

FREEPORT TOWN COUNCIL MEETING #8-93

APRIL 20, 1993 - 7:30 P.M.

COUNCIL CHAMBERS

SUMMARY AGENDA

- ITEM #72-93 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR STEVE JAMES, DOWNEAST ENERGY, KEN & SHELLEY CARTER, KEITH WASMUND, CAROL WARENCHAK, PETER KELLOGG, KAREN DEMATOS, BRIAN MAXWELL, KEN MANN, RANDALL MILLER, ARCHIBALD CANDY CORP., WEBBER OIL CO. (PUBLIC HEARING)
- ITEM #73-93 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING BUSINESS AND PROFESSIONAL OFFICES IN THE VILLAGE COMMERCIAL II ZONING (VCII) PUBLIC HEARING
- ITEM #74-93 TO CONSIDER ACTION RELATIVE TO THE ESTABLISHMENT OF A DESERT/ MERRILL ROAD CAPITAL CONSTRUCTION ACCOUNT
- ITEM #75-93 TO CONSIDER ACTION RELATIVE TO THE DISCONTINUANCE OF THE PUBLIC WAY KNOWN AS PORTERS LANDING ROAD
- ITEM #76-93 TO CONSIDER ACTION RELATIVE TO THE ABANDONMENT OF THE PUBLIC WAY KNOWN AS DIXON ROAD

OTHER BUSINESS

1. DISCUSSION ON UPCOMING CABLE FRANCHISE AGREEMENT
2. PRESENTATION BY THE PUBLIC SAFETY BUILDING COMMITTEE

END OF AGENDA

**Freeport Town Meeting # 8-93
Freeport Town Hall Council Chambers
April 20, 1993 - 7:30 P.M.**

| | Regular <u>X</u> | Special | | |
|---|------------------|----------------|---------------|----------------|
| <u>Chairperson's Call To Order</u> | | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
| Kirk Goddard, Chairman, Mast Landing | | X | | |
| Edward Bradley, Flying Point | | | | X |
| 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 | | |

FIRST ORDER OF BUSINESS:

MOVED & SECONDED: To waive the reading of the minutes of Meeting #7-93 held April 6, 1993 and accept the minutes as printed..
(Councilors Arsenault & Veilleux (4 Ayes) (0 Nays))

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

Madelyn Baker read a letter that she submitted for publication in THE SHOPPING NOTES urging people to unite, to attend Council meetings and help control spending. She added that if they were unable to attend meetings, to call their Councilor and voice their concerns. She mentioned that the Council indicated at their last workshop that they would not be in favor of a budget committee being formulated to help the Council keep spending at a level everyone can afford.

Amy Adams indicated that she wanted to address the Town in general concerning Council action. She feels that she was attacked by one Councilor in a very ungentlemanly manner because he learned that she had contacted Congressman, Tom Andrews and asked that federal funds be withheld from the construction of Alternative Travel Lanes. She felt that this situation caused her and others great embarrassment and upset. She indicated that this Councilor should be asked to resign. Chairman Goddard pointed out that personal comments are not welcome during the Public Comment period.

Councilor Arsenault asked for a vote on the point of order, stating he was opposed. Chairman Goddard asked for a vote to allow Ms. Adams to continue. Councilors Ruff and Veilleux asked Ms. Adams if she was going to continue to discuss the

Councilor in question or if she had other things to discuss. Ms. Adams indicated that she wanted to discuss Alternative Travel Lanes. She advised that she is opposed to these lanes because of the cost which she has learned is considerably more than \$8,000. She understands that the true cost is closer to \$12,000 and it was her opinion that under the present economy, Freeport cannot afford this play time. She is fearful that widening the Lower Mast Landing Road to accommodate these lanes will directly affect the wetlands in this location. Since Capital Improvements will be voted on during the May 4 meeting, she urged residents to support lower spending and support the formation of a budget committee to work as an advisory capacity to the Council.

Mary Kennedy indicated that she was in close proximity to Ms. Adams last week at the untelevised workshop and she too experienced the embarrassment and difficulty of the Councilor, she was not allowed to name. She feels it is important that the Council get together and discuss their behavior to see if improvements can be made. She would like to see their behavior policed.

