finished with the review of new streetlights, this part was far enough ahead to bring it to the Council. Project Review is working on new ordinances for the village area and they were asked to incorporate some type of sidewalk lighting policy as they move forward with their Project Review Ordinances, which hopefully will provide direct lighting to sidewalks within the village. Mr. Profenno offered to wait and answer questions that may come up.

Wayne Hollingworth of True Street and Durham Road advised that he has no objection to the removal of the light on True Street but he found nothing in the plan for the west side of the highway. This side is growing and it is something the Council should keep their eyes on. He feels the most dangerous intersection in Freeport is at Bow and Main. He has difficulty seeing the pedestrians waiting to cross on the L.L. Bean side. He would like the Council to look at decent lighting in this area of town.

Sally Saunders and Betty Jean Hilton of Porters Landing want the #S10 streetlight maintained in Porter's Landing for safety reasons.

Ethel Wilkerson of 2 LaRue Drive sent a letter but also wanted to make sure her intention is clear that Lights on Poles 14 and 15 should not be eliminated. Foster, LaRue, Frost Brook and Noble have no streetlights. The only lights in that whole area are on Poles 14 and 15.

Andrew Molbert of 4 Foster Avenue echoed what Ms. Wilkerson pointed out. 14 and 15 are the only lights in that area. He mentioned that cars zip by pretty quickly and the lights are needed. There are no sidewalks there and there are children playing in this area. Those lights are needed for safety reasons. This is the Village Commercial zone and there are people that walk to town.

Andrew Wilbur of 32 Independence Drive spoke about Lights 142 and 144 on Independence Drive. There is no sidewalk on that street and there is a fair amount of foot traffic. There is also a daycare and school located near one of the lights.

Michael Stefanakos of 72 South Street noted that streetlights S1-S9 are located on the section of road where kids ride their bikes sometimes at 4 p.m. and having the streetlights is important for safety reasons. He mentioned the historic lights add a lot of character to our town. He wants to keep S1-S9.

Councilor Gideon read an E-mail from a resident stating that Poles 14 and 15 should not be removed because of safety reasons on heavily traveled Route One. There are no sidewalks and residents walk along this stretch of road.

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

Councilor Gideon thanked the Traffic and Parking Committee for all their efforts in this process and involving the public. She feels it is important to keep lights on in the downtown where they are needed. Councilor DeGrandpre noted that Traffic and Parking has been talking about this issue for nine months. It started out by trying to save energy by removing lights.

Councilor Bishop is concerned with the elimination of S-12 since this is where the school bus picks up and drops off. She would like to see it continued because there are more and more children in the neighborhood. Mr. Profenno was not aware of an issue with S-12.

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Councilor Egan agrees that it is important to promote safety and promote walking and biking and if the streetlights can help with that, she supports not eliminating them. She asked if moving from incandescent lights to high-pressure sodium bulbs could achieve some energy and monetary savings Mr. Profenno advised that Central Maine Power puts up whatever lights they happen to have on their truck at the time. Freeport does not get a choice when a light breaks. We don't get savings by going to higher technology. If we change to a newer style light, the cost goes up. The older the light is, the lower the cost is.

Councilor Arno noted there are eleven lights in the South Street and Porter's Landing area and a few people have talked about having them restored. Of the eleven, four are remaining. She asked what the impact of restoring all eleven would be. Mr. Profenno noted that if the comments had been made during the public hearing, they would have been taken off the list. The lights were put back in every case where new information was provided at the public hearing.

Councilor Hendricks noted that he has no problem restoring streetlights in areas where people have requested them. He looked at Gay Drive and asked what the reason was for the two lights there. Mr. Profenno explained that there were a number of requests made during the public hearing. Because of the heavy truck traffic that exists and children playing in the street, the lights were put back.

Chair Cassida noted the Council has heard some new information this evening. He suggested pulling off all of the lights identified this evening from the list. Councilor Egan listed Lights 14, 15, 142, 144, S1, S2, S3, S4, S6, S7, S10 and S12 as lights to be removed from the list.

BE IT ORDERED: That the recommendation of the Traffic and Parking Committee regarding the removal and addition of street lights be approved with the exception of Lights 14, 15, 142, 144, S1, S2, S3, S4, S6, S7, S10 and S-12 remain. (Gideon & Bishop)

Joan Campbell of Byram Avenue supports the removal of the streetlight in her area (S-12). It is in a rural area and there is support in the neighborhood to remove this streetlight. Ellen Handelman also supports the removal of that particular light. She is aware of many cars that wait there. Councilor DeGrandpre mentioned that other residents suggested removing the S-12 light at the public hearings and that is why it was on the list to remove.

ROLL CALL VOTE: (7 Ayes)

Councilor DeGrandpre pointed out that this work is not finished and Traffic and Parking meets on the third Tuesday morning of each month and requested that residents come to the meetings and share their comments.

Mr. Profenno asked about the lights suggested to be added. Chair Cassida noted the Council found there was no concern with them. It was part of the recommendation and it passed.

Chair Cassida introduced Freeport's new Town Manager, Peter Joseph and noted that he has found a place to move into in Freeport.

OTHER BUSINESS:

1. Request from the Island Rover Foundation to extend the January 26, 2010 Consent Agreement from January 20, 2013 to January 26, 2018

Chair Cassida explained that the Municipal Facilities Committee brought this item forward. Some initial discussion on this took place a number of meetings ago. The Foundation was asked to work on a few

areas and report back to the Council. He requested that Fred Reeder explain why this item is before the Council and the history behind it.

Mr. Reeder explained that there is a long history with this project. When Mr. Arndt started building this boat, all of his contiguous lots were in the same ownership. It was more a home occupation than anything else. He then created his foundation and the lots were split off so that they were not in common ownership, which essentially created a manufacturing business on a lot, which stood alone. He was cited for a manufacturing business, which was not permitted by the Ordinance. He had a lot of personal items and items that may or may not be used for the boat. In February of 2005 he entered into a Consent Agreement with the Town Council to allow him to continue to work on the boat for five years, hopefully 2010 would have been its completion time and start of clean-up of the items not to be utilized with the boat construction. Five years passed and Mr. Arndt did not complete the boat and he returned to the Council for an extension of the Consent Agreement. An additional three years was granted which is up in January of 2013. This is where we are and the boat is still not completed. Mr. Arndt is asking for an extension of the Consent Agreement between him and the Town of Freeport.

Chair Cassida stated that this is an issue of zoning compliance and people may harbor positive feelings or negative feelings about the project. Public feeling is immaterial to the decision the Council has to make. It is part of the Council's judicial function and the Council has to make a decision on how to enforce the Town's zoning requirements. While he appreciates all the comments that the Council has received on this project, he is not going to open it up to the public to tell whether they are pro or con. It would put neighbor against neighbor, which is not a great situation. He wants to focus on resolving the situation in a manner that is satisfactory for the community and for Mr. Arndt.

Harold Arndt outlined a proposal that he would like the Council to consider. He is very anxious to get the boat completed. He noted that the woody brush has been removed on both sides of Bucknam Road and street signs were erected on both sides of the right-of-way. He introduced Jon Sweet, Vice President of the Island Rover Foundation and noted that Mr. Sweet knows all the things that need to be known.

Darrel Fournier, Fire Chief, explained that there were five areas of concern that were identified during inspection:

1. Install street sign on Byram Drive identifying Bucknam Road (completed)
2. Remove brush from roadway on Bucknam Road, this needs to be done annually (completed for this year)
3. No public should be allowed within the boat structure (does not prohibit volunteers)
4. Whenever welding operations are ongoing, a fire watch shall be posted that will have extinguishers and water available.
5. All fire extinguishers have been inspected to date and are in service.

Chief Fournier inspected all out buildings and found no flammable liquids. An existing #2 fuel tank meets current DEP requirements. If these conditions are met and maintained, he is comfortable with the Council's decision.

Chair Cassida noted that he is not going to read several items into the public record tonight since they are part of the public record and folks can take a look at them here in this room or online. He put the concerns given to the Council into four broad categories which he would like to make sure as the Council goes through its discussion, there is some discussion to try to address the concerns from the public.

1. Consistency of enforcement of zoning regulations for property owners.
2. Safety (fire and public safety type issues and environmental concerns, hazards, etc.)
3. What is the level of fiscal protection for the community should the project fail and the Town has to assume the clean-up responsibilities for the site?
4. Termination of the activity and ultimate compliance of the Ordinance.

Chair Cassida put items on the table for Council discussion purposes. This is the recommendation that he would like Councilors to consider:

We should authorize the Town Manager to renegotiate the terms of the Consent Agenda.

1. The extension be limited to a three-year period rather than a five-year period. The extension should be worded in such a way as to make it clear that the Council expects this to be the final extension of the agreement and no further extensions be granted. While this Council cannot bind future Councils, it can send a clear message to the future Council that this agreement was put in place initially to recognize a zoning violation and our expectation was that that zoning violation be resolved within a reasonable period of time. The Council needs to send a clear message to the next Council that we expect this to be the last extension and this should be made clear to the Island Rover Foundation as well.
2. We remove the escrow provision from the Consent Agenda that currently exists and return the \$5,000 currently being held by the Town to the Island Rover Foundation.
3. The inclusion of a provision that requires the Island Rover Foundation bring the site into compliance with any deficiencies identified by the Maine DEP or the Freeport Fire Department and completed within whatever time frame is recommended by those agencies.
4. Include a stipulation over the term of the agreement that the Maine DEP and the Fire Department inspect the site yearly and that a report be given to the Town of the ongoing compliance.
5. The Island Rover Foundation should be instructed to produce three documents that are attached as an addendum to the revised Consent Agreement. The first one is a detailed description of all work that is necessary on the vessel to get it "trailer ready". The Council has a list of all the work that is needed to complete the vessel to launch. He would like to put on the table for Council consideration to revise the expectation to only include authorized work on the vessel that is necessary to get it on a trailer and get it off the site. What is of utmost importance to him as a Town Councilor is compliance with the Ordinance and compliance of the Ordinance is achieved when that vessel is off the site. The focus needs to be on the work that must be done to get it functionally ready to go on a trailer to leave the site. He would like to know what that work is and the agreement should stipulate that is the work to be done when funds are available over the course of this agreement, and only that work. When that work is completed, the boat is on a trailer and moved someplace else to be completed where it is in compliance with local zoning.
6. He would like the Island Rover Foundation to produce a cost estimate that describes and details the anticipated cost to move the vessel both in its trailer-ready condition and assuming that it is not made trailer ready, what would it cost to dismantle it, take it away in pieces. He does not know what happens if it is not trailer ready but the Council needs to understand what the costs are.
7. The Island Rover Foundation produce an irrevocable letter of credit in the Town's name in the amount equal to the higher of the two estimates described above. This is a financial guarantee by the Island Rover Foundation that if put in the Town's name, it gives the Town the financial assurance that should the Island Rover Foundation fail to meet the terms of the agreement, that the Town could call the letter of credit and facilitate the removal of the vessel at no cost to the public to bring the site into compliance. He feels this is a key consideration for the community in the event that Mr. Arndt does not succeed (while everyone hopes he does) the Town will be able to clean that site up to protect the public interest at no cost to the public.
8. Inclusion in the agreement that would limit all work on the vessel to that which is necessary to get it trailer ready. This provision would also require that the Island Rover Foundation submit quarterly reports to the Town detailing all work that was completed on the vessel during that quarter. Hopefully, that work would line up with the list of work already presented so the Council can see that Mr. Arndt is getting the vessel trailer ready as quickly as possible.
9. A provision that requires the Island Rover Foundation to remove the vessel from the property within 60 days of completion of all trailer ready work or termination of the Consent Agreement, whichever comes first.

10. A provision that would give the Island Rover Foundation 60 days to secure a location for the vessel to be moved in the event the Town calls the irrevocable letter of credit. If a location cannot be found, the Town will do whatever it needs to do to remove it from that location. It could mean dismantling it and selling it for scrap. Chair Cassida hopes it doesn't come to that.
11. The current Agreement stipulates a penalty of \$100 a day for failure to meet any of the terms of the Agreement. Chair Cassida sees no real reason to continue with the \$100 a day penalty since the irrevocable letter of credit is the ultimate penalty should Mr. Arndt fail to meet the terms of the Agreement.

Chair Cassida noted that he has no idea how much it will cost Island Rover Foundation to secure an irrevocable letter of credit since he does not know how much it will cost to remove the vessel. He suspects it will be \$5,000-\$10,000 at a minimum and the \$5,000 that is currently in escrow with the Town would be better served to be put toward that irrevocable letter of credit. Chair Cassida noted that it is the Council's responsibility to enforce local zoning and the Council needs to be mindful of the public's interest in the process. He opened up Council discussion.

Councilor Arno noted that she doesn't see enough sufficient capacity in the organization to finish the project whether the Council secures the letter of credit or not. The organization has been unable to tell the Council about the funds raised to date and expended. It is coming in at this late point in the process and the extension without a robust funding plan. She is worried about the capacity of the organization to raise the necessary funds given its track record. The safety issues remain and she is loath to provide another three years to the project and ask the neighbors to live with those conditions for another three years. She spoke to 13 neighbors and three of them indicated they would be willing to see the project go forward but 10 were adamant that they could not support it. They were worried about their property values, the environmental safety, the painting, the fire hazards and the materials that are there. The fact that the Council has already accommodated this project with 8 years of non-compliant activity is extraordinary and to find the Council anticipating the idea of extending that period of time another 3-5 years is nothing she can support.

Councilor Egan applauded Mr. Arndt for his perseverance. Her concern is really about whether the project will be able to be completed. She is aware that it is difficult to raise funds in these times and she is worried that the Town will have to deal with the project in the long term. She feels that the Council needs to protect the Town and taxpayer dollars. She likes the idea presented by Chair Cassida in having a letter of credit that is enough to cover any of the Town's costs to either help move the vessel or dismantle it, she is comfortable going forward with some sort of Consent Agreement. She agreed that 8 years is a long time and suggested that the Council should possibly consider a 2-year extension.

Councilor Hendricks noted that he has viewed the property and heard all the concerns. It will cost \$150,000 to finish the project. He doesn't want to be the one to squash Mr. Arndt's dream. He likes Chair Cassida's plan to give Mr. Arndt three years to try to raise this money and come up with a letter of credit that if the money is not raised, and it doesn't happen, there will be some ability to get this project moved. He would be willing to support getting the letter of credit and a three-year agreement to satisfy the concerns for safety and fire. The big thing now is fundraising and completion.

Councilor Gideon recognized the neighbors' generosity to the project. She spoke to some neighbors and learned of their discomfort with being put in the position of having to decide whether to support a neighbor and his dream and also protect the space around them. She is uncomfortable with the environmental concerns DEP raised. At the end of the day, the Council needs to make sure it is in compliance with the Ordinance and the Consent Agreement has been renewed once already. The key is trailer ready and not launch ready. She would also favor shortening the time to two years and would be comfortable with it if a letter of credit could be secured.

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Councilor DeGrandpre advised that this project started 20 years ago as a private project in Mr. Arndt's backyard. He was in compliance when he started. When he formed the foundation, it changed his position in zoning. He has not been down to visit the boat recently. Many of Chair Cassida's suggestions are in Mr. Arndt's Executive Summary. He does not want to make the time frame so short, that it guarantees non-success but he doesn't know what the answer is. The last thing he would want to do is pull the plug and start cutting up the vessel for scrap.

Councilor Egan is worried that the Council is kicking the can down the road to the next Council to have to make a really tough decision because no one wants to squash a dream. Part of the reason these extensions have happened is because people recognize the nobility of that dream and want to support it. She is aware how hard it is to raise money and she wants to note that the buck has to stop somewhere in order to make sure that zoning is enforced and that it is fair to all residents.

Councilor Bishop explained that the neighborhood likes Mr. Arndt but the neighborhood doesn't want to be part of the dream anymore. Everyone is hoping that the boat goes someplace and hopefully to the ocean.

Councilor Arno asked Mr. Arndt if the Council does not extend the Consent Agreement, how would he go about closing the project down and removing the materials from his property. Mr. Arndt advised that the Island Rover Foundation does not have the amount of money necessary to move the boat from where it is. If anyone tried to move it now without it being welded, it would be destroyed. There is no option as far as moving it.

Mr. Olmstead advised that the Town could step in after the 26th of January and enforce the Ordinance. There would be fines and penalties and if the Town chose to clean the site up or move the vessel and other debris at taxpayer expense, it could lien the property to recoup those funds. However, this would not be like a tax lien that is first in line. It would be a lien after all other encumbrances on the site, mortgage holders and other liens that may be on the site, so the chances of getting funds back are remote.

Mr. Arndt noted that he could possibly live with a three-year extension to make the vessel trailer ready but two years would be sentencing them to failure. He mentioned that the cost of raising funds for a letter of credit is an unknown at this time. He hopes that there are people that can help him.

MOVED AND SECONDED: that the Council authorize the Town Manager to renegotiate the terms of the Consent Agreement based on the provisions outlined by Chair Cassida and keep it to the three years that Chair Cassida originally proposed. A detailed description of how the funds would be developed shall also be provided. (Gideon & DeGrandpre)

Councilor Arno noted she feels it is too early to authorize the Town Manager to do anything at this point. She asked if Mr. Arndt is willing and able to secure this letter of credit. Chair Cassida noted that any further negotiation on the specifics of the Agreement as the Manager irons it out, would be brought back to the Council for approval in Executive Session. Mr. Olmstead noted that the corner stone of the Agreement would be the letter of credit. The amount of the letter of credit will have to be determined and Mr. Arndt will have to determine whether he can obtain that letter of credit. If that doesn't happen, we will have no Agreement to move forward with. Councilor Egan noted that the amount of the letter of credit is contingent on the completion of an independent estimate of cost to make it trailer ready. This would have to happen sooner rather than later. Chair Cassida explained that Mr. Arndt needs to have a number before he can go get the letter of credit and the Town Manager needs to be comfortable with the number before Mr. Arndt talks to bankers.

Councilor Arno requested a detailed description of how funds would be developed. If the Council doesn't see a certain amount of credible activity on the fundraising side, it will be one of the early indicators that the project isn't going to happen. Chair Cassida suggested she include this in the direction to the Town

Manager in the motion made by Councilor Gideon and seconded by Councilor DeGrandpre as a friendly amendment and she agreed. **VOTE ON FRIENDLY AMENDMENT:** (7 Ayes)

Councilor Egan explained that she feels demolition would be cheaper for the Town at the end of the three-year time rather than having the letter of credit paying for the vessel to be trailer ready. She suggested as a friendly amendment that in the negotiation, the Town Manager can be authorized to either have a letter of credit that would allow for the demolition in that amount or a letter of credit that would allow for the hauling of the boat just to make sure there are enough assets that Mr. Arndt has so the Council can pursue this path. For the town, the Council wants the property vacated and cleaned up. It is not the Council's responsibility to make sure the boat is trailer ready and hauled. It is the Council's responsibility to make sure that it is okay. If Mr. Arndt deems that he can get a letter of credit for demolition at a lower amount, then the Town is still protected. If Mr. Arndt wants to go with the lower amount, he should have that flexibility. It should be his choice. Chair Cassida feels the Manager can have the flexibility both ways.

Mitch Feeney pointed out that having the Council require a letter of credit, the Council is setting Mr. Arndt up for failure and making it less likely that the vessel will be completed. Any dollar spent on the letter of credit is money not being spent on completing the boat.

Councilor Egan asked if in what Chair Cassida proposed, he talked about a strongly worded statement that the Council is expecting this to be the final extension. She wondered if this should be reflected in the Consent Agreement and in the Minutes. Chair Cassida agreed it should be reflected in the record and in the Minutes.

ROLL CALL VOTE: (6 Ayes) (Abstention—Bishop)

Presentation on Train Safety and Public Education

Ed Bonney, Chair of the Freeport Train Station Committee noted that the anticipated start of service is November 1 and the Northern New England Passenger Rail Authority is expected to announce the schedule and fares for the Freeport/Brunswick service within the next few days. The Committee's educational effort will encompass communication on Downeaster service and safety around the railroad tracks and the Downeaster platform. Some of the efforts will be done prior to the start of the Downeaster service. Others will be done on an ongoing basis. A meeting will be held on September 18 where local public safety officials will meet with rail officials and rail law enforcement personnel to coordinate training, enforcement and emergency planning procedures. Chief Fournier, Chief Schofield and Mr. Bonney will report to the Council at its first October meeting.

Operation Lifesaver is planning on providing a train safety DVD to Freeport Cable Channel 3 for broadcasting. He expects this to air shortly. Operation Lifesaver is a private entity not association with the railroad of NNEPRA. It is the go to operation in the state on rail safety for the public. The committee will work with Operation Lifesaver in Freeport schools. The committee is going to determine if signage can be posted warning the public to not walk in the railroad right-of-way. There is a problem in that local jurisdiction has no authority over it. Within the railroad right-of-way, it is a federally governed enforcement problem. He is not certain that the committee will be able to post signs downtown between West Street and School Streets to not walk on the tracks. If they can, they will do it but they will do everything they can to warn people to not walk along that particular portion of the tracks. The committee will coordinate with Operation Lifesaver, NNEPRA, Amtrak and local and railroad law enforcement on rail safety press releases to local newspapers and other media outlets. The committee has worked with L.L. Bean to ensure that their employees have been informed not to walk along the railroad tracks. Their employees in Freeport have been notified via e-mail and postings about this safety issue. The committee will explore with RSU5 officials about the possibility of conducting a train safety poster contest in Freeport schools.

The committee will coordinate with NNEPRA on press releases, public notices and the local public access television message board on Downeaster schedules and fares. The committee will coordinate with Brunswick on public education efforts to ensure a consistent message. The committee will notify as many residents and businesses as possible along the tracks by e-mail of the Downeaster schedule. NNEPRA is planning an inaugural of service event and the Committee will work with them on coordinating this event. He has not been told when this will take place or what the Council's participation will be. He will let the Council know as soon as he can.

While this may not be the final list of efforts the committee is undertaking, they are confident that it is a good start and they will work to make sure that any additional public education efforts needed are undertaken without delay. The committee will keep the public informed not only on safety but also on service. He provided the Council Secretary with a copy of his remarks.

Councilor Egan appreciates all the work the committee has done. She is concerned about the school children that walk to and from school and whether Operation Lifesaver will be done in the next month or so before service starts. Mr. Bonney received an e-mail from Jennie McManus saying that the Principal at Morse Street School was planning to do something educational wise this fall. The Middle School Principal has a program planned on September 18. Mr. Bonney believes Operation Lifesaver has been in the schools during the past school year but he does not have the dates. He is confident that they are working diligently to make sure children understand how dangerous walking along the tracks can be. Councilor Egan asked if there is a way the Council can request that Operation Lifesaver make sure that safety training happens before the start of service. Mr. Bonney suggested that the Council Chair write to the School Superintendent, which would take it to a level far above where Mr. Bonney is at this point. Councilor Arno suggested that Chair Cassida also include in that letter that an educational effort be made at the high school level. She is aware that high school students have already been contacted in Yarmouth for example and it is important that high school students get the information. Bob Strong, High School Principal, advised that they have not done anything yet with their students. Today is the first day of school for 9th Graders. They will be holding student assemblies in the next few days and it would be a great time to inform the students about the programs. Councilor Egan requested that Chair Cassida write a letter to the Superintendent of Schools to extend the safety training to students in all three towns. Mr. Bonney asked Chair Cassida to copy him on his letter so his paper trail will be complete.

9:30 p.m. (5 Minute Break was taken)

Chair Cassida reconvened the meeting.

Presentation of the proposed High School Master Plan

Lydon Keck, architect, distributed copies of the Master Plan to Councilors. He noted that he has a PowerPoint presentation that he would be happy to bring back at another time. He explained that the original building was built in 1961 and additions have since been put on it. The school is moderately over crowded. They have projected that a comfortable enrollment for the high school is 500 students. Last year it was 521 students and five years from now it is expected to have 600 students and ten years from now 680 students are expected. The site contains 25.6 acres, which is an acceptable site for continued growth. The structure is sound and suitable for repair and renovation for continued long-term use. The Industrial Arts wing is the least well-built portion of the building. It is concrete block with face brick and wood trusses and wood decking. It is the least valuable portion. If the Town were to build a new high school, it would most likely look for a site that contained between 30-40 acres. They feel the site can continue to be used but it will be fully built out. Right now the school is a single story building and if the plan is to add additions and population, the town should think about growing the school vertically. In the Industrial Arts portion is an ideal location for adding a vertical addition. It could be a three-story addition.

One of the components contained in this proposal is adding an all weather turf field with a new all weather track where soccer is presently played. There is a modest expansion of the baseball field and an expansion of the tennis courts from 3 to 5 and the building of a new softball field overlaid on top of the field hockey field. In addition, there is a plan to expand parking by 25 spaces and double the number of visitor parking spaces at the front door. They are planning to increase the small parent drop off loop that presently exists at the front door. There is a plan to develop a separate bus drop-off loop at the back of the school where there would be a new addition that may be one, two or three stories tall.

They have developed six or seven different floor plans, but two sort of rose to the top. One is a two-story scheme where the old Industrial Arts building is and the other is a single story scheme where the old Industrial Arts building is. In both cases, those additions can grow to three stories. They identified areas for reuse in the cafeteria and in the kitchen. The kitchen is half the size of what they typically see for a school of this size and the cafeteria is about 70% of the size. One of the strategic decisions made was to take the kitchen and cafeteria which are presently next to the front door of the high school and move them around to the back of the school. They separated some of the major components that were in conflict with each other and put half of them in the back of the site. In the Master Plan they gave greater identification to the front doors. He summarized the estimated costs. He has been asked by the Facilities Committee to go around and make public presentations at all the school open houses. He is visiting the Selectmen in Pownal and Durham as well as this Council. He would appreciate feedback from all of the policy makers. The RSU5 Board is expected to make a decision on September 26 as to whether or not to proceed with the next stage. The next step would include architectural drawings and would be narrowed down to a one floor plan and more developed costs. If the RSU5 Board approves concept design, they would start the day after the 26th of September and would have the work done in early January. The committee and the Board could then make decisions on whether they want to send it out to the public.

