

FREEPORT TOWN COUNCIL MEETING #7-93

APRIL 6, 1993 - 7:30 P.M. - COUNCIL CHAMBERS

SUMMARY AGENDA

ITEM #65-93 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION
FOR A VICTUALER'S LICENSE FOR CATHERINE CARTY-
WILBUR. (PUBLIC HEARING)

ITEM #66-93 TO CONSIDER ACTION RELATIVE TO THE ADOPTION
OF A CAPITAL IMPROVEMENTS PLAN FOR FISCAL
YEARS 1994 TO 1998. (PUBLIC HEARING)

ITEM #67-93 TO CONSIDER ACTION RELATIVE TO A PROPOSED
AMENDMENT TO THE ZONING ORDINANCE CONCERNING
BUSINESS AND PROFESSIONAL OFFICES IN THE
VILLAGE COMMERCIAL II ZONE. (UC-11)

ITEM #68-93 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF
A DONATION TO THE TOWN OF FREEPORT.

ITEM #69-93 TO CONSIDER ACTION RELATIVE TO THE UPDATING OF THE
WINSLOW PARK MASTER PLAN.

ITEM #70-93 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A
MUNICIPAL QUIT CLAIM DEED FOR TAX MAP 18, LOT 49-G.

ITEM #51-93 TABLED MARCH 16, 1993.
TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE ZONING ORDINANCE CONCERNING
PRIVATE PROPERTY PEDDLER REGULATIONS. (CHAPTER 21)

ITEM #52-93 TABLED MARCH 16, 1993.
TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE RULES FOR WINSLOW PARK.
(CHAPTER 34)

PLEASE TURN OVER

OTHER BUSINESS:

1. RECOMMENDATIONS FROM THE DESERT PINES AREA ROAD COMMITTEE.
2. PRESENTATION OF THE CASCO BAY ESTUARY PLAN.
3. UPDATE ON COMPREHENSIVE WATERFRONT PLAN ISSUES.
4. DISCUSSION ON UPCOMING CABLE FRANCHISE NEGOTIATIONS.
5. DISCUSSION ON FUEL TANK AND ASBESTOS REMOVAL AT THE PUBLIC WORKS/PUBLIC SAFETY FACILITY.

ITEM #71-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

Freeport Town Meeting # 7-93
Freeport Town Hall Council Chambers
April 6, 1993 - 7:30 P.M.

Regular X

Special

Chairperson's Call To Order

Present

Absent

Excused

Kirk Goddard, Chairman, Mast Landing	X		
Edward Bradley, Flying Point	X	(Arrived later)	
Andrew Arsenault, U.S. Route #1	X		
John Nelson, Vice-Chairman, Church Street	X		
Cary Veilleux, Wardtown Road	X		
Randall Bennett, Park Street	X		
Elizabeth Ruff, Durham Road	X	(Arrived later)	

FIRST ORDER OF BUSINESS:

MOVED & SECONDED: To waive the reading of the minutes of Meeting #6-93 held March 16, 1993 and accept the minutes as printed. (Councilors Nelson/Bennett) (5 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.

Charles Pine of the Staples Point Road expressed his concern with the elimination of fishing privileges from the dock at Winslow Park. He suggested a few possible alternatives that would allow residents to continue to use this great fishing location such as charging a fee, limiting the number of fishermen allowed at one time by use of signage, or perhaps refurbishing one of the old docks behind the park. He stressed that this matter was important to him and he hoped that something could be done so that he would still be allowed to fish in this location.

Ken Mann had some questions regarding the 2.9 million referendum that was passed in November to construct the public works building and the fire/police/rescue building. He has attended the last three building committee meetings. He is concerned that if the committee builds a hose tower and puts a metal roof on the new fire and police building, the cost will be \$80,000 over the 2.9 million dollar budget. He also noticed that there are items in the capital budget that should be included in the cost of the new buildings as well. He pointed out that the Council needs to be aware of the possibility of going over budget before the second building goes out to bid. 1.2 million dollars has already been spent on the Hunter Road building. Before the referendum, townspeople were assured that these buildings would probably come in under budget and it

now appears that this will not be the case. Chairperson Goddard pointed out that a workshop has been scheduled next week with the Building Committee and these concerns would be addressed.