Chairman Goddard took this opportunity to recognize Bob Weagle for six years of volunteer service to help provide the public with access to public cable. Mr. Weagle was presented with a jacket which was provided by the Public Cable Group.

Councilor Veilleux proudly announced the high finishing of Joan Benoit Samuelson in the Boston Marathon and suggested that the Town mail a letter of congratulations to her.

He also pointed out that he has had parents contact him, asking if trash receptacles could be placed behind The Gap building. He asked the Town Manager to have the area cleaned up.

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

Item #72-93 To consider action relative to a applications/re-applications for Victualer's licenses for Steve James, Downeast Energy, Ken & Shelley Carter, Keith Wasmund, Carol Warechak, Peter Kellogg, Karen Dematos, Brian Maxwell, Ken Mann, Randall Miller, Archibald Candy Corp., Webber Oil Co. (Public Hearing)

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene (Councilors Ruff & Veilleux) **ROLL CALL OF MEMBERS:** (4 Ayes) (0 Nays) (3 Excused)

MOVED AND SECONDED: That the following applications/reapplications for Victualer's Licenses be subject to Public Hearing: (Councilors Ruff & Veilleux) (4 Ayes) (0 Nays)

MOVED AND SECONDED: To waive the second reading
(Councilors Veilleux & Ruff (4 Ayes) (0 Nays)

Steve James d/b/a Freeport Variety Store, 9 Main Street.
Downeast Energy, d/b/a Freeport Mobil, 57 Main Street.
Ken & Shelley Carter, d/b/a Wardtown Variety Store, 130 Wardtown
Road
Keith Wasmund, d/b/a Wasy's Snow-Cones, (Peddler/Private) 11
Depot St.
Carol Warechak, d/b/a The Ice Cream Machine, 2 Depot Street.
Peter Kellogg, d/b/a Bakery-2, 176 So. Freeport Road..
Karen DeMatos, d/b/a Monarch Landing B & B, 173 Flying Point
Road.
Brian Maxwell, d/b/a Maxwell's, 49 Main Street.
Ken Mann, d/b/a Convenience Store, 328 US Rte #1 North.
Randall Miller, d/b/a Pop's Dogs (Peddler/Private) 31 Main Street.
Archibald Candy Corp., d/b/a Fanny Farmer Candy Shop, 123 Main
St.
Webber Oil Co., d/b/a Freeport General Store, US Rte #1 South.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Ruff & Veilleux) (4 Ayes) (0 Nays)

BE IT ORDERED: That the above named applicants/reapplicants, for
Victualer Licenses be approved. (Councilors Ruff & Arsenault) **ROLL
CALL VOTE** (5 Ayes) (0 Nays)

MOVED AND SECONDED: That the Licensing Board adjourn and
the Council reconvene. (Councilors Ruff & Veilleux) (4 Ayes) (0
Nays)

Item #73-93 To consider action relative to a proposed amendment to the Zoning
Ordinance concerning business and professional offices in the Village
Commercial II Zoning (VCII). (Public Hearing)

MOVED AND SECONDED: That the proposed amendment to the
Zoning
Ordinance be subject to Public Hearing (Councilors Veilleux &
Arsenault)
(4 Ayes) (0 Nays)

Ed Bonney, while not opposed to this issue, urged the Council to take a look at the Comprehensive Plan and adjust the ordinance where it needs to be adjusted, rather than changing the requirements within a zone as special requests are made.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Veilleux & Ruff) (4 Ayes) (0 Nays)

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be tabled until May 4, 1993. (Councilors Veilleux & Ruff)
ROLL CALL VOTE (4 Ayes) (0 Nays)

Item #74-93 To consider action relative to the establishment of a Desert/Merrill Road Capital Construction Account.

BE IT ORDERED: That \$16,600 be transferred from the Public Works Summer Road Operational Account (401-5020) for the purpose of establishing a Desert/Merrill Road Capital Construction Account.

MOVED AND SECONDED: That the establishment of a Desert/Merrill Road Capital Construction Account be tabled until May 4, 1993. **Roll Call VOTE:** (Councilors Veilleux & Ruff) (4 Ayes) (0 Nays)

Ruby McDermott explained the situation on Desert Road and advised that L. L. Bean should be contacted to see if they would be willing to contribute money for road studies and improvements to make the road more safe. Councilor Veilleux indicated that the Council would prefer that the Town Manager contact Randy Reynolds of L. L. Bean. Councilor Ruff suggested that a report be given to the Council in September of the results.