Councilor Egan thanked the Facilities Committee made up of volunteers for planning on what is needed in Freeport, Pownal and Durham and doing such great outreach. It has been a really inclusive process. She asked if we do go forward with the master plan, how long does Mr. Keck anticipate that it will be useful and how does the total cost of this project compare with the cost of building a new school. Mr. Keck replied that the renovations would cost somewhere between \$14-17 million and a new school is estimated to cost between \$44-48 million. If an addition were done here, he would guess that it would be good for another 25 years. If a new school is built, it is good for 40 years. He pointed out that the renovations would be locally funded. He believes the present building is a good building and a good candidate for renovations.

Chair Cassida noted that the decision making for school funding has been taken away from the Council due to the formation of the RSU. The Council does not have a vote in the decision making other than when they step into the ballot box to approve funding or not. The Council wants to work cooperatively with the school department to put a plan together that has the greatest chance for success. He feels this is a great piece of work. Mr. Keck requested feedback.

Councilor Arno appreciates the outreach since she has heard pieces of this presentation three times. If the RSU dissolved and the projections in our enrollment changed, it may change the space needs that we have. If our population is growing, it is one of a handful of school districts in the State that are doing so. We have neighboring schools in Brunswick and Topsham that are experiencing declining enrollment and more capacity than demand. She is unsure what the status of the RSU will be and wonders if it will impact these projections to grow. She is interested in learning if there would be opportunities to collaborate with these neighboring communities instead of building. She likes the effort to create a variety of stages that can be implemented over time.

Councilor Egan feels it makes more sense to go with a renovated building that could last 15-30 years. It would be way below the \$44-48 million. Chair Cassida requested that the Committee let the Council know when they are discussing this issue so they can make every effort to attend.

Discussion on an Ethics Policy for the Town of Freeport

Councilor Gideon introduced the item and asked Councilors Arno and Hendricks to jump in. She explained that the Council began talking about adopting a code of ethics for a couple of reasons. They discovered that they had different language and guidance for ethics policies throughout the boards, committees and the Town Council. They felt it would be great to have one guiding document that goes across all Municipal appointed or elected committees and boards. There was a question about what should be used as guidance for recusing ourselves as Councilors with the understanding that for many of the Council or other Town boards, they also sit on the boards of non-profits in Freeport. In many communities, there is a small group of people who volunteer in multiple ways. That question of conflict often comes up. They found that there are very few communities in Maine that have such a policy. They looked at those that were available for guidance and a MMA individual came in and talked to the Council and provided some thought. He suggested that the Council use some of these other policies to some degree but give some thought as to why the Council wants a policy such as this and then create one that is appropriate.

They created a pretty simple and straightforward policy. They came to the conclusion that there is no definitive guide to when a conflict may exist. Chair Cassida noted that he is very comfortable with this document. There is some language in some of the policy statements for boards and committees, notably the Planning Board that has very strict ethics guidance, which may contradict this in some respect. He suggested putting this on the table for other boards and committees to review and provide feedback to the Council before the Council adopts it. Chair Cassida wanted to give it to the Council before presenting it to other boards and committees to see if there is something the Council doesn't like.

Councilor Arno noted that what the Council is likely to find is more definition. If one is on the Planning Board, it might look like this. Councilor Egan tried to read the policy very carefully. It would not be a conflict in that the financial interest would have to really benefit the Councilor in a direct way or an indirect way. She noted that everyone is trying to do the best for their community and there are a lot of overlaps. She suggested adding some language to Section 2.4 that talks about the interest having monetary pecuniary value to the individual. In Section 4.1 where it says, "no Councilor or Council appointee shall be employed by the Town", she noted that on the Active Living Task Force, we have Donna Larson serving as an ex officio member and we have people working on our Communications Working Group where we have appointed a committee of Councilors but there are staff members participating. She knows that the Council wants to make sure that the Town doesn't employ Councilors but on the other hand it would be useful to have some of our staff serve on a committee. Councilor Arno pointed out that the employees on the Communications Working Group perform part of the communications job. It is consistent with their doing their jobs.

Councilor DeGrandpre read this on line the first time and it seemed to him that there was discussion at one point of participating in discussion of an item and if a Councilor had a conflict, that Councilor would not be allowed to participate. Later on it was stated that you would never be prohibited from participating. Councilor Gideon agreed that this it is in Section D. Councilor DeGrandpre noted this is confusing where it says one must immediately remove himself or herself from the meeting room occupied by the general public.

Chair Cassida clarified that in this type of instance a Councilor abdicates his/her responsibility as an elected official/decision maker in the process but one never abdicates his or her responsibility as a citizen and should have the right to comment from down there if one so chooses.

Councilor Gideon asked for guidance where it says "No Councilor or Council appointee". Councilor Egan noted that she wants to make sure that the Council has no staff serving as official committee members. They can come to committee meetings and they can contribute but they wouldn't be listed as a committee member. Attorney Crawford interpreted 4.1 and advised that this came from a concept called

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“Incompatibility of Office.” The idea is that if you are the employer, you shouldn’t be the employee. He noted that one shouldn’t be a Council member and then also a person that provides services to the building because you would be setting your own salary and overseeing your own review. Chair Cassida explained that Police Chief Schofield serves on the Traffic and Parking Committee along with appointed residents. He does not staff it. Mr. Olmstead noted that he is a voting member of that committee. Attorney Crawford feels that Chief Schofield’s service, as the appointment there is part of his employment as a chief, not as an appointee member that will be supervising himself. He feels this is okay.

Councilor Egan suggested adding an example such as this into the policy so the Council does not get bound unintentionally. If somebody is on staff and is serving in the capacity of staff on a committee, this is an allowable committee member.

Councilor Gideon noted that they didn’t feel that they could state unequivocally that there is no conflict if you are a member of a non-profit. It has to be decided on a case-by-case basis and that the appropriate body to decide that is the fellow Board.

Chair Cassida advised that the policy will be circulated to Town boards and committees but it will come back to the Council.

Informational Exchange /Committee Reports

Chair Cassida mentioned that the Train Riders Northeast Annual Meeting would be held on September 13 in Freeport. He registered and the steak meal has been paid for but he has a work conflict and will not be able to attend. Councilor Bishop offered to take his place.

Councilor Bishop advised that the Annual Picnic will not take place this year. It is the same week as another big event scheduled in Town. Chair Cassida noted that he wants to talk about this off line.

Councilor Egan advised that they are trying to update FreeportTalks with some more questions. There is a staff drafted policy on how FreeportTalks should be administered in the hope of making that site more robust. It will be coming to the Council.

Councilor DeGrandpre advised that the Fields Committee would be meeting Thursday morning in the Town Hall at 7:30 p.m.

ITEM #159-12	<p>To consider action relative to an Executive Session with the Town Attorney to discuss the acquisition of property for train platform access and to discuss negotiations with the Department of Transportation concerning Exit 20 modifications (1 M.R.S.A. § 405(6)(c)).</p> <p><u>MOVED AND SECONDED:</u> That the Council enter into Executive Session. (Gideon & DeGrandpre) <u>VOTE:</u> (7 Ayes)</p> <p><u>MOVED AND SECONDED:</u> That the Council reconvene into Public Session. (Gideon & Egan) <u>VOTE:</u> (7 Ayes)</p>
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MOVED AND SECONDED: To introduce an item not on the printed agenda. (Egan & Arno) **VOTE:** (7 Ayes)

ITEM #160-12	<p>To consider Council action relative to acquiring necessary rights of access to the Freeport Train Platform through the exercise of eminent domain.</p>
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BE IT ORDERED: That the Council initiate measures and direct the Clerk to commence the issuance and postings of notifications as required to enable the Council to acquire by eminent domain certain easement interests on and over the property of Timm Holdings, LLC, located at 5 Depot Street, Map 10, Lot 24 on the Freeport Assessor's Maps, so as to enable the Council to hold a public hearing and to consider and act on the taking at its regularly scheduled meeting for September 18, 2012 at 8 p.m. to be held at the South Freeport Church Meeting Room, 98 South Freeport Road. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 11:21 p.m. (Bishop & DeGrandpre)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-12
SOUTH FREEPORT CHURCH, 98 SOUTH FREEPORT ROAD
TUESDAY, SEPTEMBER 18, 2012 –8 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 8 p.m. and took the roll.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

In the absence of a flag, the Pledge of Allegiance was not recited.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #20-12 held on September 4, 2012 and to accept the Minutes as printed.

Councilor Egan referred to page 6 under Item 158-12 regarding street lights and explained that she voted “Nay” so the vote was actually (6 Ayes) (1 Nay—Egan)

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #20-12 held on September 4, 2012 and to accept the Minutes as amended. (Bishop & Arno)
VOTE: (7Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Cassida announced that:

A Community Charrette will take place on Thursday, September 27 beginning at 6:30 p.m. at the Freeport Community Center. The purpose of this is to develop ideas that will put together a preferred plan to be submitted to the state DEP agency on the recreation land on Hunter and Pownal Roads. Lesa Andreasen will facilitate it. Individuals planning to attend should pre register for planning purposes by September 24, 2012 by calling the Town Planner at 865-4743, Extension 103 or by E-mailing to Dlarson@freeportmaine.com. If anyone is interested, they can sign up on the sign-up sheet that is available this evening. Chair Cassida strongly encouraged everybody to pre register so that the Town Planner can get people into small working groups ahead of time and make the start of the process that much smoother once the charette starts. Anyone not pre registered will not be turned away. Anyone with an interest in the Hunter and Pownal Road playing fields is strongly encouraged to participate.

- Our new Town Manager, Peter Joseph, is with us this evening. He started working in Freeport yesterday and Chair Cassida welcomed him. As part of his transition to taking over the duties of the Town Manager in a couple of weeks, he will be available to meet with members of the public on Tuesday, October 16. If anyone would like to schedule an appointment to meet with him, please contact Johanna Hanselman at 865-4743, Extension 120. If anyone is unavailable that day but would like to meet with him at a later date, please contact Peter himself at 865-4743, Extension 121. He will be in a lot of meetings within the next several weeks and it would be advisable to schedule a meeting.
- The current FreeportTalks topic needs your input. We are looking for creative and practical ideas to make Freeport the best community it can be. We are interested in hearing your ideas on how Freeport residents can lead more active and healthier lives. Please go to www.FreeportTalks.org to share your ideas.
- Once again the MMA has granted its Supreme Award to the Town of Freeport for our 2012 Annual Report. The Association holds an annual competition to recognize the best-designed reports published in Maine and Freeport has been a frequent winner in these contests in large part due to the work of Caroline Pelletier. She deserves a lot of thanks. Freeport is consistently ranked very high in the state.
- Winslow Park will be offering free camping for residents from September 17-29. Please arrive no earlier than 1 p.m. on the day you wish to check in. Contact the Gatehouse at 865-4195 for more information.
- Chans will be conducting a public flu clinic on seasonal flu tomorrow, September 19 from 9-11 a.m. in the Freeport Town Hall. Chans accepts donations for these vaccinations.

FOURTH ORDER OF BUSINESS: Public Comment Period – (Non-Agenda Items Only)

There were no public comments so the Council skipped over this item.

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

ITEM #164-12 To consider action relative to adopting the September 18, 2012 Consent Agenda.

BE IT ORDERED That September 18, 2012 Consent Agenda be adopted.

Chair Cassida reviewed the three items on the Consent Agenda for members of the public. Councilor Hendricks requested that Item 162-12 be removed from the Consent Agenda.

ROLL CALL VOTE ON REMAINING CONSENT AGENDA: (7 Ayes)

ITEM #162-12 To consider action relative to accepting a bid for the maintenance of the Transportation and Visitor's Center (train station and platform areas).

BE IT ORDERED: that the bid from Walbow's Yard Care in the amount of \$102,750 for work to be performed from October 1, 2012 to May 31, 2015 be accepted. (Hendricks & Bishop)

Mr. Olmstead explained the bid materials that have been passed out. The Municipal Facilities Committee met and reviewed the proposals for the train platform/train waiting area facility and had several questions. The questions were recorded by staff and presented to the two that submitted quotes. The three questions were answered almost identically by the two responders because they mimicked back to us the language that was in the RFP as to the work to be performed. They both submitted revised quotes. At this point Walbow revised their quote downward to \$101,000 and Harrison Earthworks revised their quote to \$103,305. Walbow is still the lowest quote. Discussion followed.

MOVED AND SECONDED: To change \$102,750 to \$101,000. (Hendricks & Bishop) **VOTE:** (7 Ayes)

Edward Bonney, chair of the Freeport Train Station Committee pointed out that a variety of training would be necessary to maintain the platform. There is no limit on the number to be trained but they will be trained after the first of October.

ROLL CALL VOTE: (7 Ayes)

ITEM #165-12 To consider action relative to acquiring necessary rights of access to the Freeport Train Platform through the exercise of eminent domain. **PUBLIC HEARING**

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

Edward Bonney explained that the Town Manager has been working and negotiating with the landowner on this easement for a considerable amount of time without any tangible results. It has now come time for the Council to exercise its right of eminent domain. He pointed out the area being discussed. If the Town cannot acquire the rights to this easement, the train will not stop because of liability issues and we cannot guarantee that we have access to the platform secured properly. Mr. Bonney stated that this is a very important step and he encouraged the Council to start the proceeding.

Andrew Arsenault of U.S. Route One asked how the Council arrived at the price. Mr. Olmstead advised that the price was based on a market appraisal and noted it is an easement, not a purchase. Mr. Arsenault does not believe this is a lot of money for downtown property. It appears low.

Joe Migliaccio of South Freeport Road explained that taking people's property is something nobody wants to see happen. As a taxpayer, if this property owner has a number that is three to four times the assessed value, he would be comfortable paying it.

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

Mr. Olmstead explained that when the surveyor went down and did his work and then was reviewed by the Town Attorney, we realized that a very small portion of the easement was missing. It was actually the entryway to the train platform. He passed a sheet showing the portion in yellow that was omitted from the survey. He reported that negotiations took place today. The gap between the appraised value and the

asking price was 4-5 times. As of today that gap has shrunk to almost that number and he believes that they will be able to reach an agreement and avoid the eminent domain process but the Council has to take action tonight in case that does not happen.

Councilor Gideon pointed out that the Council has spent many hours in Executive Session on this issue and there have been many hours where the Town Manager and the Chair of the Train Committee negotiated with this party in good faith. As the Town Manager mentioned, we are close to a negotiation. This is what the Council needs to do at this point in order to move forward with the train station and the train's arrival on November 1. Chair Cassida is hopeful that the Town will be able to negotiate the larger purchase and not have simply an easement across the property. He noted that we are negotiating in good faith and are willing to pay a fair price. He would not pay four times the assessed value for a piece of property but would pay a fair market price. To do otherwise would be irresponsible to the taxpayers.

BE IT ORDERED: That revised motion Order No. 1 for the Town of Freeport, Maine be adopted as printed below: (Bishop & DeGrandpre)

TOWN OF FREEPORT, MAINE
CONDEMNATION ORDER AND
RETURN OF THE MUNICIPAL OFFICERS

The Municipal Officers of the Town of Freeport, Maine hereby issue this Condemnation Order and make return of their proceedings under 30-A M.R.S.A. §3101, and 23 M.R.S.A. §§ 3022 and 3023 in regard to the laying out and taking of interests in and to a certain property located in the Town of Freeport, Maine as follows:

1. This condemnation is for a public use and purpose, namely to provide for essential pedestrian and vehicular access rights and easement rights to the Freeport train station.
2. Timm Holdings LLC is the record owner of the subject property in these proceedings by virtue of a deed dated October 20, 2003 and recorded in the Cumberland County Registry of Deeds in Book 20454, Page 237. As of this date, there are no mortgagees of record in the Cumberland County Registry of Deeds with recorded mortgage interests in the subject property.
3. The Municipal Officers of the Town of Freeport, Maine have determined that public exigency requires the immediate taking of the real estate and property interests described herein.
4. The Municipal Officers have determined that the description of the property and the interests to be taken are as follows:

Pedestrian and Vehicle Easement

An easement for pedestrian and vehicular use and access for the purpose of ingress, egress and access to and from the rail platform (the "Platform") in the location described as follows:

Beginning at the intersection of the southeast sideline of Depot Street and the southwest sideline of Mill Street, so called, in the Town of Freeport, County of Cumberland and State of Maine, as depicted on a certain plan recorded in the Cumberland County

Registry of Deeds in Plan Book 201 page 389, and proceeding around the hereby described easement in a clockwise fashion, to wit:

Thence N 33°-42'-11" E along the southeast sideline of Depot Street for a distance of 12.14 feet;

Thence S 47°-34'-53" E for a distance of 43.24 feet;

Thence N 44°-40'-15" E for a distance of 57.01 feet;

Thence S 45°-24'-04" E for a distance of 9.00 feet;

Thence S 44°-40'-15" W for a distance of 56.67 feet;

Thence S 47°-34'-53" E for a distance of 5.62 feet to the northwest sideline of the former Maine Central Railroad right of way, now of Pan Am Railways;

Thence turning to the southwest and proceeding along the northwest sideline of Pan Am Railways for a distance of 12.01 feet;

Thence N 47°-34'-53" W for a distance of 5.50 feet;

Thence S 44°-40'-15" W for a distance of 19.01 feet;

Thence N 47°-34'-53" W for a distance of 9.01 feet;

Thence N 44°-40'-15" E for a distance of 19.01 feet;

Thence N 47°-34'-53" W for a distance of 40.93 feet to the intersection of the southeast sideline of Depot Street and the southwest sideline of Mill Street and Point of Beginning herein, all as shown on the attached Exhibit B herewith.

For further reference of the above-described lot and easement, see the plan entitled "Pedestrian and Parking Easement Plan made for the Town of Freeport over a portion of land now or formerly of Timm Holdings LLC", as prepared by Royal River Surveyors, attached as Exhibit B and to be recorded herewith.

The easement rights including and for further access to any improvements located upon the Platform, as well as use by train passengers, service personnel and others embarking and disembarking from any train(s) providing passenger rail service to the Town of Freeport, Maine. The rights hereunder to further include the right of the public to discharge and/or collect passengers from or by vehicles together with reasonable rights (in common with others having like rights) of access and transit from the nearest public road across existing paved areas, as the same may be reconfigured from time to time.

5. The Municipal Officers have determined that the owners of record of the property are:

Owners of Record: Name: Timm Holdings LLC

Mortgagee(s): Name: None

6. The proposed date of taking possession of the property is the date this Condemnation Order and the accompanying Certificate of the Clerk of the Town of Freeport are recorded in the Cumberland County Registry of Deeds.
7. The Municipal Officers gave due and legal notice to all parties interested in their intention to lay out and take the subject property by posting a Notice of Hearing thereon at least seven (7) days previous to the date of hearing, these postings being on September 6, 2012 in four public places within the Town of Freeport, including two public places in the immediate vicinity of the property to be taken, all as identified and set forth on the Return filed with the Town Clerk.
8. The Municipal Officers met at the time and place designated in the notice, to-wit: on September 18, 2012 at 8:00 p.m., Eastern Daylight Savings Time, at Freeport, Maine and heard all parties interested in the laying out and taking of the subject property.

THEREFORE, IT IS ORDERED AS FOLLOWS:

- A. That the Municipal Officers do hereby lay out, take and condemn, the above described parcel of land for public purposes pursuant to 30-A M.R.S.A. §3101 and 23 M.R.S.A. §§ 3022 and 3023; and
- B. The Municipal Officers also do hereby determine that damages should be awarded to the Owners, Timm Holdings LLC, as their interests may appear, in the amount of Six Thousand and One Hundred Dollars, \$6,100.00, this amount having been determined to be just and full compensation for the interests in the property being taken, the sum to be appropriated from the Public Infrastructure Reserve Account, and do approve payment of this amount as full compensation for damages; and
- C. That the original of this Order shall be filed with the Town Clerk who shall thereupon cause an attested copy of this Order to be served upon the aforementioned Timm Holdings, LLC; and
- D. The Town Clerk is further ordered to prepare the Certificate required by 23 M.R.S.A. §3024 and to record the Certificate in the Cumberland County Registry of Deeds.

ROLL CALL VOTE: (7 Ayes)

ITEM #166-12 To consider action relative to the appointment of an Investment and Trust Advisor and Custodian for the Town of Freeport.

BE IT ORDERED: that Bangor Saving Bank and Trust Company be appointed Investment and Trust Advisor and Custodian for the Town of Freeport. (Gideon & Egan)

Finance Director, Abbe Yacoben explained that the Town sent out RFPs to 35 firms and received 11 bids at the Town's bid opening on July 3. They interviewed the top three and each firm did a great job in these interviews but staff felt that Bangor Savings Bank and Trust Company would best meet Freeport's needs.

Bob Cyr, Jim Robbins and Julie Cote from Bangor Savings Bank and Trust Company explained what they would be providing Freeport and also provided some background information on their bank. They

explained how the funds would be transitioned and noted that they plan to work closely with Ms. Yacoben.

Councilor Arno thanked Ms. Yacoben, the Town Manager and many others who worked hard to help us revise the investment policies and make some of those revisions keep pace with market conditions that Freeport is experiencing today and for doing such a rigorous job finding someone to steward our funds, particularly given the nature of the market. She asked if the cost of this new arrangement would be comparable to what it has cost the Town in the past. Ms. Yacoben pointed out that the Town would be saving money going forward.

Councilors thanked Mr. Cyr, Mr. Robbins and Ms. Cote for coming this evening.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Update on Natural Gas Installation

Jamie Garland explained that in 2010 Natural Gas was brought to Freeport. They have nine miles of pipe installed. In 2011 they started hooking up the Town's facilities as well as some commercial facilities. This year they have been bringing service to some residences. They have come up with a list of all the areas they want to sell to but must look at making it cost effective. Expansions will happen where people want gas. He answered questions for Councilors.

Chair Cassida asked if the Town identified three regions in Freeport, could the gas company provide costs to bring gas to those areas. Mr. Garland explained that they would need to know a list of residents that want gas, and how much oil or propane they used. They would then figure out the conversion to natural gas and determine a pay back model and if there is enough usage and the costs involved. Density will be factored in. The calculation will be affected if there is a large area with three-acre lots and houses spread all over versus a fairly dense area with many houses in close proximity. He noted that residents are expected to sign a contract if they want gas.

Councilor Hendricks shared his personal experience in contacting Maine Gas and the difficulty in getting a call back. He has heard from residents that the gas company is only interested in connecting to Freeport businesses and that no one returned their calls and they have no idea how to get gas installed at their homes. Mr. Garland agreed that the educational work they did this year was poor. He provided his business card to Councilor Hendricks and offered to send him a spreadsheet showing their generic lines so that people can view what they are looking at. Councilor Hendricks felt this would be great to add to the Town's website so residents could download it. He also noted that there are different districts in Town and perhaps the Council can get volunteers to beat the pavement but he is aware that some people have an aversion to knocking on doors. He volunteered to be the representative in his district. He is aware that some residents are waiting to get the call from the gas company saying "we are bringing gas down your street, when do you want it?"

Chair Cassida pointed out that there will be conversion costs inside the house for residents and he would like to see the Town develop some sort of partnering relationship with one or several local installers so that some price savings could be had for the residents doing the conversions. He asked Mr. Garland if the Town wanted to continue this conversation, identify a couple of areas and have the calculations done, who should it contact. Mr. Garland replied that he should be called.

Chair Cassida explained that the new Town Manager would be having further discussions on this topic.

2. Request from Isabella's Restaurant to place outdoor seating in the public right-of-way.

Larry Greenlaw explained that on the School Street side of the property, the Town owns up to the edge of the building. Struggling with competition from all the other restaurants in town, the business is hoping to draw people in. The existing granite will remain but they will flatten the area. They will bring in gravel and six inches of crushed rock on top of the gravel. A new rail will be constructed. The shrubbery near the bookstore will still stay. No music is being proposed. They are proposing to have three tables and twelve seats.

Mr. Olmstead explained that the Council does not allow business owners to put any permanent structures in the public right-of-way. There doesn't appear to be any permanent structure in what Mr. Greenlaw has described but there should be some limitation on how long the tables can be there. A time constraint of perhaps May 1 through October 1 should be considered. This proposal will have to go through Project Review and the Town's insurance carrier will not be excited about this. They will have concerns with the possibility of someone falling and injuring themselves and then suing both Mr. Greenlaw and the Town.

Councilor DeGrandpre advised that he had a conversation with the Town Engineer and learned that he did not see any reason why this proposal should not go forward. Councilor Arno brought up the subject of drainage and Mr. Greenlaw advised that he already has a drain installed to catch the run-off.

Councilor Egan asked if Mr. Greenlaw has liability insurance. Mr. Greenlaw replied that he does have insurance. Mr. Olmstead noted that the Town's insurance carrier will review Mr. Greenlaw's insurance and he is confident that they will require some modifications.

Councilor Hendricks asked Mr. Olmstead if any other requests have been made to use the Town's right-of-way. Mr. Olmstead advised that historically there have been other requests of Council to use the Town's right-of-way but he could not recall a time in which the Council allowed a stationary structure placed in the right-of-way but allowed other things that can be readily moved. If Mr. Greenlaw goes through Project Review, all the department heads will weigh in. He had a conversation with Public Works about snow removal, which is the reason for the limitation on tables being out there.