Sid Darrah from Cushing Briggs Road explained that in 1988, the Town repaved the Cushing Briggs Road and it was his feeling that the pitch was changed and now he and his neighbors are experiencing water problems. He invited the Council to his home to view the water problems he is experiencing first hand.

Mary Kennedy voiced her concerns about the building committee meeting she attended. She inquired if Mr. Ingalls' fee was for both architecture and engineering. She indicated that no one seems to know. Gerber, Inc. does the soil testing, environmental clean-up, supplies a field engineer and furnishes in-house equipment. She would like to know what the architect does to earn his fee. Mr. Olmstead offered to give her a copy of the Ingalls contract.

Councilor Nelson voiced his strong opposition to Senator Bill Cohen joining Lock Step with his party peers to filibuster President Clinton's economic stimulus plan. It is his feeling that community developed projects have a good history of building a strong local economy and improving the quality of life in the community. Freeport is competing for federal moneys to extend utilities to a designated commercial zone. In addition, a good number of community members are also interested in developing a long range plan for alternative transportation in Freeport. He feels that federal dollars should be available for these types of projects.

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

Item #65-93 To consider action relative to a re-application for a Victualer's license for Catherine Carty-Wilbur. (Public Hearing)

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene (Councilors Arsenault/Nelson)

ROLL CALL VOTE: (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the following re-application for Victualer's License be subject to Public Hearing:

Catherine Carty-Wilbur, d/b/a Wilbur's of Maine Chocolate Confection, 13 Bow Street. (Councilors Arsenault/Bennett)
(7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed.
Councilors Arsenault/Ruff (7 Ayes) (0 Nays)

BE IT ORDERED: That the re-application for a Victualer's License be issued to the above named applicant, be approved. (Councilors Arsenault/Ruff.) **MOVED TO AMEND AND SECONDED:** That the re-application be stated as "application". (Councilors Arsenault/Veilleux) (7 Ayes) (0 Nays)
ROLL CALL VOTE (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Arsenault/Bennett (7 Ayes) (0 Nays)

Item #66-93 To consider action relative to the adoption of a Capital Improvements Plan for Fiscal Years 1994 to 1998.

MOVED AND SECONDED: That the proposed Capital Improvements Plan be subject to Public Hearing. (Councilors Ruff/Arsenault) (7 Ayes) (0 Nays)

Chairman Goddard advised that Mr. Olmstead would present the municipal side of the capital budget and that some of the discussion has already taken place in a workshop. The School Department requests would be presented later.

Mr. Olmstead mentioned that Department Heads were in attendance and had brought the information that was requested. He only presented the items that were being requested for the first year.

Fire Department Requests:

- Some work be done to the Ladder I Truck. (They were asked to compare the cost of a new vehicle with the cost of the renovation of a used vehicle).

Rescue Department Requests:

- Furnishings for the new building
- Replacement of the washer/dryer
- The sinks were already included in the building budget so they are being redrawn
- Two new defibrillators
- Re-chassis Rescue 2
- New phones for Fire, Police, Rescue
- Rescue Communications upgrade

Public Works Requests:

- Dump truck body replacement
- 1984 Pick up truck replacement (probably could be repaired and utilized for two more years).

Solid Waste Recycling:

Mr. Olmstead explained that Freeport will have to close its demolition site by December 31, 1993 provided the Legislature allows us to continue through 1993. Some years ago the Council agreed to join a regional demolition site which is being built in Gorham. Freeport will have to establish a transfer system to get waste from Freeport to Gorham. There is an option where residents would have to transfer the material themselves and some residents have indicated that this would not be satisfactory. There is a need for two roll-off containers.