Item #75-93 To consider action relative to the discontinuance of the public way known as Porters Landing Road.

BE IT ORDERED: That the Freeport Town Council, acting as the Municipal Officers, will hold a Public Hearing on May 4, 1993 in the Town Hall Council Chambers at 7:30 p.m. to consider the discontinuance pursuant to 23 M.R.S.A. 3026, of the Public Way known as Porters Landing Road and to determine the amount of damages, if any, to be paid to each abutter.

BE IT FURTHER ORDERED: That the Town Manager is directed to give notice of the Public Hearing as provided in 23 M.R.S.A. 3026. (Councilors Ruff & Veilleux) **ROLL CALL VOTE** (2 Ayes-Ruff & Veilleux) (2 Nays-Arsenault & Goddard) Motion Fails Site Walk scheduled for May 4, 1993 is canceled.

Item #76-93 To consider action relative to the abandonment of the public way known as Dixon Road

BE IT ORDERED: That the Freeport Town Council hold a Public hearing on May 4, 1993 at 7:30 p.m. in the Town Hall Council Chambers to discuss the possible abandonment of the public way known as Dixon Road.

BE IT FURTHER ORDERED: That notice of the hearing be advertised in a newspaper of general circulation.

MOVED AND SECONDED: To table this action until May 4, 1993 (Councilors Veilleux & Arsenault (4 Ayes) (0 Nays)

OTHER BUSINESS:

1. Discussion on upcoming Cable Franchise Agreement

Mr. Olmstead reminded the Council that Freeport is now a little more than two years away from the lapse of the cable franchise agreement with Cable Video and thought should be given to putting together a committee to renegotiate or institute a bid process for a new agreement. Councilor Bradley has expressed an interest in being on this committee. Mr. Olmstead mentioned that John Arsenault and Ken White would be viable members.

Councilor Arsenault advised that he would feel confident in having as many members of the Cable Board as possible serve on this committee. He pointed out that the Cable Company was not required to wire the whole town and this was not fair to people on the outskirts. Councilor Veilleux agreed with the concept of having as many people from the Cable Board on the committee because these people do a great job. Councilor Ruff asked that they be approached and that they should be aware of the new federal rates.

Chairman Goddard indicated that he would discuss this matter with the Vice Chair and come back with recommendations at a later date.

2. Presentation by the Public Safety Building Committee

Vaughndella Curtis introduced Bob Foster who proceeded to walk the Council through the description of the project. They are proposing to remove all existing structures on the site except the existing Police Station and the West Street Barn. He pointed out the main entrance and offices that are on the downtown side of the building. They wanted the best face of the building facing forward. There will be vehicle access completely around the building. Direct access for emergency vehicles to Main Street was another goal. Another function was to separate emergency vehicle usage from the visitor and public parking. The service area has been tucked in behind the building to keep it out of view. At the rear will be a 100' antenna and a retention pond. Their goal was to put the building on the flattest portion of the site to minimize the cost of site development.

As for the building itself, Mr. Foster displayed the plan that has been developed. He pointed out the main entrance, lobby, police station, fire department and rescue department, office space, rest room facilities, drive thru bays. He indicated that the Building Committee voiced their interest in keeping the building as simple and direct in its form as possible. They wanted it to be attractive but not ostentatious. They wanted it to appear to be a civic building. They chose a sloped roof. They wanted it to be a building of permanence, durability and low cost maintenance. They chose brick for all exterior walls. While they would prefer a metal roof for longevity, it will be bid as an alternative add-on along with an asphalt roof. The hose tower will also be bid separately. They are proposing to use attractive downlit type light fixtures. They will be placed on poles around the site and will also be placed over the overhead doors on the building.