While Councilor Hendricks is supportive of this request, he raised the issue of whether other merchants would want the same consideration in front of their business. Councilor Egan explained that she is very supportive of Freeport's local businesses and the town has been very vocal about supporting its local businesses. Anything the Council can do to create a livelier atmosphere downtown is worth investigating. She suggested moving forward with the blessing of the Council after making sure that due diligence is done with the insurance carrier. Chair Cassida agreed and noted that he believes he can draw a distinction between this and perhaps some other applications. This is not in anyway impeding pedestrian traffic. Some other applications might be a different situation altogether.

Mr. Olmstead suggested placing some limitation on the time of year and the number of tables to be written into the agreement. Chair Cassida requested that the limitation be included in the motion that is about to be made by Councilor Gideon.

Councilor Hendricks asked about lighting and Mr. Greenlaw explained what currently exists. No additional lighting is being proposed and no outside fire pits or torches are being proposed.

MOVED AND SECONDED: That the Council grant the request from Isabella's Restaurant to place outdoor seating in the public right-of-way with the following conditions: the number of tables be limited to three and the tables are out anytime between May 1 and ~~October 1~~ November 1 and that the conditions for the Town's insurance carrier are met and that it goes to Project Review Board.
(Egan & Bishop)

Councilor Egan made a friendly amendment to the motion to allow the tables to be out anytime between May 1 and November 1. Others concurred.

ROLL CALL VOTE: (7 Ayes)

3. Discussion on Town Manager transition plan

Chair Cassida advised that Peter Joseph started yesterday and the Council is very glad to have him here. Council leadership sat down with Mr. Joseph and Mr. Olmstead right after he accepted the position and drafted up a transition plan that would take him from his first day to Mr. Olmstead's last day on October 18. The purpose of this transition period is to give him a crash course in Freeport history and getting to know all the people he will interact with on a regular basis in doing business as the Freeport Town Manager. His schedule is quite full for the next four weeks. Some of the meeting places he will be attending are out of Freeport. When he is in Freeport, he will be reviewing codes, policies and rules while Mr. Olmstead is still here to provide historical perspective, background, etc. Mr. Joseph will officially take the oath of office on October 1. Mr. Olmstead is still our town manager until October 1. During the last two weeks of Mr. Olmstead's tenure, he will serve as a paid consultant to Mr. Joseph and Mr. Joseph will be the town manager. During one of those weeks, Mr. Olmstead will be attending the ICMA Convention in Phoenix, Arizona and will be back for a couple of days before his retirement. Mr. Joseph will be on his own. This is a very well thought out plan and Chair Cassida wanted to brief the public on it. He offered to answer any questions that the public may have.

Councilor Gideon noted that seldom does a town manager get to have such an introduction. It doesn't happen very often and only when there is a retiring manager. Chair Cassida added that when Mr. Olmstead called MMA to set up the interaction, he was advised that to their knowledge no other town has ever done this before. This was something that Mr. Olmstead came up with as something to pursue. He reiterated to the public that if anyone would like to sit down with Mr. Joseph, there is a designated time set aside on Tuesday, October 16. If anyone cannot make this time, call and try to schedule another appointment or take a chance as a walk-in. He is confident that members of the public will find that Mr. Joseph has a lot of talent and will be an excellent town manager.

4. Information Exchange

Councilor Hendricks advised that Winslow Park finished the pavilion where bands will play. They are moving forward on building a basketball court at Winslow Park.

Chair Cassida announced that the yearly Volunteer Staff Picnic would be held on October 14 at Harb Cottage. The invitations have gone out to volunteers.

Councilor Egan advised that the Communications Group has been meeting to try to engage the public in Freeport's decisions and what is going on. One of their initiatives is to communicate electronically with as many people as possible that are able to communicate this way. Councilor Arno noted that they would be making a concerted effort over the next few months to collect e-mail addresses from Freeport residents who would like to receive communications from the Town by e-mail. Several opportunities will be created for residents to give their e-mail addresses including an on line way to sign up to give the group their e-mail addresses. They have been thinking about putting different boxes around town where residents can put their e-mail addresses in them. The boxes will be collected some other time and it is by the resident's permission only. They will not be gathering e-mail lists and twittering them without permission but they will ask residents to opt in. It will be a cost effective and timely way to put e-mails out. Councilor Egan assured the public that they will make every attempt to ensure privacy but they will be shared. People will be able to opt out at any time. Councilor Egan explained the situation that occurred in Falmouth. Chair Cassida wanted to make residents aware that they can be protected to the extent the law allows.

Councilor DeGrandpre advised that Traffic and Parking met this morning and discussed parking on Holbrook Street. A decision was made to leave it alone for now. Over the next couple of months they plan to meet with RSU5 folks and the folks in the neighborhood to try to decide what to do. They discussed the parking challenge that exists there and plan to have more discussion going forward. They talked about lights in town and also streetlights. They have a couple of lights on a list already and they want to be made aware if there are dark places where people are walking. They talked about the parking on Concord, which is near the Freeport Seafood Company. Everybody has started parking along both sides of the road so they plan to try a couple of things. Mr. Presgraves will work with the Town Planner to see if the restaurant will deal with their employees that are parking on the street. If we cannot get the roadway clear, signage may be needed. Chair Cassida is happy that this restaurant has enough business to have a problem with parking.

ITEM #167-12

To consider action relative to an Executive Session to discuss negotiations regarding proposals for the management of the train station Pursuant to (1 M.R.S.A. § 405(6)(A)).

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

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

MOVED AND SECONDED: To adjourn at 11:20 p.m. (Arno & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-12
FREEPORT TOWN HALL – COUNCIL CHAMBERS
TUESDAY, OCTOBER 2, 2012 -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 6:30 p.m. and took the roll. He welcomed Freeport's new Town Manager to his first official meeting.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #21-12 held on September 18, 2012 and to accept the Minutes as printed.

Councilor Egan referred to page 10 and requested:

- that the word "twittering" be changed to "using."
- change the sentence that reads, "It will be a cost effective and timely way to put e-mails out" to "It will be a cost effective and timely way to share Town information."
- Delete the sentence that reads, "Councilor Egan assured the public that they will make every attempt to ensure privacy but they will be shared."
- Add "since at this time E-mail contact lists are subject to the Freedom of Access Act" after Chair Cassida wanted to make residents aware that they can be protected to the extend the law allows.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #21-12 held on September 18, 2012 and to accept the Minutes as amended. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Cassida announced:

- There was a water main break that occurred on Main Street yesterday just south of the L.L. Bean store and a second gate valve leak occurred on the south side of Main Street. They are being repaired and water is expected to be restored tonight. The road will remain closed and dug up overnight. Road repairs should be completed by tomorrow night and Main Street will be reopened at that time. The Water Utility is responsible for the repairs. The Town Engineer and Public

Works Superintendent are providing technical advice. There are several detours in effect around that area of Main Street.

- The Town experienced a website failure today. The Town's website and E-mail were down part of the day today so if anyone was trying to access Town information on the Internet, this is the reason he or she was unable to. It was caused by an expired domain registration and this problem has been fixed. The registration has been renewed and service is back on.
- The Maine Residents Property Tax and Rent Refund Circuit Breaker program has been accepting applications for property tax assessed and rent paid during 2011. \$1,600 is the maximum refund available. Residents can find out if they are eligible and/or apply by going to www.Maine.gov/revenue/netfile/gateweay2.htm. Applications are also available at the Town Office. If anyone needs help, they can contact Johanna Hanselman at 865-4743, Extension 120 for an appointment.
- As part of the transition period for our new Town Manager, he will be available to meet with members of the public on Tuesday, October 16. If anyone would like to schedule an appointment to meet with him, please contact Johanna Hanselman at 865-4743, Extension 120. If anyone is unavailable that day but would like to meet with him at a later date, please contact him directly at 865-4743, Extension 118.
- The current FreeportTalks topic needs your input. We would like to know what would motivate you to start shopping in Freeport more often and what type of initiatives Freeport should consider spending tax dollars on. Please go to www.FreeportTalks.org to share your ideas.
- Once again the MMA has granted its Supreme Award to the Town of Freeport for our 2012 Annual Report. The Association holds an annual competition to recognize the best-designed reports published in Maine and Freeport has been a frequent winner in these contests in large part due to the work of Caroline Pelletier. She deserves a lot of thanks. Freeport is consistently ranked very high in the state.
- Town Clerk Tracey Stevens recently earned the designation of Certified Municipal Clerk by the International Institute of Municipal Clerks. This designation is granted to only those Municipal Clerks who complete education requirements and who have rendered a significant contribution to their local government, their community and their state. Congratulations should go out to Tracey. He urged anyone stopping in Town Hall to congratulate her.
- The Annual Volunteer Recognition Barbecue will take place on Sunday, October 14 from 2-4:30 p.m. at Harb Cottage. Invitations have gone out directly to volunteers and they are asked to RSVP so that enough food can be provided. Volunteers can RSVP at 865-4743, Extension 121. This is a family event with volunteers encouraged to bring their spouses and children. There will be raffles. This is a wonderful opportunity for volunteers to get together and be recognized. He encouraged Councilors to extend personal invitations to volunteers that have never attended.
- The Town will be holding a public meeting on the South Street Sidewalk Project on October 15 at 6 p.m. in the Town Hall Council Chambers. The purpose of the meeting is to present public information and solicit input on the design of a sidewalk on South Street from where it currently ends to West Street and along West Street for 100 feet. Representatives from the Town and the Town's consulting design engineers will be present. This project is funded through MDOT's

program to improve pedestrian safety in a village area. For more information, residents can call the Town Engineer at 865-4743, Extension 106 or e-mail him at apresgraves@freeportmaine.com

Councilor DeGrandpre asked if there would be an opportunity to discuss the rest of the sidewalk on West Street. Chair Cassida did not know but Councilor Gideon pointed out that the South Street project would be done next year and the West Street project is separate and will also be done next year.

Councilor Arno pointed out that on Saturday the Freeport Historical Society would be hosting its Quilts and Barns Tour. Tickets are available. The Annual Pettingill Farm Day will be held Sunday at the Pettingill Farm. There is no admission fee and it is open to all residents and people from the surrounding areas.

FOURTH ORDER OF BUSINESS: Public Comment Period – (Non-Agenda Items Only)

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

Sande Updegraph thanked the Council for the extraordinary opportunity afforded her to serve as Freeport's Economic Development Director. She has found it to be an adventure and a lot of fun. The new Director is Keith McBride and he is looking forward to introducing himself to each Councilor and to everyone in the community. Ms. Updegraph plans to continue to work in Freeport. She will be at the Train Station when train service starts on November 1.

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

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

ITEM #171-12 To consider action relative to adopting the October 2, 2012 Consent Agenda.

BE IT ORDERED: That the October 2, 2012 Consent Agenda be adopted.
(Hendricks & Bishop)

Chair Cassida reviewed the items on the agenda for members of the public. Councilor DeGrandpre pointed out that the work being done to the Pownal Road and Hedgehog Mountain Road intersection will make this area much safer for residents.

ROLL CALL VOTE: (7 Ayes)

ITEM #172-12 To consider action relative to approving a purchase and sales agreement between the Town of Freeport and Timm Holdings, LLC for the purchase of real estate located at 5 Depot Street (Tax Assessor Map 10, Lot 24).

BE IT ORDERED: That the proposed purchase and sales agreement between the Town of Freeport and Timm Holdings, LLC for the purchase of real estate located at 5 Depot Street be approved. (DeGrandpre & Bishop)

Chair Cassida noted that the Town Manager would be explaining what this item and the next two items on the agenda are because they are all related. On the third order, he will note the change in parking spaces. Mr. Joseph explained that Mr. Olmstead and Mr. Timm have negotiated this agreement. The Town is awaiting the signed copy from Mr. Timm but we are in verbal agreement. At the Council's previous meeting, eminent domain was authorized to take a smaller piece of this property but it was not executed by the Town because of the ongoing negotiations to purchase the property in question.

As for Item #173-12 Mr. Joseph is recommending the appropriation of funds from proceeds received from the sale of tax-acquired property for the purchase of real estate at 5 Depot Street. As for Item 174-12, Mr. Joseph explained that this item grants 44 parking credits to the property owner since he would not be in compliance when the property is sold to the Town without these parking credits. His property requires about 75 parking spaces.

Councilor Egan thanked Mr. Olmstead for all his work in negotiating this agreement with Mr. Timm. She is pleased that an agreement was reached. She suggested that the Council plan to hold a public process to find out what the community thinks should be done with the additional space around the easement going forward. She feels that this is a large expenditure of public money and there is no clear plan on how that land will be used. She noted that the Council might want to consider charging for those parking spots because people could come from outside Freeport and park there for an unlimited time.

Councilor DeGrandpre thanked everybody that was involved in this issue and is glad it was resolved in this way. Councilor Bishop pointed out that there is no parking charge assessed anywhere else in Town but signage for that parking lot should be looked at quickly saying something like "no 24 hour parking". It is possible cars could sit there for a week or more. Councilor DeGrandpre noted that Traffic and Parking could look at the signage and charging concepts.

Councilor Arno acknowledged the hard work that went into crafting this agreement. She noted that it makes a lot of sense to acquire this property given that the train station is there. Chair Cassida explained why the Council voted on eminent domain at its last meeting knowing that negotiations with the property owner was ongoing. There were deadlines the Council had to meet to satisfy NNEPRA and Pan Am with respect to having access to the train platform. He wanted the public to understand that the Council does not take action to take someone's property by eminent domain cavalierly.

Councilor Egan pointed out that this is a large expenditure of public money and there is no clear plan on how that land will be used. Sometime in the next year she feels it would be useful for the Council and the Planning Department to convene in some sort of public meeting to discuss what that land could be used for. Councilor Gideon noted that being able to lease those parking spaces is an option that could bring in some revenue. It may be possible that the train station would need to be expanded but the Council would not know this for sometime. She agreed that the Council should sit down in the next year and evaluate where we are, how the train ridership is going and are there any thoughts floating out there. Councilor Hendricks agreed with Councilor Gideon. There was consensus to have this discussion in the next year and check in on the use. Chair Cassida explained that historically the "To Do" lists are maintained by the Town Manager and Mr. Joseph agreed to plan a public hearing sometime in the next year.

ROLL CALL VOTE: (7 Ayes)

ITEM #173-12	To consider action relative to the appropriation of funds from proceeds received from the sale of Tax Acquired property for the purchase of real estate from Timm Holdings, LLC located at 5 Depot Street (Tax Assessor Map 10, Lot 24).
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BE IT ORDERED: That \$125,000 be appropriated from the proceeds received from the sale of tax-acquired property to purchase real estate from Timm Holdings, LLC located at 5 Depot Street (Tax Assessor Map 10, Lot 24).

BE IT FURTHER ORDERED: That up to \$5,000.00 be appropriated from the proceeds received from the sale of tax-acquired property to pay closing costs. (Arno & Bishop)

Councilor Gideon noted she feels it is fine to take the money from the tax-acquired property fund for this purchase but would like to have a discussion at the next Council meeting on this fund as a whole.

ROLL CALL VOTE: (7 Ayes)

ITEM #174-12 To consider action relative to the issuance of parking credits in accordance with Article VI, Section 48-504 of Chapter 48: Traffic and Parking Ordinance.

BE IT ORDERED: That ~~41~~ 44 parking credits be assigned to the existing building located at 5 Depot Street (Tax Assessor Map 10, Lot 24). (Egan & Gideon) **ROLL CALL VOTE:** (7 Ayes)

Councilor Gideon asked the Council to take Item #176-12 out of order since the chair of the Active Living Task Force is not in attendance at this time. Councilors agreed to take it out of order.

ITEM #176-12 To consider action relative to a proposed amendment to the Rules of Order and Procedure for the Freeport Town Council concerning the Town Council agenda order.

BE IT ORDERED: That the proposed amendments to the Rules of Order and Procedure for the Freeport Town Council dated October 2, 2012 be adopted. (Hendricks & Bishop)

Chair Cassida explained that the Council has added the Pledge of Allegiance and has asked the new Town Manager to issue a Manager's Report twice a month as part of the Council's meeting. The Manager's Report will be posted on the web. The Council cannot add items to its agenda order without amending its Rules and Procedures. Councilor Egan suggested that the Council allow the Manager to speak before the public comment period since his report might spark comment from the public. There was no opposition to this suggestion.

ROLL CALL VOTE: (7 Ayes)

The chair of the Active Living Task Force was not in attendance so Chair Cassida went to Item 1, under Other Business.

OTHER BUSINESS

1. Request from Habitat for Humanity concerning the Habitat West Street Project

Steve Bolton asked if instead of paying the Town back the \$144,000 upon the completion of the eight units on West Street, if they could pay back \$134,000 and use the \$10,000 to front load the Homeowners

Association to maintain the current stormwater system that is on the property. This would assist the families with tight budgets on the property. This will be a private road so the folks will have to plow and cut the lawn. The amount they will be asked to put up, as an additional cost for their Homeowners Association might be difficult to stretch so they are asking for some money to front them with. They are hoping to keep the cost to \$100 per month or less.

Councilor Arno asked what this \$10,000 would cover. Would it be for a year's worth of storm water maintenance or would it be expended over five years? Mr. Bolton could not provide an exact answer but estimated it would take care of a few years.

Chair Cassida pointed out that the Town has not received any revenue yet so really the Council would only be doing as an action is reducing the purchase price. The revenue would still come in as those units are sold. Councilor Bishop suggested reducing the amount to \$5,000 since it could take care of the storm water maintenance for quite a few years. She would be willing to reduce the amount to \$5,000.

Chair Cassida noted this is not an action item tonight. He would like to give Mr. Bolton some direction so he can bring the item back. Councilor Hendricks suggested getting the Town Engineer to provide an estimate on a yearly cost. While he is willing to help out in the beginning, he does not feel the Town should be maintaining the storm water for the next ten years.

Mr. Bolton advised that nobody is moving in until next summer.

ITEM #175-12 To consider action relative to an expenditure from the Traffic and Parking Reserve fund for a Bicycle/Pedestrian comprehensive study.

BE IT ORDERED: That up to \$25,000 be available from the Traffic and Parking Reserve fund for an Active Living Plan rfp and recommendation to the Council for future approval.

Note: The current balance in the Traffic and Parking Reserve fund is \$309,490.00.

Note: The Active Living Task Force will give a brief explanation of the project. (DeGrandpre & Bishop)

Councilor Egan explained that the expenditure is actually for an Active Living Plan not a comprehensive study.

Anne-Marie Davee, chair of the Active Living Task Force explained that they have had two meetings with excellent representation. At their last meeting they had experts from the Portland area who informed them of the components of a comprehensive plan which she shared with the Council. Their advice is that the plan should include an assessment of the pedestrian and bicycle environment, an inventory of transportation networks, signage, prioritization of needs with public input, recommendations for effective improvements in accordance with American Association of Highway Transportation design standards, future planning recommendations, plans for sustainability, opportunities for grant funding and recommendations for regional connectedness.

The Active Living Task Force will compile an rfp and go out to bid. Consultants who bid on the rfp proposal will be carefully reviewed and interviewed. The bid that provides the best value will be given consideration for approval. This process was supported by the Portland Area Comprehensive

Transportation Plan and recommended. They have discussed going to each of the four voting districts and holding public forums to determine what residents are feeling the priority needs are. This is the tact they are going to start with but they need a consultant to do an overall plan and ensure that it is in accordance with highway standards.

Chair Cassida explained that the general idea is not to get funding for everything all at once. From this process, they would come up with a prioritization for areas that need to be immediately addressed and then systematically work through the list. He pointed out that Freeport's Planning staff has had some long-range planning for sidewalk extensions. West Street has been discussed already. Councilor Egan noted that putting a plan like this together is not an insignificant amount of work for a volunteer committee. Portland Area Comprehensive Transportation System (PACTS) has agreed to go out and hold public meetings for Freeport but ultimately some professional assistance will be needed to bring in a real comprehensive plan into more detail for Freeport.

Councilor Arno explained that the Council has done three on-site Council meetings in three districts so far this year and what struck her about each of those meetings is the number of traffic/safety complaints that people had. It is pervasive in Freeport. She asked if we are extraordinary in this regard. Are there other communities that have been successful in mounting campaign initiatives to reduce the overall speed of cars and increase the safety of pedestrians? She is wondering if this study would provide an opportunity for the Council to explore answers to these questions. She asked how this plan could be used to tamp down automobile speed. How can we increase the safety? Are other communities doing campaigns that have been successful or do they just have to live with it? It has become such an off spoken issue; she is beginning to get worried about it. She would be very interested to learn if this plan would help Freeport move closer to solutions to this very pervasive issue. Chair Cassida echoed Councilor Arno's comments. He mentioned all the roads that the Council has heard about at district meetings. This is going to be a big plan for this committee and a really long-term plan. There is no way this community will be able to address all the areas identified.

Councilor Gideon noted that in order to do something like this, it has to be very purposeful and with a bold vision. It will be a long project. Councilor DeGrandpre pointed out that education needs to be a component of this. He mentioned that bike riders need to realize that they need to follow the same rules as car drivers. The Council has been working hard looking at Public Works projects going forward. He noted that roads such as Beech Hill are dangerous and the shoulders need to be fixed. This amount seems like a lot of money for a plan that is not pulled together yet. Ms. Davee mentioned that they heard the minimum requirement would be \$8,000 but up to \$25,000 depending on the bids that come out. She noted that this appears to be a realistic range. The Task Force hopes to keep the cost down as much as possible.

Chair Cassida noted he is comfortable authorizing up to \$25,000 but wants the Task Force to continue to work diligently to finesse the process and keep the cost closer to \$8,000. He is confident a lot of work can be done by volunteers and the staff that we have but he does not want to sacrifice the quality of the product. Ms. Davee advised that the Town of Yarmouth is bringing the Condon Parkway up to Exit 17 and they were thrilled that this is on our radar screen because they want to create some regional connectedness.

Councilor Bishop asked if there are any large projects that are destined to come out of the Traffic and Parking Reserve Fund. Chair Cassida advised that there are several future demands that will be discussed at future meetings. Mr. Joseph explained the fund.

Councilor DeGrandpre is comfortable authorizing the \$8,000 but he would prefer that they come to the Council with an amount they determined they really need for authorization. He is looking for a good plan

not necessarily a big bold plan and he needs to see details. Councilor Gideon suggested that the Council appropriate up to \$25,000 but ask the committee to come back when they have their rfps in hand.

Kelly Fitz-Randolph of 19 East Street spoke of Ms. Davee's integrity. She feels this is a wonderful way to be more physically active in the community. She is excited about this. Kent Simmons of Litchfield Road advised that there are seven organizations that administer trails in Freeport and there isn't any centralized planning. He noted that we have to be careful in balancing access by our residents for outdoor recreation with access and publicity to people that visit our town. If handled incorrectly, there will be a lot of traffic on our streets that we haven't planned on. This is a complex need and he feels it should be managed in the appropriate way.

Daniel Freund of Cheehawk Road advised that this project is such a marvelous thing. This is a wonderful initiative and he feels this will be well-spent money. It will make the community healthy and will invite businesses to come here. Dede Bennell of Cove Road pointed out the obesity rate in this country and that this is a health issue as well. She lives in a neighborhood that is accessible to schools but she is not comfortable letting her children ride their bikes to school.

Councilor Hendricks noted that most of the time the rfp is in before the Council makes a decision. When the Council sees the rfp and everything that was included, it is easier to make a decision. That being said, he would still be willing to make a decision tonight. More discussion followed. Chair Cassida suggested giving the Task Force permission to go forward and get the detailing it needs and then bring it back for final approval once the Council has specifics.

ROLL CALL VOTE: (7 Ayes)

2. Update on Train Public Safety Plan

Ed Bonney advised that they had several public education plans to undertake before the arrival of the Downeaster. A meeting took place on September 18 with the Amtrak Superintendent, the Amtrak Police Detective, Peter Joseph, Chief Schofield, Deputy Fire/Rescue Chief Conley, Officer McManus and Mr. Bonney participated. He provided copies of his report to the Secretary for distribution and read it into the public record.

Lt. Susan Nourse explained the education and enforcement plans to increase safety and minimize or eliminate the chance for problems or accidents along the railroad properties. Deputy Fire/Rescue Chief Conley provided a sheet to Councilors explaining how fire/rescue services is preparing in anticipation of the arrival of Amtrak daily. They have put together an aggressive training schedule to begin on October 15. Councilor DeGrandpre mentioned he would like to attend one of the training sessions.

Mr. Bonney explained that the inaugural run will take place on November 1 but the day-to-day service starts on November 2. As of October 1 people were able to go on line to purchase tickets for the Downeaster. The first northbound train originates in Portland and will pass through Freeport at 6:30 a.m. everyday. The last southbound train will pass through Freeport at 8:45 p.m. on weekdays and the last southbound train will pass through Freeport at 9:25 p.m. on weekends and holidays. These two trains are primarily equipment moves and the only time that those trains are going to stop in Freeport is when someone has purchased a ticket to ride from Freeport to Brunswick or if someone has purchased a ticket to ride from Freeport to Portland. There will be two trips per day from Brunswick/Freeport to Boston, Massachusetts. The first southbound train that will stop in Freeport at 7:20 a.m. will originate in Brunswick and arrive in Boston's North Station at 10:30 a.m. that day. The first northbound train originating in Boston will arrive in Freeport at 11:35 a.m. and continue on to Brunswick. The next

southbound train will depart Freeport at 6:05 p.m. and arrive at North Station at 9:15 p.m. The weekend and holiday schedule varies but people will be able to see it when they make their reservations. The last northbound train from Boston will arrive in Freeport at 8:05 p.m. on weekdays. On weekends and holidays the last northbound train from Boston will arrive in Freeport at 8:45 p.m. The Downeaster service is a reserved service and passengers will not be able to purchase tickets on the train. Passengers can make reservations and print tickets on line at Amtrakdowneaster.com or they can get their tickets at the Quick Track ticketing machine which is installed in the Hose Tower but is not operative or they may call 1-800-USA-RAIL to reserve tickets which can be printed at home or picked up at the Quick Track ticketing machine by using the credit card that the tickets were charged to. The Downeaster waiting room will be open from 7 a.m. to 6 p.m. daily. The waiting room may not be staffed at all times during the day. He and Ms. Updegraph met today and they will have a staffing schedule before the end of October and that information will be shared with the Council. The most expensive Downeaster fare between Freeport and Boston will be \$27 but there are many discounts available, which can be accessed when one goes on line to purchase tickets or if you use the Quick Track machine. For instance children ages 2-15 are half fare when traveling with a full fare-paying adult. During the fall and winter months, children will ride free on Sundays. Seniors are eligible for a 50% discount.