Recycling

- Replace and purchase balers for the recycling program.
- A door needs to be replaced in the building

Comprehensive Town Improvements:

- Bow Street drainage improvements (Dennison Avenue to Lower Mast Landing Road) DOT will pay for half
- Oak/West Street reconstruction
- Lower Mast Landing Road (applying for grant)
- Lower Mast Landing ATL
- Curtis Road reclamation and culverts
- Sidewalk reconstruction on Bow Street

Municipal Facilities

- Temporary office space and relocation costs for Fire, Rescue and Police
- ADA updates Phase I
- One time 3 phase power cost for Public Works Building

Drainage Improvements

- Cushing Briggs Road
Lower Flying Point Road
Elm, Cushing & Morse Street Areas

Mr. Thompson added:

- Peacock's - School Street
- Mrs. Hall - Flying Point Road
- Mrs. Kennedy - Fox Run

Library

- Carpet the stairs

Police Dept.

- Purchase Fax Machine
- Replace the boat trailer for Special Enforcement Officer

Carol Hudson, representing the School Committee, explained that she too was not going to address the Capital Budget past years 1993/1994. Items being requested are:

- Purchase a 78 passenger diesel bus which will enable them to transport more students. This is to replace a 1979 66 passenger gas powered bus. Marshall Bowden explained the costs of charter or long haul trips. They utilize VIP Services. Councilor Arsenault asked what the total bus service costs are for Freeport per year. Mr. Bowden indicated that this information could be provided but he did not have it available at this meeting.
- Purchase a pick-up truck - Mrs. Hudson explained that the 1983 truck has 100,000 miles on it. The body and frame need repairs and it would cost \$3,000 to put it back into shape and to get another year out of it. A new truck would cost about \$13,500 and a good used one could be purchased for \$8,000-\$10,000 with only a 30 day warranty.

High School Principal, Pat Palmer explained the need for 30 new synchronized clocks and how they work in education. She explained the need to replace the 32 year old lockers. The need for a new stage curtain and Library furniture was also discussed.

Mrs. Hudson mentioned that there is a crack in the fire chamber of the burner and it needs to be replaced for safety reasons.

The Vice Principal had a slide projector and proceeded to show Council members actual pictures of the items that need to be replaced at the high school.

Chairman Goddard welcomed public comments at this point.

Ken Mann pointed out that Nathan Nye and Morse Streets have no sidewalks at certain places when construction was recommended two years ago. He feels these are high priority items and should be given consideration now. As for the Mast Landing Road ATL, he feels ATL's are basically widened sidewalks and doesn't understand why they need to be constructed on both sides. He feels that there is ample room to ride a bike on this road and meet a car safely. Councilor Nelson pointed out that there are specifications that require ATL's be constructed on both sides of the roadway and they are not widened sidewalks.

Amy Adams asked why anything is never done according to the Charter of Freeport and quoted segments of the charter indicating that they are not being followed properly. She pointed out that the charter is the rule of the town and every effort should be made to adhere to it.

Dick Doucette of Lower Mast Landing indicated his support for the bike lane to be constructed on his road because at some time there will be a recreation area there. He pointed out that the road needs improvements and the speed limit needs to be enforced.

Mary Kennedy indicated that our economy doesn't allow for a lot of extras. She feels that the clocks are more important than the bike lanes. She questioned Councilor Nelson about a walking path from the Bird Sanctuary to Winslow Park and he clarified that it was to Wolf Neck Park. She is concerned that this issue was instituted by Councilor Nelson and not the residents. She also asked who would plow the ATL. Councilor Nelson indicated that the town crew would be responsible for plowing. She indicated that she is against constructing this ATL.

Steve Day voiced his concern at the \$13,500 one time 3 phase power cost for the Public Works Building. He indicated that the town might be looking at \$13,500 every month for a maintenance fee. Mr. Olmstead indicated that there would be a monthly surcharge of \$110 for maintenance forever but if Freeport wants to avoid this \$110 fee forever, they can pay the \$13,500 fee. Mr. Olmstead assured him that the contract was in writing.