Vaughndella had some handouts containing preliminary figures and pointed out that the funds available for this project are \$1,795,000. Cost estimates for construction is \$1,046,400. Site development is estimated at \$268,181. Demolition is \$90,000. Fuel Tank removal is estimated at \$45,000. Equipment is estimated to cost \$47,000. The subtotal is \$1,496,581. Fees and Services for Architects and Engineers of 6% is estimated at \$85,000. Surveying soils will cost \$30,000. Construction Testing is estimated at \$5,000. Field inspections, Clerk of the Works is estimated at \$25,000. Asbestos removal and disposal is \$85,000 with a subtotal of \$230,000. Moving costs \$17,000, Contingency \$51,419. Subtotal is \$68,419. Total is \$1,795,000.

She explained the add alternates. The metal roof will be a separate bid. The hose tower will be \$40,000. The storage mezzanine will be \$15,000. These will probably be done if the bids come in low. There were some cost savings projections in many of these figures which no one will know until the project goes out to bid.

Councilor Veilleux asked about salvaging the granite, overhead doors, fans, doors and heaters and was informed by Mr. Foster that this has not been explored. Mr. Olmstead indicated that Al Thompson has approached him on salvaging some materials. Mr. Olmstead explained that in the projected savings, the Council has authorized the Committee to pull asbestos removal and fuel tank removal out of the project and bid them out separately in order to save money in a similar fashion as was done at the Soule School. He cautioned that once the oil tanks are removed, if there is any contamination of soil, it could become very expensive to clean it up.

Vaughndella also mentioned that the upgrade of the washer and drier in the Fire Dept./Rescue should not be funded in this project's budget. They will pick up the moving and rental fees which is \$17,000. She advised that the one-time CMP fee of \$13,500 for putting in 3 Phase power should be a capital budget item. She asked for more guidance on this \$13,500 in the future. They will be approaching the Planning Board next. Mr. Bonney added that the only money for this \$13,500 would be to use the contingency fund. He indicated that there is money in this contingency fund but their first priority for this money is to build a 3-sided storage structure. He asked the Council to advise if the Committee's priorities are going to be changed. Chairman Goddard clarified that on May 4, Capital Budget approval will give them the priority information they need.

Ken Mann questioned the overall budget. He was fearful that both buildings would be over budget but Mrs. Curtis assured him that it was all within budget. He questioned the additional landscaping and engineering costs and was informed by Mr. Bonney that it was for cost savings. He feels there is room for some savings.

Chairman Goddard indicated that the project will go out to bid on June 1 and construction will probably take 10-12 months.

Chairman Goddard advised that John Arsenault called him advising that the Town Floats are in need of reconstruction. He asked Jay Pinkham to put together a note indicating what the problems are.

The Harbor Master, Jay Pinkham explained that they are looking to replace the existing 13 year old main float. This float is in the water year round. The Coastal Waters Commission budgeted for repairs but they thought it would only require minor repairs. It is his feeling that rather than spending \$1,000 or \$1,500 for bandaids repairs for the old float, he would prefer to spend the extra money and build a new float. He is requesting an additional \$1,300 to be added to the budget so that there will be \$5,100 available for the new float. He advised that there is a need to beef up where the ramp rides on it. Councilor Arsenault asked

if construction could be handled in some way so that the float is better protected. Mr. Pinkham indicated that there were some options available.

Chairman Goddard indicated that timing is critical and asked for a consensus on the extra \$1,300.

MOVED AND SECONDED: to take up an item not on the printed agenda. (Councilor Veilleux & Arsenault) (4 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council transfer \$1,300 out of the Operating and Miscellaneous Contingency Fund to the Coastal Waters' Float Maintenance Account for the purposes of constructing a new town main float. (Councilor Veilleux & Arsenault) **ROLL CALL VOTE:** (4 Ayes) (0 Nays)

Councilor Arsenault questioned the Harbor Master if the town hoist could be painted and Mr. Pinkham added that it could be painted but it has to be sand blasted first. He indicated that he is checking into a system which would protect it for up to eight years.

Amy Adams asked who had the authority to excuse the absence of a Councilor. Chairman Goddard indicated that he did have the authority. Ms. Adams quoted the charter and pointed out that tonight there are only four councilors voting for issues when seven were elected and should be voting. Chairman Goddard explained the Council rules and agreed that the charter rules are vague.

MOVED & SECONDED: To adjourn. at 9:10 p.m. (Councilors Veilleux & Arsenault (4 Ayes) (0 Nays)

The foregoing was recorded by: Sharon Coffin



Recorder