Sande Updegraph will be the manager of the new train station in Freeport. She encouraged everyone to ride it. There will be big doings on November 1 around one o'clock when the first train arrives in Freeport. She noted that a few Freeport folks would ride the train. She encouraged Freeport residents to come out and wave, yell, scream and enjoy the excitement. The Freeport High School Band will play and there will be free give-aways. She promised to keep the Council informed and urged them to be there!

Councilor Arno appreciated all the information that was provided this evening. Chair Cassida noted that he has to decide which two Councilors will ride on the inaugural train. If anyone is interested, they should let him know. Councilors Bishop and DeGrandpre indicated that they want to go. Mr. Bonney advised that there would be a celebration and excitement at every stop between Boston and Freeport.

3. Continued discussion on Quiet zones

Councilor Gideon explained how Quiet Zones came into existence and the train horn rule. She noted that the Council's primary responsibility is safety of its citizens. The Council also has to protect and increase where possible the residents' property values and help in the success of the businesses that were encouraged to come to Freeport. There is no way to make the risk of injuries or fatalities go away when it comes to railroads. We can only mitigate those risks. She pointed out that the Council asked for some history on accidents in Maine but only got the history on accidents in Freeport and she does not find this very valuable since they occurred in the 70s and one in the 80s. When one looks at the accidents that happened in Maine over the past seven to eight years, most of them occurred when drivers put themselves in the risky situation of trying to beat a train. They go around the gates and through a crossing when a train is coming or in foul weather, were unable to stop because of brake failure.

With the gates we have in Freeport, people can still choose to skirt round them when a train is approaching and cause an accident. If safety is our primary consideration, she feels the Council would want to consider a measure such as channelization. She invited the Council to consider the options. After our last meeting, she received e-mail messages from residents asking the Council to apply for a Quiet Zone right now. She advised that she is not comfortable with instituting Quiet Zones without some safety measures. She finds it risky and scary. She would like the Council to consider applying now for a Quiet Zone to be implemented with safety measure in the spring. One safety measure would be channelization, which would cost \$120,000 (\$15,000 each) along with a \$17,500 for annual maintenance cost. Reports conclude that channelization is very effective. Another option would be the Quad Gates, which would cost \$1.2M.

Councilor Gideon suggested that if no one is willing to start the application now, she asked that the Council schedule a date certain and that it be the first meeting of March to revisit this issue. A number of Councilors indicated at the last meeting that they wanted to wait and see what it is like when the train comes. Her preference would be to begin the application now.

Councilor Hendricks asked if channelization is installed, how Public Works is going to plow the small streets like West Street. He has concerns because there are no sidewalks and people walk on lawns or in the street and adding channelization, cars have no way to go. Councilor Gideon noted that Mr. Presgraves is worried about West Street if channelization is installed but he has a solution to plow through other streets that have channelization. She mentioned that West Street would be fixed next summer.

Councilor Bishop pointed out that the same type of thing occurs on East Street. Councilor DeGrandpre explained that the Council has not heard from the Police Department or Chief Fournier. When you cross any of these railroad tracks now you have the option of any lane or the center of the road as people get out of their way. When cars start stacking up stuck in channelization waiting for the train to go by and everything to clear but they can't move out of your way. They are stuck in the track and can't get out. Channelization talks cheap and you can throw stuff down on the road but when you have to deal physically with emergency vehicles, snow removal, etc. he has concerns.

Councilor Egan appreciated the thoughtfulness Councilor Gideon brought to this issue. It is a difficult issue for any Town welcoming a train for the first time. The noise can be disturbing and detrimental. The Environmental Review indicates that there are 35 Freeport residences and businesses along the rail line that will experience significant noise impact. She has concerns with Quiet Zones and they come down to safety. In her opinion, Quiet Zones are not as safe as horns and the risks cannot all be mitigated. She has concerns with how quiet trains are in snow and people walking or biking on the railway. She pointed out that there is a third option, which is the Wayside Horns, which would cost \$480,000. These horns reduce the noise for residences in a significant way. She advised that the Council needs to take action to force NNEPRA to pay for these. They will never voluntarily say that they will pay for them. This information is in the environmental document, which legally binds them to be part of the solution for the noise impact. If they pay for these Wayside Horns, the Town doesn't have to take on the legal burden.

Mr. Bonney advised that NNEPRA is the operator and Amtrak is the owner of the equipment and he does not know how the operator could be forced to pay a half million dollars in improvements. Chair Cassida explained that if the Council decides to apply for a Quiet Zone now or a few months from now, that option should be fully explored and not discounted in any way. It should be in discussions the Council has with NNEPRA, Amtrak or PanAm. A Wayside Horn is not on the train but is on the crossing. From a distance that Wayside Horn will sound and is shaped to warn the folks that need to be warned. Chair Cassida advised that this is a discussion the Council needs to have if it applies for a Quiet Zone.

Mr. Joseph advised that a brief conversation took place with the Town's insurance carrier. If we apply for a Quiet Zone, we would open ourselves up to a lot of liability. This is on the public record and if something bad were to happen, it would turn them against the Town if they were looking for someone to blame.

Kelly Fitzrandolph of 19 East Street pointed out that no one really knows what the liability is. There have only been assumptions made. The details need to be known but she is in support of applying for a Quiet Zone while the Council sorts things out. She advised that the Council has a consultant that really doesn't know about Quiet Zones. She mentioned that there are way too many questions that need to be answered.

David Webster of Lavers Pond Road explained a letter in the Council's packets from his niece, Shannon Garrity. She couldn't be here tonight because of a work conflict. She is in favor of Quiet Zones. Mr. Webster congratulated and welcomed Mr. Joseph. He provided some information on channelization and Quiet Zones and read excerpts into the public record. He also provided research on wayside horns. He encouraged the Council to try to figure out some solutions that are best for everyone and proceed with strategies. He is excited about the train coming to Freeport but is also excited about mitigating some of the impacts.

Scott Gleason of Park Street pointed out that this is a major change in usage for residents that live near the tracks. He suggested that the Council apply for Quiet Zones. Kelly Fitzrandolph of East Street advised that the train schedule is geared for tourists who want to come here shopping and the Council really needs to consider what it will turn into if more trains are added. Chair Cassida countered that it is a train that Freeport residents will use to get to Boston but agreed it will bring others in.

Councilor Gideon asked what remaining information is needed to be gathered in order to have a meaningful conversation. She has the following list:

- Public Safety to weigh in on how they would get through if channelization devices were installed
- Albert Presgraves' explanation on Public Works—how big are the plows, how big are the roads, what about West Street, what about Hunter Road, what about East Street, will the maintenance costs of channelization increase

(Councilor Hendricks will contact Mr. Presgraves and make certain he will be prepared to provide answers at the next Council meeting.)

- Are partial Quiet Zones a possibility?
- Wayside Horns
- Clarify the liability issue
- If other communities had to sign an indemnification agreement

Councilor Egan noted that the Town has a lawyer that understands rail and the Council should ask him about liability. She proposed that the Council write to FRA and ask them to enforce the environmental assessment finding and compel NNEPRA to pay for the Wayside Horns and see what they say. This is something Patricia Quinn will be familiar with and it will not ruin our relationship with her. This is what railroads do.

Councilor Gideon mentioned wayside horns would be helpful to the majority of people that live along the tracks but not everyone. She would like to have the best discussion on what the best SSM is and then decide if that is the next course of action. Councilor Arno wants to get the liability question answered before deciding on channelization or wayside horns. Councilor Hendricks asked why not ask about them paying for some environmental noise reduction.

Chair Cassida advised that Public Safety and Public Works could be queued up for the next meeting in October or in December. In the meantime he has no problem writing the letter to FRA and he would like to get more information on wayside horns and how they differ from train horns. The Council can get the attorney to weigh in at the next meeting. He wants the Council to decide if we are going to apply for a Quiet Zone. The Council can always figure out what we will install when we get to our Capital Budget process. Councilor Hendricks would like to see case law of what happens when there have been accidents

in Quiet Zones. Who got sued, who was liable and what happened? Mr. Joseph was asked to pull this information together and he indicated that he would do his best.

Councilor Arno explained that the Council has gone around and around. She finds repetition helpful. This is an enormous expense that has not been anticipated in our budget.

Kelly Fitzrandolph asked the Council to take into consideration the devaluation of property and loss of tax revenue for the town for the properties situated along the rails.

Ms. Updegraph noted this is a very difficult subject. She mentioned a meeting that she, Councilor DeGrandpre and Chair Cassida attended in Cumberland last year with representatives from the FRA. There was a very knowledgeable FRA representative and she would be willing to try to get someone up here at the next Council meeting to answer these questions directly. She will work with Mr. Joseph to get the representative in. There was Council consensus that this would be fine. Councilor Hendricks requested that Bob Consul be asked to attend the next meeting to address property values.

4. Discussion on Management Strategy for FreeportTalks.org

Councilor Egan explained that she, Councilor DeGrandpre and Councilor Arno are on the Communications Working Group as well as staff that are actively involved in the website and other means of communication. They are developing a comprehensive communications plan and one aspect is Freeporttalks.org. It is creating an interactive electronic dialogue with town residents. They have come up against questions about how the site should be governed. Who should be the administrator? Who gets to come up with the questions? There is a management strategy for Council's administration.

The purpose of the site is to generate ideas gathered from all residents. The Town Council manages the site overall and the staff does the day-to-day work on it. They are proposing that the Town Council delegate the overall topic development to the Communications Working Group. The Council also has the ability at any time to suggest new questions to be put up on the site. The Working Group has established a timetable for topics. Staff will be responsible for drafting the questions and the background on those questions. We want to civil to one another on the site and we don't want to have anything hateful or derogatory.

Councilor DeGrandpre gave Councilor Egan and Councilor Arno credit for doing the heavy lifting. He thanked them. He suggested that there should be some sort of measure so the group will know how well they are doing. Perhaps Donna Larson can give the group a number of members, etc. to help them understand the success that they are having. Councilor Egan agreed that this is an excellent point because the Group would like to promote FreeportTalks.org so that more people are on the site and interacting with Councilors. Councilor Egan explained that the Working Group would like to have more interaction between Councilors and staff and residents, partly to let residents know that their ideas are being read and are being considered when Councilors make their decisions.

Chair Cassida advised that rather than designating a new Town Council committee to deal with this issue specifically, he would suggest utilizing the Special Projects Committee. He does not want to create another standing committee. He would authorize the Communications Committee/Special Projects Committee to take on this work and he is willing to retitle it for this purpose. Councilor DeGrandpre asked how often this committee would have to meet. Councilor Egan is confident that a lot of the work can be done by e-mail once the process is put in place. The Communications Working Group has been meeting frequently right now because they do not have any guiding communications. They envisioned wrapping it up within a couple of months and stop meeting. She likes the idea of designating the task of

defining the topics and working with the staff on FreeportTalks and the Special Projects Committee. Councilor Arno explained that the ad hoc committee was created because of the recognition that we wanted to put into place more obvious and better ways to communicate with people and get feedback. To make the Council's work more transparent and more inclusive and develop messages around things the Council felt was important. She noted that the Town staff on this working group has other jobs and the committee is creating a plan whereby many people take a piece and it is coordinated so many people do the heavy lifting. She is not sure that it should go under Special Projects and then be retired at some point. She views the work of this Group as ongoing and wouldn't want to characterize it as a special initiative and once we are done with it, it is done. Chair Cassida clarified that he wants to make this the Communications Committee. The Special Projects Committee will take on this responsibility because it can handle both. It can be re-titled. It will be the Council's next step to go from an ad hoc to a permanent part of what the Council is and what it does. Councilor Egan pointed out that there is no shortage of great ideas but the question of how we staff it needs to be determined. This will have to be thought through.

5. Town Manager's Report

Chair Cassida noted that this is something new and it will appear just before the Public Comment period on Council's agendas and will also appear on the web the Thursday prior to each Council meeting.

Mr. Joseph mentioned that he would like some input from the Council on what they would like to see covered in this report. If Councilors have a preference for certain categories that they would like covered, they should feel free to contact him.

His first report covered the comments and concerns provided by residents at the District 3 workshop held on September 18.

He explained that at the request of the Town of Yarmouth, he met with representatives of Portland Metro. Yarmouth has requested an estimate on what it would cost to extend Metro service to stops in Yarmouth. Mr. Joseph learned that there was interest in Freeport in the past but the cost was a factor. Yarmouth was interested in learning if there is any difference in their costs and Freeport's costs if routes are combined. He feels it will be interesting to see if this makes a difference. It is fact finding at this point. Falmouth has a special route. He will let the Council know if Portland Metro provides any figures to him.

Mr. Joseph has been touring the waterfront with the Harbor Master and the Shellfish Warden. He found it enlightening to see what they do everyday such as monitoring clam-flats, water sampling, etc.

He attended a Freeport Economic Development Corporation (FEDC) meeting and will be taking over one of the ex-officio seats from Mr. Olmstead. He also toured Maine Municipal and met their staff, department heads, insurance people, etc. They spoke highly of Town staff. He also toured Winslow Park last week and looked over all of the facilities. Councilor DeGrandpre pointed out that the Town Manager always cooks at the Volunteer Picnic. Mr. Joseph indicated he would be happy to help out.

Mr. Joseph advised that a project has started at the DiPietro tax-acquired property. It is a 26 acre abandoned home site. Anything of value has been taken from the house and the property has generally been trashed. A walk through was done with the Department of Environmental Protection (DEP) because there were petroleum products in 55-gallon drums found on site. Solid waste, plastic and building materials are also there. The hazardous materials appear to be isolated in two particular areas. While DEP was not overly concerned, it is something the Town has to take care of DEP provided a procedure to follow. There will be a cost to clean up this property. Chair Cassida advised that the good news is that the property has been secured.

Councilor Arno mentioned that \$4,000-\$5,000 was approved a year ago to study with the Midcoast Region about a bus service that came out of Bath/Brunswick. Councilor Gideon reported that she just asked Donna Larson about this and learned that she received a report back on this topic. Councilor Gideon will forward it to the Council tomorrow.

6. Information Exchange

Chair Cassida reminded Councilors to talk to area merchants about possible gifts for the Volunteer Picnic. He noted he made a couple of calls today and was successful in getting a few items. A letter was sent out explaining the event but the two people he talked to had not gotten the letter. If other Councilors run into this situation, Johanna has the letter and can send it out again. Chair Cassida urged Councilors to do this in the next couple of days and if any Councilor is a member of a committee, he asked them to try to get the volunteers to come to the event. He would like to see more people to attend.

Councilor Hendricks asked if Chair Cassida could e-mail a copy of the letter so he would have it for referencing. Chair Cassida noted he would ask Johanna to send it to Councilors. Councilor Hendricks asked if Town staff could divide up the list of volunteers and give each Councilor 4 or 5 people to contact. He would be willing to call 10 people since he is on several committees. Members of the Active Living Task Force should be invited to the picnic. Chair Cassida noted it is a lot of work so he would appreciate all hands on deck if possible.

Chair Cassida advised that the Council is scheduled to meet on October 16 and he and Councilor Gideon will not be able to be there. He sent out an e-mail asking about October 23. Councilor Egan will not be able to attend. There was consensus to move the meeting to the 23rd. Mr. Joseph will change the meeting date and post it.

Councilor DeGrandpre advised that the Fields Committee would be meeting in Council Chambers Thursday morning. Chair Cassida asked him to make sure they are aware of the picnic.

MOVED AND SECONDED: To adjourn at 10:20 p.m. (Gideon & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #23-12
FREEPORT TOWN HALL – COUNCIL CHAMBERS
TUESDAY, OCTOBER 23, 2012 -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		
James Hendricks, 21 West Street	x (arrived at 6:39 p.m.)		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 6:37 p.m. and noted that Councilor Hendricks would be arriving shortly. He took the roll.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #22-12 held on October 2, 2012 and to accept the Minutes as printed.

Councilor Arno referred to the second paragraph on Page 12 and recommended that it be changed to read as follows for clarification purposes. Other Councilors concurred.

“Councilor Arno explained that, although some have observed that the Council has gone around and around on this issue, she finds the repetition helpful. The topic is complex and involves an enormous expense that has not been included in our budget.”

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #22-12 held on October 2, 2012 and to accept the Minutes as amended. **VOTE:** (4 Ayes) (2 Excused—Hendricks and Egan)

THIRD ORDER OF BUSINESS: Announcements

Chair Cassida announced:

- A little more than an hour ago there was a traffic accident at the corner of Main and Mallet Drive. A tractor-trailer took the pole out so the traffic lights are not functioning and most likely will not for a couple of days. There is a three-way stop sign now and he advised motorists to use caution. This is not the first time this year that the pole has been clipped by a tractor trailer truck. CMP will move the pole back to try to prevent damage from happening again.
- On November 6 the Freeport polls will be open from 7 a.m. to 8 p.m. in the Freeport High School Gym for the general and municipal election. Sample ballots and information on absentee voting

are available on the Town's website. Residents can call the Town Clerk at 865-4743, Extension 123. In addition to regular business hours, the Town Clerk's office will be open until 8 p.m. on October 30 for voter registration and absentee voting.

- The Town is sponsoring a pilot program to subsidize the cost and encourage the responsible disposal of household hazardous waste. Household hazardous waste coupons will be available at the Town's Recycling Center and have a value of up to \$20 towards the cost of disposal at the Riverside Recycling Center in Portland. These coupons will be made available to the first 100 residents that request them with a limit of one coupon per household. For more information, please contact the Freeport Recycling Center at 865-3740. The Riverside Recycling Center is only open from 7 a.m. to 4 p.m. on the first Saturday of the month from April to November.
- The current FreeportTalks topics need public input. The current featured topic is whether or not Freeport needs to manage its deer population. We would also like to hear thoughts on economic development issues. The Freeport Elders need fundraising ideas to help them raise \$20,000 to purchase a bus. There is also a general category where any idea on any topic can be posted. To comment on these topics or to post a separate comment, please go to www.FreeportTalks.org.
- The Maine DOT is considering potential solutions to traffic backups at the Desert Road Interchange. A postcard was mailed to residents last week. The Maine DOT is inviting residents to participate in an informational meeting on October 30 beginning at 6:30 p.m. at the Freeport Community Center. For more information on the proposal, residents can go to the DOT's website which is www.MeDOT.gov. They have a couple of helpful videos that simulate what the proposed intersection will look like. Mr. Cassida encouraged interested residents to attend the meeting.
- The Downeaster regular train service will begin on November 2. On November 1 at 12:30 p.m. there will be an inaugural celebration with prizes, balloons and the Freeport High School Band will be playing. The train should be arriving sometime between 12:30 and 1:30. Residents are encouraged to join the celebration to welcome the train. The train schedule is posted on the Town's website.

Councilor DeGrandpre noted that in Chair Cassida's e-mail, there was a link that brought everyone to the information on the Desert Road Interchange. He requested that the entire link be posted to the Town's website rather than have residents go to the DOT's website. Mr. Joseph offered to add the link to the Town's website.

Councilor DeGrandpre advised that the Hunter Road Fields Committee is hoping to have a complete draft of the rules and policies available at their first meeting in November. He would like to have the draft completed and approved by the committee so that it can be placed on the Council's first December meeting for Council consideration. He also advised that on Thursday morning at 9 a.m. the RFP for the Hunter Road Complex building will be reviewed here in the Council Chambers. Anyone interested in what the building will look like is invited to come. Parking will also be discussed.

FOURTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph advised that Keith McBride, the new Director of Freeport Economic Development Corporation (FDEC), started three weeks ago. He encouraged people to stop in and meet him in the Town Hall.

Two weekends ago the Fire and Rescue Departments conducted a rural water drill for fire insurance purposes. Chief Fournier provided the good news that they provided 705 gallons per minute in rural areas not covered by pressurized fire hydrants and this will significantly impact the Town's insurance ratings.

Freeport has received a State Grant in the amount of \$32,873 to replace the Sandy Beach wooden stairs with new aluminum stairs. He gave credit to Donna Larson and Earl Gibson and noted this is a great piece of news.

On September 4, the Council discussed two permit applications for automobile recycling and graveyard/junkyard licenses. The Codes Officer had advised that both facilities had issues where questions were raised by the Department of Environmental Protection (DEP). Mr. Reeder has received documentation from the DEP noting that those issues have been settled and they are in compliance with DEP regulations at this time.

Mr. Joseph mentioned that the Downeaster service has been consuming some of the administrative Office's time. He thanked Sande Updegraph for her work in getting the Welcome Center ready for opening.

Mr. Joseph noted that a Purchase and Sale agreement had been signed on the Depot Street property. A closing would occur before November 1.

Staff has been doing a lot of investigation on Quiet Zones questions raised at prior meetings, which will be discussed later on this evening.

Mr. Joseph has also been doing some work on communications with the Communications Working Group and was brought up to speed on the plan being developed by them. Bob Konczal, Tax Assessor, has been coordinating the naming of files on the website so that they are not just a random pdf file.

Mr. Joseph has met with residents and department heads and also reviewed Ordinances and Town Policies. He attended the MMA's Annual Convention in Augusta on October 4 with several staff members. He also met with representatives of the Traffic and Parking, Shellfish, Recycling and Coastal Waters Committee to discuss current issues.

On October 10 he participated in an RSU5 Workshop. He met with the community non-profits to discuss the Town's involvement and support for their organizations. He met with the RSU5 Superintendent and discussed relations between the RSU and the Town. On October 16 he made himself available for meetings with any interested members of the general public. He attended the FEDC meeting where the FEDC Board met with the Vision 2025 consultant to review the draft plan. FEDC plans to hold a public hearing to gain input on the plan before presenting it to the Council. They plan to present the plan to the Council at its first meeting in December. Councilor Arno mentioned that this presentation might take place during the first meeting in January.

FIFTH ORDER OF BUSINESS: Public Comment Period – (Non-Agenda Items Only)

MOVED AND SECONDED: To open the Public Comment Period on Non-agenda items only. (DeGrandpre & Bishop) **VOTE:** (5 Ayes) (1 Excused—Egan)

Chair Cassida suggested that the speaker keep his comments to 3 minutes if possible.

Jack Maier, Senior Resident pointed out that when the federal government made the Navigational Act (eminent domain) it was basically for sailing ships in canals. After that it became railroads and after that it became highways. Then it came along with a noise ordinance called Jake Brakes in communities. They may put the law out but the law doesn't stand. For safety, they had to make the Jake Brakes go. He is saying this because he does not know where the Council is going before it gets to the railroad passages. He stated that the train has been coming and he even rode it to Dover, New Hampshire before they thought of this one, to go see the Red Sox and the Braves. It's institutional and it amazes him that we are thinking about passing something going on with no insurance, no cost it is, or anything even though the federal government has been doing this for years. If there is a vote later, he will be opposed to it.

MOVED AND SECONDED: To close the Public Comment Period. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—Egan)

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

ITEM #178-12 To consider action relative to adopting the October 23, 2012 Consent Agenda.

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

Mac's Convenience Stores, LLC d/b/a Circle K #7083, 57 Mallet Drive

Mac's Convenience Stores, LLC d/b/a Circle K #7084, 574 U.S. Route #1

Jacqueline A. Soley d/b/a Jacqueline's Tea Room, 201 Main Street (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (5 Ayes)

ITEM #179-11 To consider action relative to proposed amendments to the General Assistance Ordinance concerning Appendix C Updates (Maximum Levels of Housing Assistance) (Chapter 46)

BE IT ORDERED: That a Public Hearing be scheduled for December 4, 2012 at 8:00 p.m. at the Merriconeag Waldorf School 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)

Johanna Hanselman explained the amendments. Chair Cassida explained that the next meeting will be the last Council District meeting this year and it will be held at the Merriconeag Waldorf School.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Egan)

ITEM #180-12 To consider action relative to accepting the resignation of Councilor Sara Gideon.

BE IT ORDERED: That the resignation letter from Councilor Sara Gideon dated October 6, 2012 be accepted. (DeGrandpre & Bishop)

Ms. Gideon thanked the residents of Freeport for allowing her to serve on the Council. She wanted residents to know how helpful the Freeport Town Staff is and that they always have Freeport residents' best interest at heart. She pointed out to her fellow Councilors how much she loved serving with them and thanked them.

RELUCTANT ROLL CALL VOTE: (5 Ayes) (1 Excused—Egan)

Chair Cassida presented some gifts to Ms. Gideon. A reception followed for 10 minutes.

Chair Cassida reconvened the meeting at 7:20 p.m.

ITEM #181-12 To consider action relative to scheduling a special election for the vacant position of Town Councilor, District 1.

BE IT ORDERED: That a special election for the vacant position of Town Councilor, District 1 be scheduled for Tuesday, December 4, 2012 in the Freeport Town Hall Council Chambers from 7:00 a.m.-8:00 p.m.

BE IT FURTHER ORDERED: That nomination papers be available at the Town Clerk's Office beginning Thursday, October 25, 2012 and be returned no later than 6p.m. on Thursday, November 8, 2012.

BE IT FURTHER ORDERED: That the requirements pertaining to availability of nomination papers specified by Article 7 Section 7.03 of the Freeport Town Charter be waived pursuant to M.R.S.A. Title 30-A, Section 2528, Subsection 4(E). (Arno & Bishop)

Town Clerk, Tracey Stevens explained the rules pertaining to a special election. There were no questions.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Egan)

ITEM #182-12 To consider action relative to approving a Certificate of Settlement for Fiscal Years 2012 & 2013 and a Certificate of Recommitment for Fiscal Years 2012 & 2013.