Madalyn Baker asked if the School's Maintenance people could install the new lockers. She asked if unfinished furniture could be purchased and the Industrial Arts students could finish it. She recommended that the Home Ec students construct a stage curtain. Mrs. Palmer indicated that the school sewing machines would be unable to sew heavy material. Mrs. Baker felt that all requests should be filled for the Rescue Team.

Ruby McDermott indicated that she was all in favor of the bike path on the Lower Mast Landing Road.

Ms. Toothaker added that she felt any sewing machine can sew that fabric and the kids would take much better care of anything that they make themselves.

Mrs. Ruff asked if the two defibrillators are new or replacements. She was advised that they are upgraded replacements. The present ones are old and out of date.

Councilor Arsenault referred to the \$8,000 fee listed next to the Lower Mast Landing ATL on Article VI saying that this doesn't represent the actual cost of putting in a bike lane at this location because along with that work comes a complete length of 2400 feet on one section and almost 4,000 feet on another section of rebuilding the shoulders that wouldn't be done if Freeport were to regrind and pave the road. This is a misleading figure. It only represents putting the extra 8' of pavement out beside the road and not the true cost of putting the ATL in. The Council should get a handle on the real price of putting in a bike path. Mr. Thompson added that the \$8,000 is to dig out the shoulder and put in

the gravel back in. The hot top comes from another budget. He offered to provide the cost of the paving tomorrow. Councilor Arsenault indicated that it was necessary to know the total cost for adding two shoulders on the road before he could vote on it. Councilor Bradley asked if widening the road 7' would change the rural character of the road. Councilor Nelson indicated that the road would definitely look wider but wouldn't change the character of the neighborhood. Councilor Bradley asked if the Council has approached the Planning Board to discuss the widening of the road and Councilor Nelson indicated that the answer was no. Councilor Bradley indicated that this should be followed up. Councilor Nelson added that he has a group of 8 or 9 residents interested in working on a committee in dealing with bike lanes and have preliminarily talked to members of the Planning Board that they are doing this. Lower Mast Landing Road connects routes to the town center, to Brunswick or to Wolf Neck.

Councilor Arsenault asked if any of the figures shown for road reconstruction included the cost of paving. Mr. Thompson indicated that the answer was no. The paving is included in the Operating Budget. Mr. Arsenault complained that the costs are not perfectly clear to the public and could be construed as deceitful. Councilor Bradley disagreed pointing out it was common knowledge that paving has always been included in the Operating Budget.

Chairman Goddard indicated that he has been asked to delay this item for a vote until May 4 due to the fact that a councilor cannot be here for the next meeting. Some of the issues raised tonight will be discussed at a workshop that will be held next Tuesday.

Councilor Arsenault couldn't understand why battery operated cell clocks couldn't be obtained for the high school. He asked if these were checked into. Mrs. Palmer indicated that this might be a possibility that can be researched. He asked if new lockers are purchased, would students be responsible for any damage that they cause. Mrs. Palmer indicated that students would be asked to pay for any damage that they cause.

Councilor Bradley mentioned that Mr. Dare indicated that he never received any response to the drainage issue last year but the Council voted on the issue last year in the Capital Budget and it was voted down based on the opinion of the Town staff that the Town was not responsible for the problem. This is coming up again with 3 other projects being added tonight where people have complained to him personally that town projects have trapped water in their driveways. Again the town staff has advised that it is a result of their properties and not anything that the Town has caused.

Amy Adams added that she used to ride a bike all over town. The State put in shoulders on Route One and she was hurt there. She does not feel that all taxpayers can afford to pay for bike lanes.

Ruby McDermott asked if the Town Engineer was supposed to be responsible for water drainage. Councilor Bradley indicated that it is hard to sort this type of issue out. If the town pays for 4 of them, there will be hundreds of cases brought forward. Mrs. McDermott wanted people to be aware that there are funds available to help construct ATL's and they do not have to be totally funded by local taxes

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Veilleux & Nelson & Ruff) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the proposed Capital Improvements Plan be tabled until May 4, 1993. (Councilors Nelson & Veilleux) **Roll Call Vote** (7 Ayes) (0 Nays)

Item #67-93 To consider action relative to a proposed amendment to the Zoning Ordinance concerning business and professional offices in the Village Commercial II Zone (VC-II)

BE IT ORDERED: That a Public Hearing be scheduled for April 20, 1993 at 7:30 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Zoning Ordinance.