BE IT ORDERED: That the Certificate of Settlement for Fiscal Years 2012 & 2013 and the Certificate of Recommitment for Fiscal Years 2012 & 2013 be approved. ((Hendricks & Bishop)

Mr. Joseph provided an explanation since this is something that was necessary due to the resignation of Dale Olmstead, Town Manager and his appointment as Tax Collector.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Egan)

Councilors were requested to sign the Settlement Certificate.

ITEM #183-12 To consider action relative to the discharge of taxes deemed as uncollectable by the Tax Collector.

BE IT ORDERED: That the following taxes be discharged as they have been deemed uncollectable by the Tax Collector, including unpaid taxes and all accrued interest through October 23, 2012:

Name: Steve and Wendy Hurd
Address: Firefly Drive
Property: Tax Assessor Map 19, Lot 19B
Tax Year: FY 2011

Name: Frederick Lane (deceased)
Address: Pleasant Hill Road
Property: Tax Assessor Map 18, Lot 83C
Tax Year: FY 2007, 2008, 2009, 2010 & 2011 (Bishop & DeGrandpre)

Mr. Joseph provided an explanation for Councilors.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Egan)

OTHER BUSINESS

1. Continued discussion on Quiet Zones

Chair Cassida explained that tonight's discussion is a continuation on Quiet Zones. There are a number of outstanding questions from the Council's last meeting that the Council asked staff to investigate and report back. It is his understanding that staff is prepared to provide additional information on some of those questions this evening. It is not the Council's intention to take any action this evening but is continuing its fact finding on this matter. If a decision is to be made, it will appear on a future agenda.

Sande Updegraph from the Freeport Train Center mentioned that at the last meeting there remained many questions around the impact of Quiet Zones and while staff discovered many answers to these questions, there was much more to be learned. They agreed to go to a fine source to get answers to many of the Council's questions and those of the public as well. She introduced Randy Dickinson from the Federal Rail Administration (FRA). He manages the safety program for FRA. He asked the Council to bring him up to speed on where the Town is and what the discussion has been and he will try to fill in the blanks. Chair Cassida pointed out that Freeport has a train due to arrive on November 2 and it will be a relatively new schedule for Freeport. The Town has one or two freight trains pass though each week. The passenger train will be passing through several crossings in some highly populated areas and there is concern about the train whistles being required to blow for safety reasons when the train approaches those crossings. The Council has been discussing Quiet Zones and what the options are and what physically would have to be put in place to make its crossings eligible to be

Quiet Zones. There was some question as to what the Federal Rail Authority's position on Quiet Zones is and what authority the Federal Government might have to effect Quiet Zones that might assist the Municipality in their efforts. Any general guidance that Mr. Dickinson can provide the Council and the general public would be helpful. He advised Mr. Dickinson that Freeport will experience daily six trips and there are seven crossings.

Mr. Dickinson explained as of 2005 when the Locomotive Horn Rule went into effect; it gave the federal government exclusive jurisdiction and authority over the establishment of Quiet Zones. The legislation that led to the regulation is written in such a manner that it is the local jurisdiction's baby. It is important to understand that the legislation itself was legislation to require the sounding of locomotive horns. Many people misinterpret the Locomotive Horn Rule regulation as being the regulation authorizing the establishment of Quiet Zones. It has provisions in it that accommodates communities that want to establish Quiet Zones and the Federal Railroad Administration endorses those and will provide guidance and assistance to the degree that it can. The bottom line is as far as the establishment of a Quiet Zone, the Council and Town Manager are responsible for propagating plans and proposals and the establishment as long as it is following the guidelines spelled out in the regulation itself. The Council and Town Manager are pretty much in charge of where this goes and the treatment at the crossings if indeed any are required that they are willing to deal with. In many cases this can present a significant financial burden to some communities. There is no assistance except perhaps from the State level as far as economic development funds or a pot of funds from somewhere else to fund whatever installations need to be put in there to qualify. Since there are flashing lights and gates and depending upon qualitative analysis, which would involve traffic counts, rail volumes, accident histories at the crossings, etc. to come up with a composite risk factor at the crossings, it is possible but not necessarily probable, that Freeport may not have to do anything at these crossings.

Chair Cassida explained that the Town hired a consultant to do the calculation and learned that Freeport's crossings would qualify for Quiet Zones without doing anything but there is some concern from a safety standpoint by just going with the condition that exists currently, the Town would somehow not be as safe as it was. More discussion followed.

Councilor DeGrandpre explained that Freeport has experienced a significant change from lights, a bell and train whistle to crossing gates that close the intersections and he believes we are starting from the wrong place as we do the analysis. The consultant has not been willing to even talk about this. Mr. Dickinson advised that trying to do any calculations without the gates is a moot issue. It simply would not qualify. Freeport's baseline is flashing lights and gates.

Councilor Hendricks asked if Mr. Dickinson had any idea how much the longer gates would cost. Mr. Dickinson had no idea but pointed out that he did not understand the numbers provided on his website and that they possibly may be decades old and were only meant to be used as ballpark figures. He asked the Council to keep in mind that every crossing in every community is a universe unto itself and each situation is going to be a little bit different.

Councilor Arno mentioned the environmental assessment findings were done as part of the improvements already done and one of the findings cited horn noise. She asked if the Northern New England Passenger Rail Authority (NNEPRA) is able to pay for wayside horns instead of the usual train whistle. Mr. Dickinson was unable to answer the question but assumes they have some funding authority and the Town could certainly use the finding as leverage. He asked the Council to keep in mind that wayside horns are a one to one substitute for the locomotive horns so Freeport will still have the horns blowing, just blowing in a different direction. Freeport will not get any credit for the installation of wayside horns as far as the calculations for Quiet Zones.

Jack Maier pointed out that the Council appears to not have any insurance company that complies with this Quiet Zoning so residents have no idea what the cost will be to the Town let alone what the liability might be for which way they will insure. Trying to jump into something and not having the facts on what it will cost, is one big expense for the Town.

Albert Presgraves explained that all the questions raised appear to have gotten answered. The safety rating for all of Freeport's crossings with the gates and horns and the number of trains currently planned, qualify for Quiet Zones because the number is less than the national standard. If Freeport has more trains coming through at some point, it will no longer qualify. His question is if the Town wants to apply for the Quiet Zones under the current plan for the trains and more trains come in the future, at that time could the Town then implement the channelization or whatever is required to bring their rating back down? Mr. Dickinson replied that the Town could submit a new inventory report form showing the most recent traffic volumes to the State and to Washington.

Chair Cassida stated that he does not like channelization. He would like to know from Mr. Presgraves the cost of doing something more permanent that would serve the same purpose as those fiberglass tubes. This is an option he would like considered and he also would like a cost estimate on maintenance. Mr. Presgraves advised that the permanent channelization would cost a lot more up front but the cost of maintenance would go down. He, too, is not fond of the fiberglass channelization but they are the least expensive option. He had guesstimates but will provide maintenance projections.

Darrel Fournier, Fire Chief explained that channelization would go 100 feet either side of the tracks and would prohibit access of emergency vehicles to several West Street and East Street properties. This may delay response time for emergencies to those properties. He will be looking for solutions down the road. The distance between the barriers and the tracks will be approximately 12 feet and would prohibit large apparatus from driving between the barriers. It would require them to use the opposite lane at the crossings when the gates are down. It would impede their response time. He questions if there is enough room for vehicles to move to the right side to allow emergency vehicles through on School Street and West Street. He is confident it could be resolved with design. The last hazardous issue is pedestrians ignoring the laws and walking on the tracks and the quietness of the tracks. Some use headphones. Councilor Bishop explained that safety training has been going on in the schools and L.L. Bean has stopped their employees from walking on the tracks.

Councilor Hendricks asked Chief Fournier for his pure safety opinion on Quiet Zones versus no Quiet Zones. Chief Fournier noted that Freeport has a new service coming to town. He suggested waiting to see what the noise factor will be for a couple of months and then make an assessment on where we go. He mentioned that the railroad is planning to have their police come out and issue warnings or summonses.

Scott Gleason of 23 Park Street had questions about train speeds. Mr. Dickinson explained how train speeds are established.

Jack Maier pointed out that the Hilton Hotel was pushing for a train station in the old Town Hall building in the park. He mentioned that some people purchase property near railroad tracks. He is confident that more trains will come in the future because of the fuel situation and that trains are part of life.

Jeanie Carpentier of the Hilton Garden Inn advised that they are thrilled that the train is coming. She is looking forward to being partners with the train. They welcome it and want everyone to be aware of it. She asked if on November 2 horns will blow and if they will continue to blow. Chair Cassida advised that the Council has not yet applied for a Quiet Zone and horns will blow. Mr. Dickinson suggested letting it go for a period of time and see how it will fly.

Councilor DeGrandpre has heard from folks that live in the outlying areas. Some can't recall when was the last time they saw a train cross the roadway. If they are going to be coming through here, they will hear the whistle before they see the train. Perhaps it isn't a bad thing to hear the whistle so people can be acclimated to trains crossing the intersections.

Chair Cassida suggested if in the next month or so Mr. Presgraves can determine the costs with the various options because the Council will need to see that before it can make any kind of a decision and by that time the Council will have some life experience with the train and be able to hear from folks in the area on how they are being affected by it.

Councilor DeGrandpre asked if we have crossings that have a higher traffic count, are we forced to change every intersection with channelization to lower our safety rating significantly? Mr. Dickinson replied that the Town does not have to address all the crossings.

Melissa Robinson of the Hilton Garden Inn asked if it is possible to apply now for the Quiet Zone. If we decide at some point that we don't need it, can we not institute it? Mr. Dickinson advised that if the Town is not getting any complaints, it might want to drop the idea.

Scott Gleason of Park Street asked if Mr. Dickinson had any accident information. Mr. Dickinson advised that accident statistics are readily available on their website but they are generally 60 days behind.

2. Update from the Shellfish Conservation Commission

Chad Coffin from the Shellfish Commission explained that the numbers are not in yet for 2012 but it is more than likely that Freeport will be the number one town for shellfish landings in the state. They institute the Student License Program this year with Council approval and it has been incredibly successful. Moving the program into the school system is the best chance for the survival of the industry long term. They did a two-day seventh grade class clam dig at Wolfe Neck Park with Mrs. Damone. They also participated in the second annual Invasive Species Summit at the Middle School, which was a great experience. They brought in a truck full of green crabs and set the kids up with data sheets, measures, etc. They have been working with Dr. Beale over the last several weeks to fine tune some of the things they are planning on implementing. They have a small pilot program almost ready to go on trapping green crabs. They have to determine who is going to haul them. They should have some data to show this winter. Traps have been set and they should be pulled within the week. It is important at this point to learn what it is going to take to pull the traps. As they move into the spring when the Commission has available time and man-hours to put into projects, they will have the data needed to make a solid plan.

As for budget, they haven't really spent a lot of the money. They have purchased materials—They have 40 traps, a roll of net buoys, etc. They have spent \$10,000 out of the \$58,000 that they had to work with.

He noted that the Shellfish Commission would miss Councilor Bishop. They have found her great to work with and feel she is an unbelievable asset that they will miss. He thanked her for everything she has done for Freeport. Speaking not only for clammers, but also for others in the community, Councilor Bishop will be missed and everyone appreciates the incredible job she has done for the Town.

Councilor Arno mentioned that she expected an update in August but understand the Shellfish Commission has been busy. Mr. Coffin noted that the shellfish industry was not in sync with the Town's budget process. Most of their available man-hours are in the spring—from February through the end of June. That is when they can get people out in the field doing things. He is confident they have a good plan in place and plans to talk about some of the things they hope to be doing in a few Council updates. He

will provide a copy of a letter he received from Conner O'Neil thanking the Council for instituting the Student License Program. Mr. Coffin thanked the Council for their support to this program.

3. Update on Island Rover

Mr. Joseph explained that he and Mr. Reeder met with Harold Arndt last week to see what was going on with the ship. Mr. Arndt has made some progress. He submitted materials to DEP to see if they were useable or contaminated waste. He has gotten back a positive result from DEP and will submit it in writing to the Council, noting that it is not contaminated. Mr. Arndt has created a list of what needs to be completed to get the ship in the water. He is waiting for quotes to see if it could be moved. He got preliminary quotes but they would not be good for any length of time.

Chair Cassida explained that the purpose of the quotes was to establish a baseline, which Mr. Arndt could use to establish how much of a letter of credit he could get. It is an accurate way of protecting the community's interest. No one will get locked into the price.

Mr. Joseph advised that Mr. Arndt asked to sit down with him, the Council Chair, Mr. Reeder and either Councilor Hendricks or Councilor DeGrandpre after the election to try to come up with solutions that are agreeable to him and the town. Councilor DeGrandpre indicated he would like to see the project again. Mr. Joseph is not sure Mr. Arndt would agree to the current Consent Agreement that was proposed at the last Council meeting. Chair Cassida noted there is no point in having the meeting until the price quotes are received. He noted that the document that the Council authorized Mr. Joseph to go forward with was somewhat of a rough skeleton of an agreement. If Mr. Joseph can negotiate terms that are protective in a different way, Chair Cassida would be comfortable with Mr. Joseph having that discussion with Mr. Arndt and bringing something back to the Council at a future time for consideration. We all want Mr. Arndt to be successful and we hope the ship is completed and able to be moved in a completed form. We feel some need to protect the community in the event that does not happen.

Councilor Arno is not sure it would be a great idea to have a meeting with the Town Manager and three Councilors. Chair Cassida and Mr. Joseph clarified that it would be two Councilors—him and Councilor Hendricks or Councilor DeGrandpre. Councilor Arno advised that she represents Mr. Arndt's neighbors and they have serious concerns with this issue. She wants to be sure that the negotiation is open and transparent so people that have concerns are hearing what the options are for dealing with this. While we may want Mr. Arndt to be successful with this project, the fact remains that this activity has been out of compliance with the zoning for eight years and it is unfair for the Council to allow one individual to continue with activity that we do not allow others to undertake. The concerns of the immediate neighbors are significant and they want to feel that they have a very transparent discussion. Chair Cassida advised that he never felt that the negotiations would be done in public session. The submittal of the proposal that is worked out between the Manager and Mr. Arndt would be discussed in public session and would have to be ratified by the Council. Councilor Arno feels that if any negotiation involves Councilors, someone that has made a recommendation to extend the Consent Agreement and someone who is not enthusiastic about it going forward should be involved. She feels it should be balanced. Chair Cassida feels it would be best to not get the Council involved in the negotiations. Mr. Joseph does not feel the Council needs to be present. He is perfectly comfortable negotiating with Mr. Arndt. He requested that Councilor Arno provide her constituents' viewpoints to him so he will have background information.

Chair Cassida asked Mr. Joseph to continue discussions with Mr. Arndt without Council involvement and asked him to do his best to bring back terms that Mr. Arndt and the Council can work with.

Chair Cassida thanked Mr. Arndt and mentioned he hoped discussions would continue with Mr. Joseph.

4. Information Exchange

Chair Cassida explained that when the Council approved the changes to the Council's Rules and procedures to add the Pledge of Allegiance and the Manager's Report, it was originally proposed that the Manager's Report would be provided after the Public Comment period and the Council decided to put it before the Public Comment Period. Unfortunately, it is still listed as after Public Comment Period. It is a clerical item and he asked Mr. Joseph to double check and make sure it is reflected correctly.

Councilor Arno noted it is exciting to be on this Communications ad hoc committee. They are starting to collect e-mails from residents that want to receive communications, which is really cost effective. She wanted to draw people's attention that there is a button on the home page of the website and they can elect to be on the e-mail list. It is generating a good response and she wanted the Council to explain how it happens to their constituents. Chair Cassida has a concern that he and other Councilors have e-mail distribution lists that they use to communicate with residents or constituents in their districts, that those constituents will be getting duplicate notifications from multiple sources because there are multiple lists out there managed by local people and that could create confusion or e-mail overload for some people. He doesn't want residents to get overwhelmed by receiving the same information three times. Councilor Arno agreed that it could happen but there maybe notices about public hearings or that kind of thing. She thinks that some of them may be communications that likely only come from Town Hall. The good news is that people can elect to be on an e-mail address or not and they can elect to be taken off an e-mail list.

Councilor Arno advised that FEDC met this morning and it is their desire to get to the public the final version of Vision 2025. She noted that the possible public presentation will take place in early December and it will come to the Council for a vote in January.

Councilor DeGrandpre advised that the Fields Committee has a set of building plans and will be meeting on Thursday morning in the Council Chambers. Mr. Presgraves has invited five or six people to bid on the structure. He would like to make sure that the public is told that it will be marked up for our next meeting. They want as much input from folks as possible.

Chair Cassida pointed out that the Council has a few items of business that are time sensitive and require Council action in November. Chances are that there will need to be a special Council meeting outside of the organizational meeting to deal with those time-sensitive issues. One option would be to adjourn the organizational meeting on the 13th and convene a second meeting to deal with those items or determine an alternate date for the special meeting.

Councilor DeGrandpre pointed out that Albert Presgraves is staff for the Traffic and Parking Committee. After the Minutes are approved, they are not showing up on the website. He asked Mr. Joseph to look into this and make sure they show up.

Councilors commented on how warm the Council Chambers are this evening.

MOVED AND SECONDED: To adjourn at 9:33 p.m. (Bishop & Hendricks)
VOTE: (5 Ayes) (1 Excused)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL ORGANIZATIONAL MEETING #24-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 13, 2012 - 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		
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 6:33 p.m. and took the roll.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #23-12 held on October 23, 2012 and to accept the Minutes as printed.

Councilor Egan pointed out that she was excused.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #23-12 held on October 23, 2012 and to accept the Minutes as edited. (DeGrandpre & Arno)
VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 6, 2012 Election.

Total number of registered voters at poll opening time—6,285
(Breakdown of voters by party: D—2,481, R—1,590, G—203, U—2,011)
No. of voters who registered to vote between 10/1 and 11/5—292
No. of voters who changed name or address between 10/1 & 11/5—171
No. of people who registered to vote on Election Day and/or changed name or address—319
Total number of ballots cast—5,145
Percentage of voters who cast ballots (**NOTE:** this percentage will not be final until Nov. 21)—78.5%
No. of absentee ballots requested—1,626
No. of absentee ballots cast—1,555
No. of absentee ballots never returned—71

Ms. Tracey thanked her Deputy Clerk, Mary Howe, the Public Works Department for helping to set up the polling place, the Police Department for providing an officer at the time of poll opening and closing and the faithful crew of election workers, without whom the election could not have happened.

The following are State & Municipal results for the Town of Freeport:

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Race	Candidate	Total
U.S. President	Johnson, Gary	48
U.S. President	Obama, Barack	3266
U.S. President	Romney, Mitt	1726
U.S. President	Stein, Jill	46

U.S. Senator	Dalton, Danny	42
U.S. Senator	Dill, Cynthia	504
U.S. Senator	Dodge, Andrew	26
U.S. Senator	King, Angus	3179
U.S. Senator	Summers, Charles Jr.	1223
U.S. Senator	Woods, Stephen	87

Rep. To Congress, Dist. 1	Courtney, Jonathan	1604
Rep. To Congress, Dist. 1	Pingree, Chellie	3398

State Senator, Dist. 10	Dean, Ralph	1911
State Senator, Dist. 10	Gerzofsky, Stanley	2925

Rep to Legislature, Dist 106	Gideon, Sara	3260
Rep to Legislature, Dist 106	James, Jody	1668

Register of Probate	O'Brien, John	3826
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County Commissioner, Dist. 3	Gorden, Stephen	1760
County Commissioner, Dist. 3	Grover, Mark	2587

Councilor – District 4	Cassida, James	528
Councilor – District 4	Wellen, Andrew	655
Councilor-At-Large	Sachs, Melanie	4061
RSU 5 Board of Directors	Morang, John	3238
RSU 5 Board of Directors	VanNostrand, Karin	3060
Sewer District Trustee	Arris, Leland III	2944
Sewer District Trustee	Fournier, Darrel	3143
Sewer District Trustee	Goodenow, Clinton Jr.	2868

Water District (WRITE-IN CANDIDATES ONLY)

Water District Trustee	Arris, Leland III	47
Water District Trustee	Fournier, Darrel	16

Referendum Questions:

Referendum Question 1	Citizens Initiative	Yes—3417	No—1641
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Referendum Question 2	Bond Issue	Yes—2692	No—2,196
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Referendum Question 3	Bond Issue	Yes—3404	No—1548
Referendum Question 4	Bond Issue	Yes—3648	No—1286
Referendum Question 5	Bond Issue	Yes—3296	No. 1617

MOVED AND SECONDED: That the Town Clerk’s report be accepted. (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

SWEARING IN OF NEW COUNCILORS:

Town Clerk, Tracey Stevens swore in Andrew Wellen and Melanie Sachs and they took their places on the Council. Acting Chair DeGrandpre called the role of the new members.

ROLL CALL OF NEW MEMBERS:

	<u>PRESENT</u>
Rich DeGrandpre, 11 Timber Ridge Road	x
James Hendricks, 21 West Street	x
Katherine Arno, 76 Pleasant Hill Road	x
Kristina Egan, 5 Weston Point Road	x
Melanie Sachs, 84 Kelsey Ridge Road	x
Andrew Wellen, 83 Hunter Road	x

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

ITEM #184-12 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. (Arno & Egan) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Jim Hendricks to serve as Council Chair. (Egan & Arno)

MOVED AND SECONDED: That the nominations close. (Egan & Arno) **VOTE:** (7 Ayes)

BE IT ORDERED: That Jim Hendricks be elected Chairperson of the Town Council. (Egan & Arno) **ROLL CALL VOTE:** (7 Ayes)

Chair Hendricks accepted the gavel.

MOVED AND SECONDED: That the nominations for the position of Council Vice Chairperson be opened. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Christina Egan to serve as Council Vice Chair.
(Arno & DeGrandpre)

MOVED AND SECONDED: That the nominations close. (Arno & Sachs) **VOTE:** (7 Ayes)

BE IT ORDERED: That Christina Egan be elected Vice-Chairperson of the Town Council.
(Wellen & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

Councilor DeGrandpre explained that there has been some discussion about scheduling a Council meeting in November and he asked if November 27 would work for everyone. Mr. Joseph noted that there are several items pending that need Council action. There was consensus to schedule the meeting on the 27th.

Councilor Arno pointed out that the December 4 meeting will be held at the Merriconeag School on Desert Road.

Councilor DeGrandpre noted that the Hunter Road Fields Advisory Committee has finished their rules and policies draft on the Hunter Road Fields. He had copies for Councilors. He wanted to get copies out so folks could see them and give them some thought. They will be available on line tomorrow for sure. There may be some discussion at the Council level on the 27th and also at the Merriconeag Waldorf School on December 4.

MOVED AND SECONDED: To adjourn at 6:50 p.m. (Arno & Egan) **VOTE:** (7 Ayes)

Councilor DeGrandpre invited folks to share their thoughts or stories on Councilors Cassida and Bishop. He pointed out that Councilor Bishop served on the Council for 13 years and that the Volunteer Picnic would never have been so successful without all of her hard work. Councilor Bishop was presented with flowers, a plaque, a wooden town hall replica, a gift certificate to Sam's (for a sandwich with no tomato ends) and a certificate for a woman's spa weekend. She also was presented with flowers from Judy Goodenow.

Councilor DeGrandpre pointed out that Jim Cassida started serving the Town with Solid Waste and Recycling Committee, the Planning Board, the School Committee and then the Town Council. He thanked him for all his years of service to the town. He was also instrumental in all of the Community Center activities. Councilor DeGrandpre presented him with a home gavel since he served as Chair of the Council, a plaque commemorating his years of Council service, an L.L. Bean Gift Certificate and a wooden town hall replica. A picture of the Community Center showing the arbor he constructed for them was provided to him by the Community Center folks.

Rod Regier explained that he served on the Council with Charlotte and Jim. Jim came on after a special election about ten years ago and was the right person at the right time. He found him to be open and transparent to work with. He treated Freeport staff with respect and he genuinely tried to represent the broad interests in his district. He did so much work through the years for the residents of Freeport. He thanked him for all the things he accomplished as a Councilor.

Mr. Regier pointed out that Charlotte had her own flavor, her own humor and irreverence. He noted that in all likelihood, she is the last Councilor to enter this building as a student rather than as a Councilor or a voter or a taxpayer. He learned to trust her and her judgment. He thanked her for all her work as a Councilor.

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Joe Migliaccio explained that he served on the Council with Charlotte and Jim for six years and knows they put a lot of time and effort into Town business. He noted they should be proud of their service. They accomplished a lot and he thanked both of them. He also thanked the new Councilors for running. He mentioned that everybody needs to be supportive of the Council and should keep in mind that they are volunteers. He also welcomed the new Town Manager

Edward Bonney explained that he chaired the Council three times but never had the privilege of serving with Charlotte or Jim. He congratulated them both because they have done so much for the community. Being a member of the Capital Campaign for the Community Center, he noted that if it hadn't been for Jim's thoughts, work and bringing a dose of reality to some of the discussions on where they were going to go, etc., he suspects things would not have been so productive or as easy as they were. He thanked him for his leadership. If there is a legacy, he feels it is Jim's work on the Community Center.

Mr. Bonney hopes the Council will adopt Charlotte's philosophy of saying very little, but when it does speak, saying something that really matters. He congratulated them both and urged them to enjoy their retirement but to not stop being active in the community because there is a lot they can do as former Councilors.

Johanna Hanselman, General Assistance Administrator, wanted to say that Freeport has been so lucky to have these two people because they have put their hearts and souls into this community. She thanked them both and noted it has been a privilege to work with them. She wished them luck in their next phase.

Councilor Arno congratulated Charlotte and Jim upon the completion of an extraordinary run of public service. She feels they both deserve an enormous thank you. Her one-year of service pales in comparison to the commitment Charlotte and Jim have made. She hopes that both of them will find some meaningful public service in the years ahead.

Chair Hendricks thanked both of them. He is aware of how much work they put in for the Town. One really needs to have a love for his/her town to do this job. He appreciated Jim's leadership over the past few years and he will miss sitting next to Charlotte and everything he has learned from her.

Carol Southhall pointed out that Charlotte is a woman of few words and has the best eye roll and she will really miss her. She thanked her. She explained that she enjoyed working with Jim on the Community Center and the Capital Campaign. He even made wreathes. It was a unique project for the town and a non-profit and Jim made it work.

Charlotte mentioned that it has been a long 13 years but an adventurous 13 years. She accomplished a lot and made a lot of friends. She couldn't have done it without the help of the great Town Staff. She encouraged the new Councilors to talk to Town Staff and visit Department Heads. She encouraged the Council to work together and noted that they are here for the whole town, not just for special interests or special projects or because of a personal axe to grind. She mentioned that the Town Staff supports the Council and they do not have a personal agenda. She is going to miss her personal secretary, Johanna Hanselman and presented her with flowers. She also had flowers for Judy Hawley and Caroline Pelletier. She thanked them, all the department heads and her mother for all their help and support. She also presented the Operating Budget for 2011, 2012 and 2006 to Mr. Joseph and promised that if she ever finds her Codes Book, she will bring it in. She thanked everybody.

Jim thanked Charlotte for making him look bad. She could have told him she was bringing in gifts. He agreed that they couldn't do this without the quality staff at Town Hall. They bend over backwards to do the Town's work and most of the time with very little thanks. He called for a round of applause for them. He also thanked all his fellow Councilors that he served with in the past ten years. He is confident that the

**Freeport Town Council Organizational Meeting
11-13-12**

public does not truly understand what goes on behind the scenes. He hopes the new Councilors will do the research on every topic and come prepared to meetings and make the needed decisions. He thanked his wife for putting up with all the nightly meetings. He noted that this is not the end of his public service to Freeport. He fully intends to be actively involved and will work on something. He will not stop being active in his community. He thanked everybody and noted it has been a pleasure to serve the Town.

A reception with refreshments followed.

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #25-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 27, 2012 - 6:30 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rich DeGrandpre, 11 Timber Ridge Road	x		
James Hendricks, 21 West Street	x		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #24-12 held on November 13, 2012 and to accept the Minutes as printed.

Councilor Egan referred to page 4 and noted her first name was misspelled. Kristina begins with a “K”.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #24-12 held on November 13, 2012 and to accept the Minutes as edited. (DeGrandpre & Arno)
VOTE: (6 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Hendricks announced:

- FreeportTalks needs your input—current topics on FreeportTalks are:
 - 1) What can be done to improve Freeport residents’ ability to be healthier and more active?
 - 2) Draft Rules and Policies for the Hunter Road Fields are up for review and comment.
 - 3) What are your ideas? This is a place for ideas that do not fit into a particular category. If anyone wants to make an idea part of FreeportTalks, please go to www.Freeporttalks.org.
- There will be a special election for Town Council District #1 on Tuesday, December 4, 2012. Polls will be open from 7 a.m.-8 p.m. in the Council Chambers in Freeport Town Hall located at 30 Main Street. Absentee ballots for District 1 voters will be available at the Freeport Town Clerk’s office. For more information, please contact the Town Clerk at 865-4743 Extension 123.
- Nominations for the 2012 Citizen of the Year are now available on the Town’s website, the Town Hall and at the Community Library. Nominations must be returned by December 10.
- Freeport’s winter parking ban is now in effect. Parking is prohibited on all town streets from 11 p.m.-7 a.m. November 1-April 15. This provision shall be in effect all year on both sides of the Harraseeket Road between Main Street and Dixon Road, both sides of South Freeport Road

between Main Street and Park Street. If anyone has questions, they should call Earl Gibson at Public Works, 865-4461.

Councilor Arno noted that Save Our Neighborhoods will host a Pot Luck on December 4 before the District 4 Council meeting from 5-6:30 p.m. at the Merriconeag Waldorf School. Refreshments and desserts will be provided. Folks are invited to come and should bring a dish to share. Christine Sloan from Merriconeag School is delighted to have these community-based activities at their school.

Councilor DeGrandpre reminded folks that the next Council meeting is one week away on December 4 and is at the Merriconeag Waldorf School on Desert Road. He encouraged folks to come and share their thoughts. He also pointed out that the draft for the Hunter Road Fields Plan is out there and encouraged citizens to get a copy and read it. It is available on line and at Town Hall. The committee is hoping to pull ideas together over the next few meetings and finalize the draft so they can take some action. Chair Hendricks advised that the Council will have a District 4 workshop at the next meeting from 6:30-8 p.m. and the regular Council meeting will follow.

FOURTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph acknowledged that this information may appear outdated to some but he explained the following items:

- The Town has received its 2013 rate adjustments from the Maine Municipal Employees Health Trust and the Town's rate adjustment for 2013 will be 4%, which is as small as can be reasonably expected in today's insurance marketplace. He attributed the good news partly to Town employees, of whom a large number participate in our Wellness Program.
- Amtrak Downeaster service began on November 1, 2012 and has been functioning smoothly. Sande Updegraph and Ed Bonney have been organizing volunteer greeters to work the shifts where part-time coverage is not available. Ms. Updegraph will be presenting a ridership update to the Council at the December 4 Council meeting.
- The Town has received \$2,430 worth of donations from 38 donors for the Heating Assistance Fund. This fund allows the Town to provide discretionary assistance to individuals who we would not otherwise be able to help.
- In the aftermath of Hurricane Sandy, Fire Chief Fournier took leave to participate in a two-week deployment with the Maine Emergency Management Agency to the New York City area. Chief Fournier provided a report for Council review.
- Zachau Construction of Freeport was awarded the contract for construction of the field house at the Hunter Road Fields. The total contract award is \$311,745. Work has begun on the foundation and will progress through the winter in anticipation of spring completion.
- The cost of clean up of barrels of waste at the tax-acquired DiPietro property will be less than \$4,000, a significant reduction from earlier estimates. There is remaining non-hazardous solid waste on the property and Public Works has been investigating options for the removal or disposal beginning in the spring. Mr. Joseph thanked Mr. Presgraves for mixing and matching three different environmental response companies and saving the Town a significant chunk of change.

- Mr. Joseph met with the Maine Service Center Coalition communities at that group's annual meeting, which was held at the Bangor Civic Center. Former Councilor Cassida served as Freeport's representative to the Coalition and also held an Executive Committee seat on that board. The Executive Committee has informed him that whoever is appointed as representative to that agency will also hold the remaining term of the Executive Committee seat. Mr. Joseph would be willing and able to serve as an alternate representative, but the MSCC would prefer the primary representative to be an elected official if possible. He asked if any Councilors are interested, to let him know.
- Mr. Joseph and Mr. Presgraves met with local American Legion and Masonic Lodge representatives regarding a request to place American flags on telephone poles in the village area. Representatives will be presenting this request at an upcoming Council meeting, as CMP and/or Verizon require Town approval before any objects can be affixed to any telephone poles in Town.

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

MOVED AND SECONDED: To open the Public Comment Period. (DeGrandpre & Egan)
VOTE: (6 Ayes)

Keith McBride, Executive Director of FEDC introduced himself and extended an invitation to Councilors and their constituents to come in and sit down and talk about economic development in Freeport and share their ideas or vision and discuss what role FEDC could play. It is important to him to get that information out to the public. He wants to be a resource to the Council in anyway that he can and would welcome conversations on what way he can provide helpful information in making decisions that need to be made. He is excited to be here and looks forward to being a part of the Freeport community for a very long time.

MOVED AND SECONDED: To close the Public Comment Period. (DeGrandpre & Egan)
VOTE: (6 Ayes)

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

ITEM #185-12 To consider action relative to the appointments of an Election Warden and Deputy Election Warden for the December 4, 2012 Election.

BE IT ORDERED: That the following appointments be made for the December 4, 2012 Election:

Warden: Rick Simard

Deputy Warden: Ed Bonney (Wellen & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

ITEM #186-12 To consider action relative to the discharge of taxes deemed as uncollectable by the Tax Collector.

BE IT ORDERED: That the following taxes be discharged as they have been deemed uncollectable by the Tax Collector, including unpaid taxes and all accrued interest through November 27, 2012:

Name: Adrian Laliberte
Address: 58 Pleasant Hill Road
Property: Tax Assessor Map 818, Lot 071
Tax Year: 2012 (Sachs & DeGrandpre)

Mr. Joseph explained the details and noted the taxes that were owed have been paid.

ROLL CALL VOTE: (6 Ayes)

ITEM #187-12 To consider action relative to the issuance of a Municipal Tax Release Deed.

BE IT ORDERED: That a Municipal Tax Release Deed be issued for the following property:

To: William E Griffin, Jr. & Nathan S. Griffin
Address: P.O. Box 375, Freeport, ME 04032 &
611 Meadow Road Topsham, ME 04086
Property: Tax Map 21, Lot 39
Tax Years: 2010, 2011 & 2012 (DeGrandpre & Sachs)

Mr. Joseph explained that there were two owners but only one owner received notification. The Town Attorney informed the Town that in some cases where not all owners of multiple owner properties were notified of tax liens and tax takings, these takings have been overturned in court. In this instance the property is an unbuildable lot with a low tax valuation of \$216.87. All outstanding taxes, interest and penalties have been paid. Councilor DeGrandpre noted that he feels returning this property to the Griffins and having them pay taxes is the best thing to do.

ROLL CALL VOTE: (6 Ayes)

OTHER BUSINESS

1. Discussion on the DEP Site Location Permit for Hunter/Pownal Road Fields

Mr. Joseph provided a background summary. DEP now considers these fields one common scheme of development after the Seacoast project fell through.

Councilor Sachs asked for clarification that no matter what use takes place on Pownal Road field, the stormwater impact assessment is required. Mr. Joseph indicated that this is the case. The DEP does not consider grandfathering to be in effect since the Town took ownership of the Hunter Road Fields in addition to the wooded land that has trails in between connecting the two properties. There are over 20 acres of developed property consisting of fields, parking lots, buildings, etc. The construction estimate is \$270,000 for stormwater improvements that will need to be done to the Pownal Road Field in order to make it permittable. This is just for the construction costs to do the upgrades. This does not include engineering or other costs.

Mr. Wellen asked if everyone was confident with the \$270,000 cost and whether any consideration was given to other firms that may do it for less. Mr. Presgraves explained that Al Palmer may not be here until

7:30 tonight and apologized for the scheduling issue. The report from Gorrill Palmer includes a plan/concept design that includes a wet pond that would be required by the DEP. The DEP's interpretation of the two sites being a common scheme of development is based on their interpretation of how they would interpret it for anyone else in the State. Mr. Presgraves never got an opportunity to argue with them over this issue but accepted their letter, which is included in Mr. Joseph's memo. He noted that the \$270,000 is the engineer's cost estimate and he feels it is on the high side. This kind of stormwater system is required in any development project in Freeport and they all cost the same. The suggested wet pond takes up the most area but is typically the least expensive. More sophisticated systems would typically cost more. Mr. Presgraves will not know what it costs until it is designed and submitted to the DEP for approval. The Town would then go out to bid and hire a contractor to build it and then we will know how much it costs. While \$270,000 appears high, he is confident that it will not be less than \$200,000.

He explained that Gorrill Palmer did include in their application development of a preliminary design and all the documents that go with it an assumption that there could be an additional playing field, the road connecting the two sites and the stormwater improvements at Pownal Road. Mr. Presgraves has held back having them do the DEP application because the dollar amount for improving the stormwater system on Pownal Road Field since we have combined the sites is important for the Council to see. He needs to tell Gorrill Palmer what the application should include and he is unsure who is to figure it out and he would welcome input before telling them what to include in the application. If an additional field is constructed, there will be additional costs. He noted that what is required now is different than what was required when the Pownal Road Field was built. It did not hit the threshold for the DEP but now with the combined sites, it does. When you look at a common scheme of development and reach the threshold of 20 developed acres, the DEP goes back to 1975 for whatever improvements have been done and require that they be brought up to current standards.

Mr. Joseph needs input from the Council as to continue with the Site Location Development Permit process acknowledging that there is going to be a \$270,000 cost that has to be done after the permit is approved or is the Council going to re-examine other alternatives that were previously rejected. This is something that he needs to know. If the Council does decide to proceed knowing what the costs will be, what is the permitting going to be? This is a decision the Council needs to make. Anything planned to be done within the next two years should be included in the Site Location Development Permit now. If there is no plan to do anything for five or ten years from now, we don't want to write it into the permit. We can go back and amend the permit at that time. Improvements need to be started within two years.

Councilor Sachs asked if the Council has time constraints to get the application to the DEP. Mr. Joseph indicated that the preliminary deadline to DEP is mid-January so the Council needs to make a decision in the next few weeks.

Councilor DeGrandpre noted that we didn't push back very hard and basically took what they said. We learned that going back to common scheme would open the whole box and require us to bring the site that has no problems up to a new set of rules. He feels we need to push back and get some answers. It makes no sense to spend hard earned money permitting what is already there.

Councilor Wellen suggested permitting the minimum, what is there. He feels that the Council is going to have a lot of projects coming up that will need to be funded. When the Hunter Road Field was promoted, one could argue that certain entities that promoted it should have known this could happen. That was possibly a big oversight. If we could have known we would be facing this expense, it would have been good to know it up front and perhaps we wouldn't have done the Hunter Road Field project. Given that, he wonders since we have to spend this money if there is a financial liability of those entities and if the Council should look into legal action to investigate that. He is concerned that this potentially was a big

oversight and was a problem from the beginning. He has mixed feelings about spending this money or looking into other options.

Councilor Sachs asked what entities Councilor Wellen was referring to. He noted that he tried to stay vague but explained the engineering group that developed the Hunter Road Fields; the developer that sold the property, the rest of the groups that informed the Council and FEDC was a part of it. He knows it is a controversial subject but brought it up just to make sure it was an oversight. Some people in Town do feel it was a big oversight. Whether we spend the money or not or pursue some legal challenge, we still need to make a decision.

Councilor DeGrandpre pointed out that DEP was involved from the beginning. They knew where the parcel was and where the Pownal Road parcel was. They had already spoken to Seacoast. When the folks approached the Town to buy the project, it was fully permitted. We went to DEP and they informed us that we did not need a Site Location Permit but we needed to handle the stormwater and the Town of Freeport does this itself. He does not want people to be misled that something was going on. He understands that anything going forward, a Site Location Permit will be needed. He is amazed that they can drag a project that is 15 years old back into this and require us to spend a quarter of a million dollars.

Councilor Egan noted that in conversations with Mr. Olmstead, she understood that we had a lot of serious conversations with the DEP before the Town got that letter, basically trying to make sure that we didn't end up with a price tag like this. Mr. Presgraves noted he was brought in late in the process and went to a final DEP meeting late in the spring of this year and felt that they were apologetic in that it appears their rules would make them determine that this is a common scheme of development. They hadn't made that decision at that time. The decision came down in the letter the Town received and Mr. Olmstead brought it to the Council. The letter made the case a month later. Councilor Egan explained that two options were provided by DEP—pursue the permitting process or divest ourselves of the property. Councilor DeGrandpre noted that if the Town transfers the property to the RSU, all of a sudden the environment is happy! It does not make sense to him.

Al Palmer of Gorrill Palmer arrived and indicated that he would not classify that there is a stormwater problem at the Pownal Road site. The issue is once you cross the threshold, different standards apply. When the field was constructed, the stormwater law was not in effect. Mr. Palmer answered questions and more discussion followed.

For next steps, Mr. Palmer suggested:

1. Determine as a result of the charette what other improvements might we want to do to those properties, such as trails, additional parking, etc. in the next 10 years. Things can be permitted out 20 years but money will be spent to permit those things that are never built and it is not a good use of the Town's resources.
2. Come up with a short list of things the Town might want to consider permitting and go to the DEP with the list as a redevelopment of the site and see what latitude can be gotten.

Councilor Arno noted that if we are looking at \$270,000 under the information we have now, might we be looking at perhaps \$70,000 or what is our latitude? Mr. Palmer advised that it ends up being a negotiation relative to what is practicable. The site does have some significant limitations relative to space and where certain improvements can be constructed so the Department may say, "focus on the parking area." He did not really know what they would say. An engineer's interpretation of practicable is not the same as an environmental scientist but he is confident the Town could present arguments to the fact that the field has been out there for so many years and there has not been any erosion problems, no abutters have complained, etc.

Councilor DeGrandpre mentioned that four years ago we prepared a deed to transfer the property to the RSU and we can potentially change the date, sign it and it will be gone so the Council can walk away from it. He wants to work with the DEP but feels they need to be reasonable and wants to start there. There are other needs in the community.

Chair Hendricks pointed out that we have the option to suck it up and pay up to \$300,000 or try to push back with the DEP and start the process, or come in with a list of things we would like to improve and hopefully they will negotiate with us as far as what kind of stormwater mitigation will need to be done with the redevelopment. The third option we have is the ability to transfer the property and give it away and walk away from cost. It appears sad that there isn't any problem there now and we are not satisfying anything with the DEP by giving it away. He asked for a temperature from his fellow Councilors.

Councilor Egan noted that she does not feel the Council should continue with the stormwater engineering work at this time and also not make any decision about the transfer of the property to the RSU. She feels the Town should have a meeting with the DEP and talk to them about the Site Location law and see if they can give us some relief since we haven't had any environmental issues there. If they say no to that then the Town should do the redevelopment approach and talk about the improvements we would like to make and see if we could reduce the cost for stormwater requirements. She feels this should be done right away. She would like the Council to decide tonight if it is willing to revisit the RSU transfer. If the choice ends up being spending \$270,000 versus transferring to a sister agency, the Council should have this discussion in light of new data. When the Council made the decision to not make the transfer, \$40,000 was discussed and \$270,000 is a lot different.

Councilor Wellen feels meeting with the DEP is worth a shot. In terms of permitting what we have, he still recommends permitting the minimum. He is really hesitant to give this property to the RSU. He feels it would be better for the Town to retain ownership of the property in the long term but it is a lot of money so he is not sure where he stands on this. He asked if there would be an opportunity for public input in the process. Chair Hendricks indicated that if the Council votes to spend close to \$300,000, it would appear on an agenda for public input. If the decision is made to go to DEP, the Council will instruct staff to approach DEP and see where we stand. They will come back to us and a formal decision will be made. If a decision is made to do a transfer, it will come back up on an agenda.

Councilor Wellen did not feel the Council should make a final decision this evening. Councilor Arno does not believe we should pay \$270,000 since we do not have an environmental problem. It does not accomplish anything. She would be willing to meet with the DEP and exploring relief from the Site Location Law requirement and also discussing the redevelopment options. She is not clear as to whether the Council needs to evaluate the results of the charette in order to have that redevelopment discussion. Before we decide what we will do with the Pownal Road property, whether it be turn the property over to the school or sell the property, because selling is another option, she would like to get an estimate of the land value.

Councilor Sachs concurred with Councilor Arno and is not comfortable spending \$270,000 and is not comfortable with giving the property to the RSU. She wondered if the Town Manager could discuss with the School Superintendent to see if they are still interested in the Pownal Road field. Councilor DeGrandpre indicated that the RSU is interested in the property but pointed out that Seacoast was willing to purchase the Pownal Road Field. He feels the Council needs more information to make a better decision. It is important to explore some of the options with DEP but feels the Council can't take transfer off the table. He noted that parking is a real challenge at Pownal Road Field and we need to deal with those problems.

Mr. Joseph advised that if we want the RSU to reconsider, they would want a formal proposal from the Council. They considered this before but the Council decided to not go forward with it. He suspects they would be willing to reconsider.

Chair Hendricks concurred with others. He does not want to spend \$270,000 to fix a problem that does not exist. We may be able to go forward with a list of things based on the charette. There is agreement to instruct the Town Manager, Town Staff and Legal Counsel to approach the DEP to see what kind of free pass they would be willing to offer. He would rather wait before discussing the transfer of the land to the RSU but would like to get a land value on the property in the event we sell it. He thanked Mr. Palmer for coming and indicated that he found his comments very helpful. He advised the public that the Council will instruct the Town Manager to speak with the DEP to see where we stand as far as the possibility of changes to the storm water and this whole common scheme development. He noted it would be on another agenda sometime soon.

2. Presentation of draft policy for Hunter Road Fields Use —Hunter Road Fields Advisory Committee

Councilor DeGrandpre explained that the committee spent a lot of time talking to folks and fleshing out concerns that people had. They welcome public input and noted that the next Council meeting will be in District 4. Their committee will be meeting again after next week's Council meeting. They plan to take all the comments and try to move forward and finish up the draft. The final version should be available sometime in January.

Kirk Cameron explained that they have been a seven-member committee. They looked at how they were going to manage and use the fields and came up with their draft document. There is a Mission Statement on the front of the document. Due to its location, they are trying to strike a balance in making it available for everyone to use without it being a nuisance to the folks that live nearby. This policy is intended to be a living document and they are confident they will be learning a lot in the first year and the policy will change. As they use it more, they will discover any mistakes they have made. All the treatments will be organic and they struggled to define "events". The most contentious topic was whether or not there would be any sound amplification allowed and decided to not ban it by policy but require special permission to do it only at the kinds of events that would require it such as an All Star Baseball Tournament. The insurance matches the insurance that covers folks using Pownal Road Fields. The last section deals with fees. The nominal fee shown is \$100 per team per season and that would go toward lining, etc. He mentioned that he has been doing all of the scheduling. He coordinated with the RSU on field maintenance in the event the fields were wet.

Councilor Egan thanked Mr. Cameron for doing all the scheduling. Councilor Wellen thanked the committee for doing all the work. He has concerns about using loud speakers in his district. He recommended that it be banned at this point but he is open to being convinced otherwise, perhaps no more than 10 times a year. Councilor Arno appreciated the committee's work. She asked if this has been unanimously agreed to. Councilor DeGrandpre noted that everybody weighed in and agreed that any event that needs sound amplification will have to be approved by the Board. Folks in the neighborhood will be notified. The committee plans to make changes, as they are deemed necessary.

Walter Libby advised that he voted for the package overall but he still is hesitant about sound amplification in the Noise section. That aspect is the most worrisome. He hopes that the document evolves. If there is a noise problem, it will be corrected. He plans to be on the committee for sometime.

Councilor Arno asked Mr. Cameron if he is comfortable that enough revenue will be generated to take care of the striping and other work. Mr. Cameron indicated that the striping came in very high, their historical lining fees were \$1,300-\$1,500 for a season and would have been paid by 13 teams at \$100. This fall they were notified that they were looking at a \$5,000 expense. They didn't triple the fees this fall but pulled those fees out of the equipment budget. Councilor Egan asked if there is a way to integrate that amount into the contract we have with the RSU. Mr. Cameron noted that this would be his recommendation. Councilor DeGrandpre indicated that the committee still needs to do some work with the schools. They haven't yet had their fall meeting. Mr. Cameron indicated that having a central organization that is actually doing the lining makes sense.

Councilor Sachs asked if there is any mechanism to waive the fee if a group needs to use the field. Mr. Libby mentioned that it does not preclude a group from using the field when it isn't being used by anyone else. They can use it without any problem and no fee. Councilor Sachs asked if this indemnity in insurance applies to the committee that is doing the scheduling, since they are not Town employees. Mr. Libby noted that they are appointed agents from the Town. Councilor Sachs suggested that they make sure of this. Mr. Cameron advised that the schedule has not been posted on the website since it has been mainly bulk reservations.

Councilor Sachs referred to page 5; last paragraph and noted words have been left out. She suggested adding the words "to leave them" so that the sentence should read: It is the responsibility of the persons or organizations using the Hunter Road Fields *to leave them* in the same condition in which they were received. Mr. Cameron noted all seven members missed this.

Councilor DeGrandpre thanked everybody for their comments and thoughts. Chair Hendricks thanked the committee for all their work and bridging the gap. Councilor DeGrandpre pointed out that they turned out to be a good working group. They had a lot of fun but were able to come to consensus.

Councilor Arno suggested putting this on the agenda for the Council meeting on December 4 and allowing public comment at that time. Councilor DeGrandpre agreed and also suggested putting it on the agenda for the December 18 agenda for additional comments. Chair Hendricks noted this item could be put on the agenda for the first meeting in January for action. Mr. Cameron indicated that he does not have a problem with that as long as the Council is comfortable with the fee structure. Councilor DeGrandpre asked Mr. Libby and Mr. Cameron to plan to meet next Tuesday at the Merriconeag School to hear comments first hand. Mr. Libby advised that their committee would be meeting on December 6.

3. Update on the Divergent Diamond Interchange

Councilor Hendricks explained that he wanted to give the public an update on the October 30th meeting. There has been no formal discussion on the project. There is no fast track and no secret handshake. Nothing has gone forward. Before any decision is rendered, we want to have a discussion with DOT as to whether this is the right thing to do or if there are other options we might have. Is it necessary at this point or is it not necessary? We are trying to schedule a workshop with DOT hopefully, during the first meeting in January. We need more information than what we received at the public meeting. It will have to go through the budget process and it will not happen anytime soon. Councilor DeGrandpre mentioned there were five or six people that were talking about different options that could be done there. He is looking forward to brainstorming and asking more questions. Councilor Arno mentioned there was a difference of opinion on whether or not there is a traffic issue there. She feels there is an issue there and is hoping to come up with a good solution. Councilor Egan explained that there is a lot that can be done in traffic management and congestion management using signage and it would be useful to think outside of the box about much less costly approaches. She is not persuaded that there is a real issue. Is it affecting residents or is it affecting tourists. There is no doubt that there is a pedestrian and bicycle issue there but there are ways to address that.