BE IT FURTHER ORDERED: That 30 copies be made and distributed equally between the Town Clerk's Office and the B. H. Bartol Library for inspection by citizens. (Councilors Ruff & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

Item #68-93 To consider action relative to the acceptance of a donation to the Town of Freeport.

BE IT ORDERED: That the donation of townwide aerial photos by Delorme Map Company, be accepted. (Councilors Ruff & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays) Chairman Goddard asked that a note of thanks be forwarded.

Item #69-93 To consider action relative to the updating of the Winslow Park Master Plan.

BE IT ORDERED: That a Public Hearing be scheduled for May 4, 1993 at 7:30 p.m. in the Town Hall Council Chambers to discuss the proposed updates to the Winslow Park Master Plan.

BE IT FURTHER ORDERED: That 30 copies be made and distributed equally between the Town Clerk's Office and the B. H. Bartol Library for inspection by citizens. (Councilors Bradley & Veilleux) **ROLL CALL VOTE** (7 Ayes) (0)

Item #70-93

To consider action relative to the issuance of a Municipal Quit Claim Deed for Tax Map 18, Lot 49-G.

BE IT ORDERED: That the Town Manager be authorized to issue a Quit Claim Deed releasing any interest of the Town of Freeport for the following property for Tax Years 1978 through 1990.

Town of Freeport Tax Map 18, Lot 49G
to: Lawrence R. & Carol E. Groves

Note: This property is located on Allen Range Road and all taxes have been paid.

(Councilors Bennett & Veilleux) **ROLL CALL VOTE** (7 Ayes)
(0 Nays)

Item #51-93

Tabled March 16, 1993.

To consider action relative to proposed amendments to the Zoning Ordinance concerning Private Property Peddler Regulations. (Chapter 21)

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance, as submitted to the Public Hearing on March 16, 1993, be approved as amended (Councilors Arsenault & Nelson) **ROLL CALL VOTE** (6 Ayes) (1 Nay-Arsenault)

MOVED AND SECONDED TO AMEND to remove the second sentence of the second paragraph of Section 526 A which reads *Only two locations have acquired the status of a legal non-conforming use;* (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

At This time Councilor Veilleux moved to strike on Page 7, 3 - Parking the sentence : *One additional parking space per cart shall be provided either on the site or leased according to the requirements of this Ordinance. Each space shall be provided for each month of operation* Councilor Arsenault seconded the motion but Councilors Nelson and Goddard indicated that they were opposed . Councilor Arsenault asked if the landowner can provide proof that he has enough spaces to accommodate the cart operator, if an additional space would be required. The

Town Planner indicated that the answer was no.

Councilor Arsenault moved to amend this section to say that if the peddler operates on private property that already has employee parking and his presence does not exceed that number, then he does not have to provide a space for himself. Councilor Ruff seconded the motion. Councilor Goddard advised that he agreed with the motion but wanted it worded correctly. Councilor Bradley advised that he too agreed but it should be passed tonight and within a short period of time, the Council should come back with a properly worded amendment. He indicated that he did not know how to do it quickly. Mrs. Cohen was asked to draw up the proper language. Everyone agreed that it was a good idea and Councilor Arsenault withdrew his motion and the second was withdrawn as well.

Councilor Nelson wanted to thank the process, all the people involved and in particular the Planning Board and the Town Planner for their help. Councilor Bradley extended the same sentiments but wanted to single out Mrs. Cohen for her outstanding efforts.