4. Discussion of possible amendment to the Rules of Order and Procedure for the Freeport Town Council

Councilor Hendricks explained that the Council always leaves Item 5. Information Exchange at the end of the meeting and he would like to see it happen right after Announcements. It is information he wants to share. He put it up to the Council. There was consensus to begin this new format at the next meeting.

5. Information Exchange

Councilor DeGrandpre advised that 1,500 people have gotten off or on the Amtrak train since it began. This number does not include the very early train or the last train at night. Sande Updegraph will compile the actual ticket sales numbers every 30 days and will share the information with the Council.

He noted that Traffic and Parking met this morning and talked about several things. One of the things was parking restrictions on Holbrook Street. The Ordinance needs to be enforced better. The road is blocked somewhere between 7-9 minutes in the afternoon by parents picking up their children. The challenge is that the first parent gets there but their child is the last one out the door. They decided to leave it the way it is for now. They know there will be upcoming changes made at the school.

Parking restrictions on Hunter Road were discussed. They recommended prohibiting parking on Hunter Road from the property line to 300' past the driveway. Removing parking from both sides will make it safe to drive in and out. They are also recommending no parking on the entrance road all the way down to the "S" turn until one gets to the big parking lot. They don't want people driving off the edge of the road into the mud. These recommendations will be brought back to the Council.

The other item they brought forward and made a decision on was a plan showing parking at the Train Station. He provided a plan and explained the proposal. Striping for the parking lot has pretty much disappeared. He showed the crosswalk for the drop off and pick-up area. On the platform side, the first three spots will be for handicapped and two taxi spots. There will be another handicap spot nearest the hose tower by the crosswalk. At some point they are thinking that there will be no overnight parking on the platform side of the lot to keep the access open and plowable. Signage for the parking spots can be handled by Donna and Jerry and will be put up this fall. They will continue to work on striping. They plan to sit down with folks from L.L. Bean and see if they have any interest in interconnecting the lots.

Councilor Egan explained that the Communications Working Group is meeting tomorrow morning. Their charge from the Town Council is to develop a strategic communications plan. She advised that they are almost done with it and will be reviewing it tomorrow and then hopefully will be able to wrap up their charge. She mentioned the Town Manager's Report was one of their recommendations to let people know of things that are ongoing and are not necessarily on the Council agenda but should know about. It is also possible to electronically communicate it to a list of people that cannot watch every one of the meetings.

Councilor Egan reported on the Active Living Task Force, which has been charged with helping residents to walk, bike and hike more safely and more easily in Freeport. That Task Force has been developing an RFP from consultants to help them develop a plan. They have been cognizant of the Council's direction to do it as cheaply as possible and leverage volunteers. They were out in force on Election Day asking people to answer a survey. They got 160 responses and the high school students in the Statistics Class are also going to survey themselves and figure out what improvements they want to see and that data is going to be the data that will be used by the consultants. They are planning to hold two workshops where they will ask for input to kick off the project. They will put this workshop on in conjunction with PACTS and

the Bicycle Coalition of Maine. The timeline for doing this work will be extended from what they anticipated. They will recommend that it be extended through the beginning of September.

They are also focusing on some smaller term things they want to be sure happen. At the District meeting in South Freeport, residents talked about wanting a raised sidewalk between the French School and the South Freeport Church. The Traffic and Parking Committee is recommending this to the Council to look at in Capital Improvements. Councilor DeGrandpre noted that the Town Engineer is working on the cost of this and he believes it is \$3,000 - \$4,000. Several others have been put in the Capital Budget already. Councilor Egan advised that the Active Living Task Force is behind this raised sidewalk. The second thing they are looking at is bike parking at the Train Station. They are looking to procure a bike rack made in Maine. Councilor DeGrandpre suggested that the Task Force pay attention through the winter about clear sidewalks and walk ability in the village. Traffic and Parking could use some help in identifying trouble spots and areas that might be better connected. Councilor Egan mentioned that the RFP is pretty much done and she will send it out to Councilors and it will be posted in the way that RFPs are posted. Councilor Sachs asked if copies of the Active Living Surveys are available in Town Hall. Councilor Egan did not know but felt it was a great idea. She will check with the Chair and make sure they are ongoing. Councilor Sachs suggested bringing them to the next Council meeting.

Chair Hendricks reported that he met with the Winslow Park Trustees and learned how the Trust works. The only person alive that knew Mrs. Harb is Ed Bonney. The Trust is doing very well. If the Town ever stops using the property for recreation, it reverts back to the Trustee. The Park is constructing a basketball court and they have built a gazebo. He noted that the new park manager is doing a great job.

As a result of the District 3 Council meeting, an issue came up about the Soule School property. As a member of the Freeport Rotary, he coordinated with the Conservation Trust and the Conservation Commission and did a clean up with the neighborhood on the Soule School property. Ten teens came and cleaned up trees and branches. Public Works came and did some chipping the next day. Since it only took two hours they went and did some trail clean up at Florida Lake. He noted it is a gorgeous area.

He mentioned the upcoming committee assignments and asked that Councilors get their priorities to him and the Town Manager by Friday.

MOVED AND SECONDED: To adjourn at 8:55 p.m. (DeGrandpre & Arno) **VOTE:**
(6 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #26-12
MERRICONEAG WALDORF SCHOOL – 57 DESERT ROAD
TUESDAY, DECEMBER 4, 2012 - 8:00 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rich DeGrandpre, 11 Timber Ridge Road	x		
James Hendricks, 21 West Street	x		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		

Chair Hendricks called the meeting to order at 8:06 p.m. and took the roll.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #25-12 held on November 27, 2012 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #25-12 held on November 27, 2012 and to accept the Minutes as printed. (Egan & Sachs)
VOTE: (6 Ayes)

THIRD ORDER OF BUSINESS: Announcements

FreeportTalks needs your input:

- What do you think about the draft rules and policies for the Hunter Road Fields project?
- What should the Town do regarding the DEP permit for the Hunter Road Fields and the Pownal Road Field?
- Should Freeport seek Quiet Zone status from the Federal Rail Authority?
- What do you think about the use of loud speakers at the Hunter Road Fields?
- When discussing with friends over coffee, what do you think are the greatest challenges facing Freeport in the coming years?

If anyone wants to make an idea part of FreeportTalks, please go to www.Freeporttalks.org. People can sign up to become a member.

Nomination forms for the 2012 Citizen of the Year are now available on the Town's website, the Town Hall and at the Community Library. Nominations must be returned by December 10 and should be turned into the Town Manager's Office.

Freeport's winter parking ban is now in effect. Parking is prohibited on all town streets from 11 p.m.-7 a.m. November 1-April 15. This provision shall be in effect all year on both sides of the Harraseeket Road between Main Street and Dixon Road, both sides of South Freeport Road between Main Street and Park Street. If anyone has questions, they should call Earl Gibson at Public Works, 865-4461.

The Winslow Park Commission will not meet on December 10. The next meeting is scheduled on January 14 in the Large Meeting Room of the Community Center. If anyone has questions, they can call Neil Lyman at 865-9052.

Councilor DeGrandpre pointed out that 1,625 train passengers arrived or departed Freeport. He also explained that Traffic and Parking has had discussions on devices used to monitor traffic speed without taking pictures. In South Freeport outbound near the church, the average speed was 24 miles per hour. The highest speed recorded was 37 mph. Coming inbound toward South Freeport Village, 30 mph was the average speed recorded. The highest was 57 mph between 2-3 p.m. He read a letter from Sue Hadlock supporting the raised speed table in South Freeport. Councilor Egan noted that Mr. Presgraves has inserted this expense in the Capitol Budget for next year and the Council will have to vote on this item in the spring.

FOURTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported that Town Staff would be developing more pointed questions for inclusion on Freeport Talks. Topics will be coordinated directly with upcoming agenda items. Questions requiring a vote or other feedback to be given will be taken offline as of Thursday and all input will be summarized and presented to the Town Council through the regular agenda process. Hopefully, this will allow input from Freeport Talks to be used more efficiently by the Council in the future.

The Midcoast Regional Redevelopment Authority held their annual meeting this past week at the Hilton Garden Inn in Freeport. Mr. Joseph and Councilor DeGrandpre had the opportunity to address the meeting and provide an update on some of the positive economic happenings in town over the past year.

Foundation work is taking place at the Hunter Road Field House. Construction will take place over the winter and hopefully it will be ready for use next spring.

As of five o'clock today 25 voters participated in the Special Election for District One Councilor. The results will be reported at the next meeting.

FIFTH ORDER OF BUSINESS: Public Comment Period – (Non-Agenda Items Only)

MOVED AND SECONDED: To open the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

Chair Hendricks asked speakers to limit their comments to 3-5 Minutes and to stand up and speak clearly.

Jack Maier, native, explained that he brought his topic to at least one member of Traffic and Parking and the Police Chief. He mentioned that people from away arriving in Freeport suddenly see three arrows meaning West Street. If there are many cars, the arrows are disguised and most people are looking ahead instead of down the road, so where the traffic lights are, there is a beautiful sign that sends the traffic down West Street to get to the parking spaces instead of them crowding going northbound into the center of town.

His next question is where is our cable TV? He misses the microphones and the podium and asked if the personnel have been fired. Chair Hendricks assured him they have not been fired. Councilor Egan pointed out that when the Council takes public comment, it plans to respond after all the public comments have been heard. The Council does not want to get into a back and forth with everybody. Chair Hendricks

noted that this issue would be addressed later. Councilor DeGrandpre noted that he has heard that people have difficulty hearing Council meetings. He asked Rick Simard to keep the volume up until someone calls and actually says the volume is too loud. Chair Hendricks again advised that he would have comments on this issue later in the meeting.

Mac Lloyd pointed out that after hearing all the District 4 comments, he feels the Council should look at hiring a Parks and Recreation employee to bring all the groups together. It would be helpful to go to one Town person who knows what is going on, the scheduling, etc.

Roben Voigt of Maquoit Drive explained that he appreciates the Council doing the district meetings. He has attended three of them and he has seen people in attendance that never show up at the Town Hall meetings and they had important things to say. He encouraged the Council to keep doing it and to continue to make Town Government as democratic as possible. He appreciates having more communication and listening to each other and urged the Council to continue the process.

Lucy Lloyd explained that she echoes what Mr. Voigt said and feels it is really great to come to these district meetings and awesome to get to know the Council better as a group in a less formal situation. She thanked the Council for doing it and hopes it will do it again next year.

Mrs. Lloyd asked Mr. Joseph if he could provide an accounting on the Hunter Road Fields from beginning to end so that people can see the whole range from buying it, building it and maintaining it. She feels there are a lot of misconceptions out there. It would help the whole Town to put it in perspective. Mrs. Lloyd noted that she really likes the idea of moving the Information Exchange up on the Council's agenda.

Susan Campbell of Hunter Road explained that she has been pleasantly surprised that the train whistle has been muted and only lasts for a very short period of time. The only exception was the train that came through on Thanksgiving night where the noise appeared very excessive. She asked when the Silver Bullet would be placed at the Public Safety Garage. Councilor DeGrandpre offered to find out because he is confident that RWS owns plenty of them.

Kate Butler of Desert Road thanked the Council for coming to the neighborhood and listening to their concerns.

MOVED AND SECONDED: To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

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

ITEM#188-12 To consider action relative to an application for a Victualer's License.

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

Dahang LLC
D/b/a China Rose Restaurant
23 Main Street (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

ITEM #189-12 To consider action relative to awards from the Gould Trust Fund.

BE IT ORDERED: That 4 individuals be awarded a total of \$496.14 from the Gould Trust Fund to provide for medical expenses. (Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes)

ITEM #190-12 To consider action relative to approving a Town Council meeting schedule from January to June 2013.

BE IT ORDERED: That the Town Council meeting schedule from January to June 2013 be adopted. (Hendricks & DeGrandpre)

Chair Hendricks explained that people who volunteer do not get enough time to speak at the Council's very short workshops that take place before regular Council meetings. Rather than holding one-hour workshops on regular Council meeting nights, he has scheduled four workshop meetings. He would like to continue with the district meetings but wants them videotaped so that people can see them on line and review them. Councilor DeGrandpre noted that the district meetings have been helpful and suggested perhaps holding the workshop meetings in the districts and the regular meetings at Town Hall. Chair Hendricks noted he would be open to this option as well.

Stephanie Helms of Lunt Road suggested that the Town investigate the possibility of live streaming because almost anyone with a computer and a microphone can pretty much get on line. Chair Hendricks noted the Town does have live streaming but offered to investigate this but he wants to be sure the meetings are more accessible so that people do not have to listen to an audio tape.

Councilor Egan pointed out that the February 19 and April 16 meetings are school vacation weeks. Chair Hendricks offered to change them. Councilor Arno suggested scheduling the district meetings in the warm summer months. Councilor Egan disagreed and suggested staggering the meetings later in the year. She pointed out that she did not know how other Councilors felt but she would prefer a few longer nights then a bunch of shorter nights since she would have to miss those nights with her family. Discussion followed and Chair Hendricks suggested tabling this item.

MOVED AND SECONDED: To table to the 18th. (DeGrandpre & Sachs) **VOTE:** 6 Ayes)

ITEM #191-12 To consider action relative to an application for an Alcoholic Beverage License for Dahang LLC d/b/a China Rose Restaurant. **PUBLIC HEARING**

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

Mr. Ly explained that he and his family have owned China Rose for 20 years and he is tired. He wants to transfer the business to the Dahang family. He is confident they will provide good food and good service. He explained their plans for the upstairs. He and his wife will continue to support and guide the Dahangs in the future.

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

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

Dahang LLC
d/b/a China Rose Restaurant
23 Main Street (Egan & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

ITEM #192-12 To consider action relative to proposed amendments to the General Assistance Ordinance concerning Appendix C Updates (Maximum Levels of Housing Assistance) (Chapter 46) **PUBLIC HEARING**

MOVED AND SECONDED: That the Public Hearing be opened. (Wellen & Egan)
VOTE: (6 Ayes)

Chair Hendricks explained the proposed amendments.

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

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance concerning Appendix C Updates (Maximum Levels of Housing Assistance) be approved. (Wellen & Egan) **ROLL CALL VOTE:** (6 Ayes)

ITEM #193-12 To consider action relative to a Project Canopy Grant from the USDA Forest Services – Urban and Community Forestry Program for work to be done at Leon Gorman Park.

BE IT ORDERED: That the Project Canopy Grant from the USDA Forest Services – Urban and Community Forestry Program for work to be done at Leon Gorman Park in the amount of \$7,800 be accepted.

BE IT FURTHER ORDERED: That \$7,000.00 be expended from the Stormwater Maintenance Reserve Account to provide for a portion of the local match.

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

Note: The balance of the Stormwater Maintenance Reserve Account is \$57,607.00. There will be an additional match of \$828 provided with in-kind contributions. (Arno & Egan)

Chair Hendricks provided an explanation to Councilors. Councilor Wellen asked if it made sense to approve the funding before finding out if the grant works out. He also asked if there is a way for him to say he doesn't think it is worth \$7,000 to do this? Discussion followed. Mr. Joseph explained that the Town Planner informed him that she understood that she was asked to apply for any grants that are available and then bring them to the Council. Mr. Joseph is informed of the grants when Ms. Larson submits them. Chair Hendricks indicated that he is not interested in micromanaging every grant that Ms. Larson applies for. Councilor Egan suggested that the Council would not have any discussion or any type of pre-approval but could use our new communications mechanism to make sure the Council and Town residents are aware of grants that are being prepared so that the onus is on the Council and residents that have an issue to bring it up and we will know it is coming. Councilor DeGrandpre noted there were actually a couple of public meetings on this particular grant since he attended one of them dealing with potential erosion control issues around the pond. Chair Hendricks advised that the Council did approve

the matching amount in this particular grant. Councilor Arno recalled having discussions to give the Town Planner permission to commit the match and voting on these routinely. Councilor Egan suggested that the Council not micromanage the submission of grants but have a clear policy going forward and request that it receive regular information in a report form. Councilors could flag things to the Chair if they want things to come to the Council before it gets approved. Other than that, Councilor Egan suggested a policy that it comes back for formal approval just when the Council has to approve a match.

Mr. Joseph mentioned that he could bring grants to the Council every single time but a small portion of grants has a narrow window for application. Chair Hendricks stated that the Town Planner applies for many grants that do not require approval. If she gets them, it's great. Where grants require approval, they have to come to the Council and if they require funds, they have to come to the Council. There have been instances when they were time sensitive and they got on Council agendas quickly. There have been a bunch of grants that we applied for that were not awarded to us. Chair Hendricks would be comfortable having the Town Manager letting the Council know what we are applying for and where we are. Mr. Joseph explained that should someone decide they don't like a particular grant or that we should not spend the money, it is not difficult to call the other party up and ask them to not consider our request. There was consensus to continue doing what the Council is doing and the Town Manager will report the grants being submitted in some sort of report format and the Council is not going to pre-approve applications unless required by the entity we are applying to. Mr. Joseph noted it would be done.

ROLL CALL VOTE: (6 Ayes)

ITEM #194-12	To consider action relative a Small Harbor Improvement Program (SHIP) Grant From the Maine Department of Transportation for replacement stairs at the Town's Sandy Beach Property.
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BE IT ORDERED: That the Small Harbor Improvement Program (SHIP) Grant From the Maine Department of Transportation for replacement stairs at the Town's Sandy Beach Property in the amount of \$32,873.00 be accepted.

BE IT FURTHER ORDERED: That \$4,990.00 be expended from the Public Infrastructure Improvement Reserve Account to provide for a portion of the local match.

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

Note: The balance of the Infrastructure Improvement Reserve Account is in excess of \$2.1M. There will be an additional match of \$3,860 provided with in-kind contributions. (Sachs & DeGrandpre)

Chair Hendricks explained that the stairs are in bad shape and are dangerous.

ROLL CALL VOTE: (6 Ayes)

ITEM #195-12	To consider action relative to a Shore and Harbor Planning Grant from the Maine State Planning Office to provide for the gathering of baseline data that will be used to develop a plan to increase productivity of Freeport's flats.
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BE IT ORDERED: That the Shore and Harbor Planning Grant from the Maine Coastal Program of the Department of Conservation in the amount of \$20,000.00 to provide for the gathering of baseline data that will be used to develop a plan to increase productivity of Freeport's flats.

BE IT FURTHER ORDERED: That \$20,000.00 be expended from the Shellfish/Habitat Preservation Capital Account to provide the required local match.

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

Note: The balance of the Shellfish/Habitat Preservation Capital Account is \$89,446.00. (Egan & DeGrandpre)

Councilor Sachs asked who is doing the data collection. Mr. Joseph explained that there is no proposed person to do this but there are several options. This is tied into the habitat protection program that was discussed and approved last year. This would offset up to \$20,000 of our cost to do the work if we choose to do it for the program. It will dovetail into the previous expenditure. Councilor Arno noted she is supportive of this project but asked if the work could be put out to bid. Mr. Joseph is not aware of the market but is confident there are scientific people capable of doing the work and he could solicit bids. If not, the issue will return to the Council for an exception to the bidding process. Chair Hendricks noted it might come down to how many qualified individuals are out there that can do the work. Councilor Arno explained that it is important to the Council that we have the right consultant with the right baseline study. She supports the project but wants to have the correct measuring information. Mr. Joseph and Chair Hendricks met with several interested parties and the ultimate management of this project will be from his office. There will be consultation with a lot of different stakeholders in this program. Mr. Joseph explained the parameters of the baseline data. Councilor DeGrandpre pointed out that green crabs are also beginning to affect lobsters so there are even more stakeholders involved.

Councilor Egan is interested in learning what money has been spent to date. She would like to understand where we are, what we have accomplished and where we are going. She would like this information provided at the next meeting. Mr. Joseph advised that GPS units, traps and ropes have been purchased and some test runs have been done. Chair Hendricks advised that the stakeholders would be coming back to the Council.

ROLL CALL VOTE: (6 Ayes)

ITEM #196-12 To consider action relative to the discharge of taxes deemed as uncollectable by the Tax Collector.

BE IT ORDERED: That the following taxes be discharged as they have been deemed uncollectable by the Tax Collector, including unpaid taxes and all accrued interest through December 4, 2012:

Name: Town of Freeport

Address: 87 Bow Street

Property: Tax Assessor Map 013, Lot 08100B

Tax Year: FY 2012

Name: Town of Freeport
Address: 96 Hunter Road
Property: Tax Assessor Map 022, Lot 052
Tax Year: FY 2012 (Wellen & Egan)

Mr. Joseph explained that these were clerical errors.

ROLL CALL VOTE: (6 Ayes)

ITEM #197-12	To consider action relative to a proposed amendment to the Rules of Order and Procedure for the Freeport Town Council concerning the Town Council agenda order.
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BE IT ORDERED: That the proposed amendments to the Rules of Order and Procedure for the Freeport Town Council dated December 4, 2012 be adopted. (Hendricks & Egan)

Chair Hendricks explained the amendment is to bring Information Exchange to follow Announcements on future Council agendas.

ROLL CALL VOTE: (6 Ayes)

Other Business:

1. Chairperson's committee assignments for 2013

Chair Hendricks passed out the committee assignments and explained that he tried to be fair while assigning Councilors to certain committees. Councilor DeGrandpre mentioned that Councilors should feel welcome to attend any meetings that they are interested in since they are all public.

2. Discussion on Chief Schofield's recommendations regarding revisions to the Towing Ordinance

Mr. Joseph explained that Freeport does not have a primary list because there are no qualified towing companies in town. Freeport does not have a secondary list because there is no one within a reasonable distance. When the Police call someone for towing purposes, the Ordinance does not apply and Dispatch generally sends a Brunswick tow truck. They do not charge necessarily what our Ordinance rates are because they are not covered by our Ordinance. The chief is seeking to write into the Ordinance that the secondary list shall include whoever the Brunswick Police Department has under contract at the time since they are our Dispatcher, and the rates shall be the rates that are under contract with the Brunswick Police Department. If we have a non-Brunswick P.D. tow company that shows up in Freeport and starts business, then they will be at the top of the list but we don't have that right now so we will leave it as it is in the event a local business does start up and can do the work. Discussion followed.

Councilor DeGrandpre asked about insurance and what the allowable fees are. Mr. Joseph offered to research the answers. Councilor Sachs suggested that for consistency, the chief should consider saying *Town of Brunswick Towing Policy Guidelines* in all references rather than also saying Brunswick Towing Policy Guidelines. There was consensus to instruct the Town Manager to get the requested information and bring it back on a future agenda.

3. Information Exchange

Chair Hendricks advised that December 18 is our next scheduled Council meeting and we will be discussing Quiet Zones and voting to see what we are going to do. The Council will also be swearing in a new Councilor among other things.

Councilor Arno recalled that there were a few questions that the Council needed more information on and noted that she would like the Town Staff to review the Minutes and provide the information prior to the next meeting. If new Councilors have any questions, Chair Hendricks suggested that they talk to him so he can get them up to speed. He mentioned that Quiet Zones have already been discussed at multiple meetings and he would like the Council to come to some sort of consensus at the next meeting.

MOVED AND SECONDED: To adjourn at 9:40 p.m. (Sachs & Arno)
VOTE: (6 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #27-12
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, DECEMBER 18, 2012 - 7:30 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rich DeGrandpre, 11 Timber Ridge Road	x		
James Hendricks, 21 West Street	x		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		

Chair Hendricks called the meeting to order at 7:30 p.m. and took the roll. He called for a moment of silence to honor the victims, their families and everyone involved in the Newtown, Connecticut tragedy.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #26-12 held on December 4, 2012 and to accept the Minutes as printed.

Councilor Egan referred to page 4 under Item #190-12 and suggested removing the words “disagreed and” so that the sentence reads: “Councilor Egan suggested staggering the workshops later in the year.”

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #26-12 held on December 4, 2012 and to accept the Minutes as edited. (DeGrandpre & Sachs)

VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Hendricks welcomed Scott Gleeson to the Council. He noted that Councilor Gleeson from District I was sworn in before the meeting. He announced the following:

FreeportTalks needs your input:

- What do you think about the draft rules and policies for the Hunter Road Fields project?
- What should the Town do regarding the DEP permit for the Hunter Road Fields and the Pownal Road Field?
- What do you think about the use of loud speakers at the Hunter Road Fields?
- When discussing with friends over coffee, what do you think are the greatest challenges facing Freeport in the coming years.
-

If anyone wants to make an idea part of FreeportTalks, please go to www.Freeporttalks.org. People can sign up to become a member.

The Appointments Committee will be holding interviews to fill vacancies on the Planning Board and the Project Review Board. Applications for these openings are available on the Town's website and at Town Hall and should be submitted before January 15, 2013.

Dog Licenses expire on December 31. If a resident no longer has a dog, they should notify the Town Clerk. To avoid a late fee of \$25, residents need to license their dogs before January 31. To register a dog online, residents can go to the link under ONLINE SERVICES on the Town website home page. A Rabies Clinic and dog licensing will be held on Saturday, January 26 from 9 a.m.-Noon at Town Hall. Shots are \$15.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Egan explained that the Request for Proposals for the Active Living Plan has been issued and proposals are due back in January. This plan is to help figure out how to make Freeport a safer and easier place to get around in by walking, biking and hiking.

Councilor DeGrandpre noted that the Appointments Committee met this past week. Openings on the Planning Board and Project Review Board are technical and if anyone has any interest, they are asked to get their application in.