Item #52-93

Tabled March 16, 1993

To consider action relative to proposed amendments to the rules for Winslow Park (Chapter 34)

BE IT ORDERED: That the proposed amendments to the Rules for Winslow Park, as submitted to Public Hearing on March 16, 1993, be approved as amended. (Councilors Veilleux & Nelson)

ROLL CALL VOTE (7 Ayes) (0 Nays)

Mr. Hollingsworth updated the Council on the usage history indicating that people are casting lures from the Harb Cottage dock and the Commission is concerned with liability issues. They also did not want to get into regulating the number of people fishing at one time. People are also cleaning their fish on the dock and not cleaning up after themselves. Councilor Bradley indicated that he regretted the prohibiting and asked if fishing could be regulated in some way so that Freeport residents will not be denied fishing rights. He pointed out that there is a municipal exemption from damages on outdoor facilities. He felt that he was willing to take the risk for this season and deal with next season at another time. Councilor Nelson mentioned an additional dock facility would be expensive but this is something that could be explored. Mrs. McDermott pointed out that people cannot fish off the dock at low tide and there are many other places in the park for people to sit but there are not many places to fish.

MOVED AND SECONDED To strike #50 *under no fishing allowed from the Harb Cottage Dock* completely from Chapter 34 of the Amendments To Rules For Winslow Park. (Councilors Veilleux & Bennett) (6 Ayes) (1 Nay-Nelson)

Ruby McDermott advised that she was opposed to the 50 cent fee charged each person. She is the running coach for Grades 1-5 and they have their running meets at Winslow Park. She has been told that she can't have her meets there when the park is open. They are usually held on Wednesday afternoons from 3:30-5:30 p.m. She feels this is a community sponsored activity and doesn't understand why she cannot continue when the park is open. She was advised that closing down the road is the problem when the park is occupied. Councilor Bradley asked if a traffic person could be utilized to help with the traffic. There is no recreational area for children in Freeport and if the park could accommodate the program, it would be very helpful. The Commission people indicated that they would work something out. Councilor Nelson indicated that this would have to come back at another time because all that is supposed to be discussed tonight is the fee. Councilor Ruff indicated that she understood that Freeport Senior Citizens in groups of 16 or less, should not be charged the entrance fee. Councilor Nelson feels that there should not be a problem in collecting this nominal fee since it supports the park.

MOVED AND SECONDED To add that Senior Citizen groups of 16 or more and groups of Freeport school children be exempt from the fees. (Councilors Bennett & Arsenault) (6 Ayes)
(1 Nay- Nelson)

OTHER BUSINESS

Recommendations from the Desert Pines Area Road Committee:

Ruby McDermott explained that the Committee is requesting that the \$17,000 be kept in a reserve account and that Peter Tubbs be hired to design and study the Desert Road to reconstruct it, put in paved shoulders and also study the Merrill Road and possibly put a paved shoulder on the right side. They are hoping to have this study completed by July 4 and it should cost \$1,600. They feel it is a waste of money to put gravel on the shoulders, since it washes out. They also want the Desert Road striped for safety reasons. They feel that spending the money now in light of L. L. Bean's project is senseless. Councilor Bradley didn't feel that L. L. Bean should be asked to pay for the whole road reconstruction but perhaps their engineer could take a look at the Merrill Road. Freeport should be prepared to pay more than \$17,000 to provide safety for the neighborhood. In the middle of July, Mr. Olmstead suggested inviting Randy Reynolds from L. L. Bean to meet with the Town Planner and the Committee. Chairperson Goddard indicated that he would support this plan.

Presentation of the Casco Bay Estuary Plan

Jacki Cohen explained that this is a 5 year program that is part of a National Estuary Program and there are 40 communities in the Casco Bay Watershed that

participated in this. Freeport got financial support from the Harraseeket Study and we also applied for a mini-grant to do water quality testing which is being done. The Conservation Commission has been involved in some follow-up to the Harraseeket Study. We will be involved in a study to be undertaken in Maquoit Bay. The project's purpose is to look at Casco Bay, see what the problems are and develop a plan for correction. After 5 years there will be mechanisms in place that will actually do something about what was identified. She handed out material to each Council member. She pointed out the map showing the location of shellfish and indicated that it was a parcel map of Freeport. She indicated that the program would welcome input from the Council. Councilor Bradley advised that he would like to spend some more time on this program in the next couple of months and get the Council involved.

Chairman Goddard indicated that the last two items on the agenda would be tabled.

Update on Comprehensive Waterfront Plan Issues

Chairman Goddard indicated that there was some need for the Council to come to some consensus regarding Wolf Neck, ~~Dickson~~ ^{Dixon} Way and the Cove Road/Porters Landing issues.

Mr. Olmstead indicated that what was thought to be a lot with access to the water on Wolf Neck turned out to be an extension of a road that is privately owned within a subdivision.

Regarding ~~Dickson~~ ^{Dixon} Way, Councilor Nelson added that he read all the material and his opinion is that with the amount of money that it would cost to pursue it, and the limited chance of prevailing as a town to gain access, he feels the Council should not pursue it. Councilor Veilleux agreed with this opinion.

Councilor Bradley asked for a legal opinion from Attorney Lloyd. While he agreed with Councilors Nelson and Veilleux, he stated that no person in government can abandon a way to the ocean if there is any basis to preserve it. He indicated that it would make sense to announce to the town that the Council is prepared to abandon this right and hold a public hearing on this decision and invite everyone to come before the Council that has evidence of the use of that right-of-way. If no one comes to the hearing, he will then feel comfortable abandoning it and putting the matter to rest. If there is any basis upon which this town can assert its right to a public way to the ocean, he will support that effort to preserve that right. He will not easily give up the right to the ocean for the people of Freeport. It is a priceless opportunity that government people cannot allow to be extinguished. These rights-of-way are not being made any more.

Attorney Lloyd advised Councilor Bennett that ~~Dickson~~ ^{Dixon} Way runs from the Harraseeket Road to the high water mark.

Chairman Goddard asked Mr. and Mrs. Eames if they had any comments. Mrs. Eames felt that the Town did not have any grounds and did not understand why it was being pursued. Mr. Eames added that it was never a public way it was just a way for people to bring their boats up in the Fall.

Chairman Goddard advised that a public hearing would be scheduled on May 4. The Council's consensus was that this would be acceptable.

Cove Road/Porter's Landing

Chairman Goddard suggested that the Council go to the two sites and view them without the snow. Councilor Bradley felt that the whole group should go and discuss the matter. It was arranged for May 4 at 6 p.m. Mr. Phelps was asked to put stakes in the ground by Councilor Arsenault and Mr. Phelps indicated that he would do this.

Councilor Ruff asked about the time frame on Item 5 and was advised that there was a sense of urgency. Mr. Olmstead advised that the Building Committee has asked that the asbestos removal and fuel tank removal be segregated from the building project since it will save money. It will come out of the building fund. The architect has indicated that he will decrease his fee since this will not be included in the general contract. Freeport staff can remove the fuel tank with DEP review. The consensus of the Council was to support this item.

Councilor Arsenault asked how much Peter Tubbs is paid on a yearly basis. He is interested in learning about bid prices. Mr. Olmstead indicated that this would be determined.

Councilor Bradley asked Mr. Olmstead to put on the Ordinance Committee agenda an item that would assure that the Historical Society is notified of any demolition projects going on in town.

Item #71-93

To consider action relative to an Executive Session.

MOVED AND SECONDED: That the Town Council enter into Executive Session to discuss litigation to meet with Municipal Non-Union Employees to discuss the Pay and Classification Plan, and to discuss Police Contract Negotiations. (Councilors Veilleux & Bennett (7 Ayes) (0 Nays)

MOVED & SECONDED; To reconvene. (Councilors Veilleux & Bradley (7 Ayes) (0 Nays)

MOVED & SECONDED; To adjourn. at 1:05 (Councilors Nelson & Ruff) (7 Ayes) (0 Nays)

The foregoing was recorded by: Sharon Coffin



Recorder Pro Tem