Chair Hendricks asked Councilors to get their goals to him by December 31. He and Vice Chair Egan will review them and hopefully have them in place in January.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- The Town of Freeport has been awarded the "Distinguished Budget Presentation Award" by the Government Finance Officers Association of the U.S. and Canada. He congratulated Abbe Yacoben who was responsible for the bulk of the preparation of the budget document.
- The Silver Bullet adjacent to the Public Works Garage is in service. To access it, residents should use the separate driveway immediately to the west of the Public Works Garage driveway, not the main garage entrance. A specially designed container has been painted in a mural style and is waiting down at Eco-Maine. The Recycling Committee is putting together plans for a grand opening presentation and the container will be swapped out.
- The Project Review Board approved a site plan amendment for Maine Distilleries, LLC on U.S. Route One South as well as a change of use and Design Review Certificate for Wicked Joe, LLC who will be expanding their existing operations in Brunswick to Freeport in the vacant building adjacent to Chilton's.
- Mr. Joseph and Abbe Yacoben have begun the RFP process for selection of the Town's independent auditor. Six firms have expressed an interest in submitting a proposal. He and Ms. Yacoben would welcome a Council liaison during the process if there is any interest. They are hoping to have a recommendation for consideration of the Council by late February-early March of 2013.
- Three Town Hall employees attended the Fire/Rescue Department's training on the use of Automated External Defibrillator (AED) devices. After their certification, an AED device was

installed at the Town Hall, located near the main entrance. Hopefully more employees will be trained in the future, as their schedules will allow. Having these devices available in places where the public regularly congregates gives an added level of safety to the public.

In his report, Mr. Joseph provided a picture of the Hunter Road Field House construction taken on December 13, 2012.

SIXTH ORDER OF BUSINESS: Public Comment Period - Non-Agenda Items Only

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

Chair Hendricks explained that this is for non-agenda items only and the three-minute rule will be in effect.

There were no public comments.

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

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

ITEM #200-12 To consider action relative to adopting the December 18, 2012 Consent Agenda.

BE IT ORDERED: That the December 18, 2012 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Hendricks explained that the term expiration dates for Jerry Schofield and Gary Profenno on Traffic and Parking were erroneously listed as 2013 in the original Consent Agenda. The corrected document shows the term expiration date as 2015.

ROLL CALL VOTE: (7 Ayes)

ITEM #201-12 To consider action relative to proposed amendments to Chapter 49: Vehicle Towing Ordinance.

BE IT ORDERED: That a Public Hearing be scheduled for January 8, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to the Vehicle Towing Ordinance.

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

Mr. Joseph explained that at the last Council meeting the Council asked that the Chief of Police comment on allowable rates.

Chief Schofield explained that he has not heard complaints from the Brunswick Towing companies. Freeport's rates are pretty similar to rates charged in other communities. Freeport has not had a local wrecker operating for the better part of a year so it is counting on Brunswick companies. He checked with the Brunswick Police Department and learned that they have not heard complaints from their local towing companies.

ROLL CALL VOTE: (7 Ayes)

ITEM #202-12 To consider action relative to a request from the American Legion Post 83 and the Freeport Masonic Lodge to display American flags on 26 utility poles along Main Street in the village area.

BE IT ORDERED: That the request from the American Legion Post 83 and the Freeport Masonic Lodge to display American flags on 26 utility poles along Main Street in the village area be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to enter into a pole attachment agreement with Central Maine Power Company and Northern New England Telephone Operations LLC d/b/a Fairpoint Communications NNE (utility companies) for the above mentioned request. (Sachs & DeGrandpre)

Joyce Clarkson-Veilleux, Adjutant, American Legion Post 83, explained that it has been more than 30 years since Freeport has flown flags on Main Street. She advised that the Freeport American Legion and the Masonic Lodge is offering to provide the mounting brackets, poles and flags so they can be flown on 26 poles along the east side of Main Street. They are asking that the Town will install the mounting brackets that will allow the bottom of the flag to be at least 13' 8" from the road surface. They are asking that the Town put up the flags at least one week prior to Memorial Day and remove them after September 11. The Freeport Masonic Lodge will store the flags and poles when not in use and will be responsible for replacement of all damaged flags.

Councilor Egan asked about costs to the Town. Chair Hendricks explained that Town staff will spend 1-2 hours of labor twice a year putting up and taking down the flags but anytime we climb up on a pole, \$5M is required but our insurance company only provides \$2M. Anything over \$2M requires our provider to go outside and purchase additional coverage. While we are waiting for a firm quote, the estimate is that this will require between \$1,200-\$1,500 per year. The Legion Post and Masonic Lodge are proposing to raise funds to purchase the flags and equipment and are asking the Council tonight for a seal of approval to offset the cost of insurance and permit Town staff to put the flags up and take them down.

Councilor Wellen noted he wants to know what the amount of increased insurance will cost. He doesn't want any surprises. He suggested placing an upper limit. Councilor Gleeson explained that there are not usually wild swings in additional liability insurance but the Council certainly does not want to leave itself wide open. Councilor Wellen noted that perhaps the amount should be limited to \$2,000. Mr. Joseph noted that the Town would be responsible for the insurance aspect and our current insurance provider does not want to go above the \$2M. He mentioned other projects that could be held up because of insurance requirements and it would make sense to see what other options there are. Chair Hendricks agreed it is a good idea to find out.

There was consensus that if the cost of insurance exceeds \$2,000, the Town Manager will bring it back to the Council.

ROLL CALL VOTE: (7 Ayes)

ITEM #190-12 Tabled 12/04/12

To consider action relative to approving a Town Council meeting schedule from January to June 2013.

BE IT ORDERED: That the Town Council meeting schedule from January to June 2013 be adopted. (Gleeson & DeGrandpre)

Chair Hendricks advised that two changes were made. The Council will have a workshop on February 12 and a regular meeting on February 26. Mr. Joseph will see that the change is put up on the Town's website.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Continuing Discussion regarding Quiet Zones. Please note that although this will not be a formal public hearing, public comment will be accepted.

Chair Hendricks provided background information for new Councilors. He is hoping for some sort of Council consensus on whether to proceed and how to do it. He read a letter about concerns with train speed and train noise from Patricia Leighton from Foster Avenue.

Chair Hendricks disclosed that he lives 100' from a crossing and the noise does not disrupt his sleep patterns but 99% of the people that have contacted him on this issue are in favor of Quiet Zones. One neighbor indicated that she was not in favor of Quiet Zones because she did not want the channelization installed. He explained that he received a petition with signatures favoring Quiet Zones but dropped it in a puddle and it cannot be read. He apologized to the person that gathered the signatures.

He opened the meeting up for public comments and noted that the three-minute rule would be utilized. He also asked people to state their name and indicate where they live.

David Webster from Lavers Pond Road voiced his concerns with the train whistles. He noted that Chellie Pingree's staff is willing to work with Freeport to get Quiet Zone information from other areas. He feels the train horns are noise pollution.

Andrew Davidson of 6 Forest Street is pleased to see the train here but the horn is louder than he anticipated. He is in favor of Quiet Zones.

Dale Pilch of Forest Street noted he is a big fan of trains but the horns affect the quality of his family's lives. He feels channelization on West Street would have a negative impact on pedestrians. If the Town meets the requirements for Quiet Zones, he says, "let's do it!"

Amanda Meyers of Forest Street explained that she supports Quiet Zones. Her kids are not getting enough sleep and her tenant has moved out because the train noise is too loud. She also has concerns about her property value.

Robby Kaikini of 18 West Street is in favor of Quiet Zones. The train horns wake his 14-month old three times a day. His blood pressure goes up every time he hears the horns.

Josh Cummings, representing the Hilton Garden Inn, supports the Downeaster. The Inn has made a significant investment in Freeport. They support the establishment of Quiet Zones. They have received customer complaints and some have requested refunds because of the train noise.

Shannon Garrity of 25 West Street explained that she is in favor of Quiet Zones. She finds the train whistles loud. She stands in her driveway and cries. She feels there is no concern for Freeport residents.

Carl Westervelt of Webster Road noted he is not against trains or economic development but wants something done about the noise. He does not feel that people in the community need to hear train whistles. Lights, sounds and barriers should be enough. He greatly supports Quiet Zones.

Pauline Harris of 20 Royal Avenue noted she is very much in favor of Quiet Zones. She doesn't understand why they have to sound the horn when the gates have been put in place.

Sara Gideon of 37 South Freeport Road explained that she could hear the train whistles loud and clear. She recognizes that Councilors have a really difficult decision in front of them trying to balance the issue of safety along with the quality of life for residents and for the Hilton. She has investigated the history of train accidents in Maine. She suggested working with the Chief of Police, the Fire and Rescue Chief as well as the schools to determine how deep safety education can go. As a State Representative, she would be willing to work with the Town Manager to put extra pressure on NEPPRA to help pay for the Quiet Zones if the Council decides to implement them. She believes supplemental safety measures would be appropriate here and not just a Quiet Zone as is since the Council should make it safer. Freeport had a real missed opportunity at some point in the past when it did not ask NEPPRA in the first place to contribute to the cost of a Quiet Zone.

Lynda D'Amico of 12 Chapel Street explained that she loves working and living in Freeport. She is in favor of Quiet Zones. She is pleased that we meet the Quiet Zone requirement without spending additional money but she is willing to pay extra tax money if necessary.

Kelly Fitz-Randolph of East Street encouraged the Council to implement Quiet Zones now especially since we qualify for them. If we can have them now, let's do them. She feels NEPPRA needs to change their requirements. Freeport has the gates and the lights. People that get hit are ones that try to beat the train.

Ken Brown of 29 Park Street is in favor of the train but the noise is a big impact. He feels it is noise pollution at this point. He pointed out that the individual crossings have different ratings. Bow Street already has quad gates and all of our crossings are single lanes. The noise is affecting our businesses and the quality of life for our citizens.

Doug Fitz-Randolph of 19 East Street noted that he circulated the petition and got 19 people to sign it saying they favored Quiet Zones. He provided it to Chair Hendricks but kept a copy. He fully is in favor of Quiet Zones and noted that we won't have to upgrade all the crossings. He does not feel channelization is needed at East Street.

Dale Inman of Hunter Road explained that he canvassed his neighborhood and learned that they are all in favor of Quiet Zones. The horns are bothering people that live away from the center of Town. He had questions, which were addressed by the Council. He encouraged the Council to proceed with the application process for Quiet Zones. He had asked Patricia Quinn if they would clean up the tracks and she said they would. They haven't picked up the ties and the metal that was left out there.

Jack Maier, Freeport native explained that he has been watching this on cable and he feels the program needs money invested in it. It is hard to hear. He grew up in this town and rode the train to Fenway Park. He complained about the noise jake brakes make on 95, behind his house on Elm Street. He noted that the train is coming back. People bought homes next to the tracks and they need to suck it in. They probably bought their homes pretty cheap. He doesn't hear the train noise but people never complain about highway noise. He is confident that people will come to enjoy the train noise. If the economy is to move forward, people have to accept these things.

Rod Regier of South Street suggested that there is an undercurrent of let's do it the cheap way and install channelization. He would prefer to take channelization out of the discussion since this is trading one hazard for another. South Street has walkers, joggers and bikers and when one comes upon them on the road, you simply treat them as a pass. You wait until you can pass and then cross the center line to get around them. The problem with channelization is that you don't have the option to cross the center line. Channelization is going to keep drivers in that channel. He asked the Council to keep in mind while considering this issue, and recognize that we are crossing the threshold to accept the Quiet Zone, the status quo, it is entirely possible to cross the threshold and it will be right back in the laps of the Town Council on how to deal with supplemental issues and he hopes it is not through channelization.

Doug Fitz-Randolph pointed out that he feels wayside horns destroy the quality of life for people living near the crossings much worse than the train horns. He hopes the Town doesn't consider those as a supplemental measure as well.

Chair Hendricks brought the conversation back to the Council.

Councilor Gleeson advised that this will be his first statement as a Councilor and District 1 is his district. Going on facts, there is a 2,000 percent increase in train traffic, which is a huge increase. He read parts of NNEPRA's report that said that "crossings between West Street and East Street in Freeport are located in a mixed commercial-residential area and horns on trains passing some of these crossings have the potential to create a negative impact. At this time, officials from the Town of Freeport fully support the restoration of train service and are not requesting that noise mitigation measures be included in the initial expansion project. Should negative noise impacts arise as a result of the expanded Downeaster service, then NNEPRA and the Town of Freeport will work to mitigate those impacts, most likely will be the installation of wayside horns." He investigated accident reports. There was one fatality back in 1977, which involved a vehicle. He pointed out that Quiet Zones do not mean no whistles. If there is any danger, the engineer will blow the whistle. He has been trying to get up to speed and has even met with the Police Chief to review accident information. He is in favor of applying for a Quiet Zone as it stands and seeing where it goes.

Councilor DeGrandpre has reread most of the documents and found the same paragraph Councilor Gleeson identified. This Council did support the return of trains. A lot of people focused on environmental issues but not necessarily noise. Noise was not on the radar screen. He has been hearing from people all over town. Some support Quiet Zones and others have indicated that the train whistle is sort of romantic. The standards have changed and we are a long way from where we were just two years ago. He is troubled with channelization because it will be difficult for emergency vehicles. He is willing to consider Quiet Zones but there are folks in Town concerned that it could be expensive mitigation.

Councilor Sachs thanked everyone for coming out tonight. She is for Quiet Zones because there is no reason not to consider them based on the economic impact caused to the Town as well as to the residential quality of life. She does get stuck on implementation. She appreciates Sara Gideon's offer to press NNEPRA. She also would like her to press Patricia Quinn to clean up the tracks. She has called the Falmouth Planner and learned that they are going through the exact same process we are regarding Quiet

Zones. They have chosen channelization at two intersections. NNEPRA'S standards are a moving target. A complicated factor is that if we just institute Quiet Zones and another train is added, we lose our Quiet Zone status. Patricia Quinn just stated in the newspaper that she is looking to add another train right away. The data is shifting. If we are going to do a coalition, we should do it immediately. She has printed off everything she can find on Quiet Zones and has not seen specific data for each crossing. The traffic flow information from the State of Maine is from 1990 and is not even close to what it is today. When this was investigated, it was determined that they have to have another traffic study. If mitigation is proposed for only certain crossings, we need to have really good data to know which ones they are. If we base our numbers on faulty data, it will not be a good outcome for us. She wants pressure on NNEPRA, a coalition and good data.

Councilor Arno thanked everyone for coming out. Her preference would be to have a Quiet Zone. How we accomplish it and how we minimize the cost for this will be important. Also how we assure ourselves that there is adequate safety in place for all residents going forward is also important. She is curious if people are comfortable paying for additional costs for Quiet Zones. She has heard only one resident this evening say that she would be willing to pay additional taxes to help cover costs. These tracks have been inactive for so long and there are a lot of pedestrians that use the tracks. She wonders how much education is enough to make sure that people get the message that those tracks are no longer walkable. What does enough education look like? She asked if we can circle back to NNEPRA if there are additional safety costs we think we need to incur, would they be willing to collaborate with us on those costs? The final consideration is how can we minimize surprises in the future if we have more trains and changing NNEPRA requirements that may suddenly trigger the need for additional expense. She would like to have a little more comfort around the safety issues. She questions if we think we have done enough and what does enough look like? She heard residents say "continue to do more" but what? She wants to circle around NNEPRA if we decide to go forward. She is interested in what Councilor Sachs has to say about the options we have and how we might actually put a Quiet Zone in place because we don't want to make it more difficult than it needs to be.

Councilor Egan noted this is a really tough issue. The Council is weighing livability versus safety. The troubling issues are children being awakened, residents being awakened, noise complaints at the Hilton and lost rent revenues. On the other hand, there are safety issues that Quiet Zones do not adequately address. Real professionals that she worked with for four years feel that quiet zones are not a good idea and not the safest way to protect residents. There are two kinds of potential accidents. There are those that try to run the gates but we also have a lot of teenagers and tourists that might not make the best decisions. We can do a lot of education on reaching people that walk the tracks. People in Freeport were not used to the train but are now getting more accustomed to it. It is weighing deeply upon her that if we have a fatality and we voted for Quiet Zones, she would feel responsible. She is not in favor of Quiet Zones but it sounds like the rest of the Council is willing to go forward with them. She feels going forward with Quiet Zones immediately would be irresponsible because we need supplemental information on safety measures. We are going to have additional trains most likely added so the Council will be back discussing these same issues within six months to a year. She shares Mr. Regier and Councilor DeGrandpre's channelization concerns about pedestrians, bicyclists and vehicles not having the patience to wait for them to go through and having additional collisions that could happen. She does not feel they are a great option. She would like more information on wayside horns. Quad gates would cost close to one million dollars. She is disappointed that we didn't have a discussion on noise earlier. Under federal law, anything that has a significant adverse impact on a community needs to be mitigated by the project proponent. In this case it is an FRA report and this is a legal document that is binding. The last point is that we also could incur a liability cost to the Town because the Quiet Zone regulations say that the entity that has jurisdiction over the road is the entity that would assume the legal liability for any accidents. This is an additional cost that the Council has not discussed.

Albert Presgraves, Town Engineer, explained that the designation process requires notification and some timeframe before they would become effective. Since we qualify to do that, it is certainly a good option. He explained that he was affected by Wayne Duffit's report because he was recommending that we not establish Quiet Zones without doing supplemental safety measures. What was not clear was that we could perhaps look at supplemental safety measures at one or two crossings and still hit the number that is equivalent to sounding the horn.

Jack Maier suggested sending the issue to referendum if the cost is going to be a million dollars for taxpayers.

Chair Hendricks noted he is not awakened by the train but the majority of people he has spoken to want a Quiet Zone. We have the ability to apply for a Quiet Zone. He is not a big fan of putting in channelization especially on some of the narrow streets in town and quad gates are very expensive. He would agree tonight to move forward with a Quiet Zone and also start planning for channelization on one or two crossings.

Councilor Wellen has heard people's concerns for the quality of life. He is leaning toward applying for the Quiet Zones. He would be hesitant to spend the money for quad gates. He is willing to defer to other Councilors that have researched this further.

Councilor Gleeson asked if NNEPRA wants to add another train that knocks us out of a Quiet Zone, are we obligated to take the two trains regardless or can we use this as an actual point of "okay this is what it is going to require to upgrade if you want the extra trains and you need to assist in paying." Chair Hendricks explained that the decision is based on passenger load. Councilor Egan explained how difficult it is to negotiate with railroads. They are well protected in federal law and NNEPRA is not the right target for us to talk to. It is the Federal Railroad Association that issues the environmental assessment. They are a large organization and they have their processes. Councilor Arno pointed out that Patricia Quinn has a wonderful working relationship with the Town.

Councilor DeGrandpre did not recall the Council ever authorizing anybody to say that we would take on anything needed later on for Quiet zones or any obligations. He questions how this ended up in a report.

Councilor Egan has deep reservations about moving forward immediately with Quiet Zones at this time because she feels it is dangerous. She noted the trains have gotten much quieter and we have snow coming, which makes trains even quieter.

Councilor Arno supports the Quiet Zone idea but does not know that she is ready to say tonight it is a done deal. She wants cost and safety measure details. She is willing to say that an ideal goal would be a Quiet Zone but wants more answers about costs and what our supplemental safety measures will look like. We haven't decided what we will do and she would like more detail on where we are going with this if we are actually going to do it. She would like to hear more from the public on how much is enough to invest. While many people recommended that we engage in an education initiative, unless somebody takes on that initiative, it won't happen. Sustaining an ongoing information and safety campaign is a huge effort. She doesn't want people to leave thinking it is going to happen. We can say it is a great idea but it is a big and nebulous thing to actually talk about.

Chair Hendricks is confident that the Council can come to consensus on whether we want to go forward with a Quiet Zone and bring this to fruition or not. He would not want to vote until staff can be instructed to get the facts the Council needs. He does not want to be discussing this issue six more times.

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Councilor Arno noted the Council does not know what it is going to cost at this time. Chair Hendricks explained the costs associated with channelization, wayside horns, quad gates, etc.

Councilor Gleeson would like to move the process forward to establish Quiet Zones but feels there should be some supplemental safety measures as well.

Councilor DeGrandpre noted he is not ready to designate Freeport as a Quiet Zone. He does not feel the consultant gave the Council enough information. He is not prepared this evening to move forward.

Councilor Sachs indicated that she would not vote to designate this tonight since the Council does not have enough information.

Councilor Arno noted she is not ready to designate a Quiet Zone but a Quiet Zone is what she is looking for. She would like to move forward with next steps that include developing a specific supplemental safety plan, looking over the crossings and seeing where we want to begin so we have an initial ballpark to start identifying costs. She would like to have Representative Gideon and Chellie Pingree's offices help us mitigate the costs to Freeport residents since this could bring a very hefty price tag. She feels the need for a more specific plan.

Councilor Wellen noted he is hesitant to proceed without doing more research on whether it is safe to do this without supplemental safety measures. He needs more time before he can say he is comfortable and let's go for it. He recognizes that this is a huge complicated issue and it would have been nice if the process had started three years ago. It is not fun for the Council.

Councilor Egan does not feel the Council should designate a Quiet Zone tonight but understands that she is in the minority. She is willing to help with FRA and our elected officials to try to get some cost mitigation as we move forward with Quiet Zones.

Chair Hendricks explained that there is consensus tonight among the majority of Councilors to not move forward. Councilors want more information to move this down the road.

Councilor DeGrandpre explained it is import that we understand how current the traffic counts are. We may find the biggest challenge is Bow Street and it may be worth putting quad gates there.

Mr. Joseph explained that he talked to the Town Engineer yesterday and they understand that the application would be made using the Town's data shown on a printout in front of the Council which is a screen shot of calculations the Consultant did on the FRA's website. Randy from the FRA indicated that anybody could use them. Mr. Presgraves feels that he and Mr. Joseph can put the designation part together pretty easily but they did not talk about the long term monitoring of it. They would have to have somebody within Town capable of following along and when things change, we would have to have an in depth discussion on what we are going to do. The whole idea is to have the discussion before things change.

Chair Hendricks asked what information the Council needs to determine when to move forward.

Councilor Arno needs a supplemental safety plan and a determination of where we will begin. She would like to engage other stakeholders or partners to explore how we can cover costs. She would like to create a more thoughtful approach with Sara Gideon, Angus King and Chellie Pingree. She would recommend touching base with Patricia Quinn and letting her know this is what we would like to do and hopefully continue with a very good relationship. She wants to get action oriented on this very soon. Staff can put together a plan with a price tag for the Council that would begin with the data that it has.

Chair Hendricks would like to see multiple scenarios. If we decide to designate channelization at only one crossing, what would our risk index be with x amount of trains? If we designate Bow Street for \$15,000 and bring our index really low, we'll have to have staff figure it out.

Councilor DeGrandpre noted that staff could put this together and come up with a plan or a couple of options. He asked how we are going to pay for it. He noted that the Council could figure it out in the Capital Budget but we need to know what we are asking for before we ask.

Councilor Wellen asked if the Town Engineer could help with research and Chair Hendricks explained what is already available.

Councilor Sachs explained that she needs the following by January 8th if possible:

- Staff to research application versus designation
- Liability lawyer says yes you are liable but no data was attached. She wants data.
- Per crossing data if we do certain things. She provided Falmouth's chart to Mr. Joseph and wants one for Freeport.
- Some sense of the Capital Reserves needed. Is there a fund we can pull this from?

Chair Hendricks noted he could not promise this information by January 8.

Councilor Gleeson mentioned timeline. He feels the Council has all the data but needs to swallow the bitter pill and make a decision. His intention was to get the process moving while deciding on supplemental safety measures. He wants to move quickly on this decision. There are only so many public meetings that people can come to and we deserve to have whatever happens, happen quickly.

Chair Hendricks advised that the Town Manager has indicated that this is doable on the 8th.

Jack Maier agreed with Councilor Arno. He wants the Council to do some thinking. He has seen the Town hire a lot of consultants but the Council's job is to do what the people tell them to do. If the Council has any problem making a decision, they should send it to referendum and let the voters make the decision.

Kelly Fitz-Randolph explained that many residents have been coming to meetings for months. It's been a long process so she appreciates pinpointing a date but it is obvious that further research needs to be done. She stressed that Freeport is under what the federal guidelines require so it would be great to designate the town as a Quiet Zone while the time is taken to research this fully.

Ken Brown credits the FRA for putting out the index method because it takes out emotions and helps us make a rational decision. The system is there and the software is available. He has gone on line and run it. He is an engineer and would be willing to help Mr. Presgraves out in anyway he can.

Shannon Garrity noted she has only seen two people walking on the tracks and one runner. Traffic is much less. Education has been working. She mentioned how noisy the trains are. They make a loud rumble. She mentioned the trees that were cut down along the tracks. If possible, they could be cut up and donated to FCS to give to families in need of firewood.

Jessie Colford of 19 Royal Avenue complained about horns at 6:30 a.m. The train is shaking their house. It is ruining their moods. They are worried they can't sell the house if they want to move.

Mr. Kaikini suggested putting in safety measures at Bow Street if that would make everyone feel safer since that crossing keeps coming up in conversations.

David Webster would be happy to work with Mr. Joseph to speak with Congresswoman Pingree and Senator King. He noted that we are working with Pan Am as well. FRA is the rule-making entity. He hoped the Council was going to vote tonight provisionally to designate a Quiet Zone. He hopes they will do this in January. He suggested that the Council charge the staff to address the cost analysis to address the additional safety factor variables to determine how to raise their total number in order to protect themselves from extra trains coming, determine an action date for final trigger pulling implementation and vote to get it done.

Richard Harris fears his house on Royal Avenue is going down in value. Nobody will want to buy it.

Councilor Sachs asked if the Council designated Quiet Zones tonight, what is the timeline when they take effect? She asked Mr. Joseph to investigate the timeline for implementation for January 8th. She gets it and wants to make it stick. She wants residents to have relief.

MOVED AND SECONDED: To adjourn at 10:45 p.m. (Arno & Gleeson) **VOTE:**
(7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary