

MINUTES
FREEPORT TOWN COUNCIL MEETING #20-2005
TOWN HALL COUNCIL CHAMBERS
NOVEMBER 1, 2005 – 7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Thomas Rumpf, P.O. Box. 819, S. Freeport	x
John Arsenault, Prout Road	x
Charlotte Bishop, Maquoit Drive	x
Rich DeGrandpre, Timber Ridge Road	x
Frederick White, 45 Pleasant Hill Road	x
James Cassida, 5 Timber Ridge Road	x
Genie Beaulieu, P.O. Box 74	x

Chair Rumpf called the meeting to order.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #19-2005 held on October 11, 2005 and accept the Minutes as printed.

Chair Rumpf referred to page 3, under Item #143-05, and recommended that the first sentence be changed to read: Town Attorney, Geoff Hole, explained his recommendation that the Town should retain title to all the real estate until the fund-raising effort proceeds to where the Town would be liable for only the original \$750,000 raised through the bond issue and the \$500,000 State grant. In the same paragraph, second sentence from the end, it should read: There will have to be provisions about use of the Town's share of finished space. In the next paragraph, change the second sentence to read: Councilor Cassida explained that the plan is to use some of the monies already in hand to eliminate the existing mortgage before transferring ownership, and to eliminate any mortgage liens on the property.

On Page 4, the last sentence in paragraph 3 should read: Mr. Bradley estimated that not honoring the contracts at this time would likely add \$100,000 to this project in addition to the loss of the \$500,000 State grant, a total of \$600,000.

On page 6, change the first sentence under #3 Reserve Funds to read: Reserve Funds—this is a question of priorities.

Councilor Bishop noted that Jean Cousineau's name was misspelled. Councilors concurred with these changes.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #19-2005 held on October 11, 2005 and accept the Minutes as amended. (Bishop & White) **VOTE:** (7 Ayes)

Councilor Beaulieu requested a revised copy of the minutes for her file since there were so many changes.

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf congratulated Middle School Math Teacher, Alex Briasco-Brin. He was honored with a Milken National Educator Award for the quality of his teaching.

Chair Rumpf pointed out that citizens willing to serve on a Town Board or Committee are encouraged to apply. Applications are available on the Town's Website and also at the Town Hall. There are vacancies on the Recreation Committee and possibly other committees.

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

Rick Hendee of the School Committee thanked Chair Rumpf for congratulating Mr. Briasco-Brin and explained that Mr. Briasco-Brin has been awarded a \$25,000 grant by the California-based Milken Family Foundation and will receive his check later in the year at a ceremony. He has been teaching in Freeport for four years.

Mr. Hendee also noted that the rollout of the Concert Steinway Grand Piano will be held Friday night at the High School's Performing arts Center at 7:30 p.m. The Southern Maine Symphony Orchestra will also be performing. A lecture by Elliott Schwartz will begin at 6:45 p.m. Posters are displayed throughout Town. Mr. Hendee did not know whether the concert would be recorded.

Chair Rumpf pointed out that the purchase of this high-quality piano is being made possible by private fundraising. It is a used piano that was part of an estate. Mr. Hendee explained that it is expected that revenues from this Friday's concert and future concerts will pay back the private donors that worked so hard to get the piano. It is expected that this piano will be very advantageous to the Town.

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

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

ITEM #145-05 To consider action relative to a request to use the Town parking lot on Depot Street.

BE IT ORDERED: That a request by the Freeport Community Center's Capital Campaign Committee to use the Town parking lot on Depot Street on November 19 to hold a groundbreaking event and Capital Campaign Kickoff be approved. (DeGrandpre & Bishop)

Chair Rumpf noted that a letter was received from Bob Stevens explaining that the ground breaking will take place at 11:30 a.m. on November 19. There will be a kick-off event for the public phase of the fundraising campaign beginning at noon and running until 2 p.m. There will be a number of activities for adults and children. He encouraged members of the public to

participate. Councilor White read through the whole list of events that are planned.

ROLL CALL VOTE: (7 Ayes).

ITEM #146-05 To consider action relative to the approval of new financial and human resources software.

BE IT ORDERED: That a contract with MUNIS in the amount of \$107,532.00 to provide for new financial and human resources software be approved.

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

Finance Director, Greg L'Heureux, explained the process that was followed for selecting the new software. He feels very strongly that what the Town will be getting is superior to the software that it is presently using. Mr. L'Heureux answered questions for Councilors. He mentioned that joint training sessions with surrounding communities are being planned whenever possible, which will save money.

Councilor Beaulieu advised that she has been involved in purchasing software and is very impressed with the level of service and the power of the MUNIS system.

Mr. L'Heureux is also looking into a purchasing card system and explained how it would work. He offered to go into further detail with the Council when he is at the point of initiating the purchase card system.

ROLL CALL VOTE: (7 Ayes)

ITEM #147-05 To consider action relative to the transfer of the Burr Cemetery Association Funds held by the Town of Freeport.

BE IT ORDERED: That the transfer to the Burr Cemetery Association of all funds presently held by the Town in trust for the purpose of providing perpetual care for cemetery plots in Burr Cemetery be approved, subject to the following conditions:

1. The funds to be transferred include not only the monies held by the Town under its Cemetery Trust Fund Policy, but also those in the Davis Mausoleum account and those in the Adeline Woodward Fund.
2. The consolidation of the funds held by the Town with funds held by the Cemetery Association shall not occur unless and until the transfer by the Town is approved by the Cumberland County Probate Court. Burr Cemetery Association's future management and administration of the consolidated monies shall be consistent with the order issued by the Cumberland County Probate Court.
3. Simultaneously with the Town's transfer of the Burr Cemetery funds, the Cemetery Association will deliver to the Town a release and indemnification

agreement holding the Town harmless from any future claims with regard to the transferred funds.

4. Burr Cemetery Association shall pay the Town's reasonable attorney's fees incurred in connection with the negotiations related to the transfer, the probate court proceedings, the preparation and execution of the release, and all other services related to the proposed consolidation. (Beaulieu & DeGrandpre)

Mr. Olmstead explained that the Burr Cemetery Association's Attorney entered into a dialogue with the Council a few months ago. After the discussion, the Council basically said it would entertain this proposal if these conditions were agreed to by the Burr Cemetery Association. Some further discussion took place between the Town's Attorney and the Association's Attorney which resulted in the order before the Council this evening.

Councilor Beaulieu asked for the names of all the trustees and what the pros and cons would be.

Chris Stilkey representing the Burr Cemetery Association answered questions for Councilors. He advised that Leslie Craig is the President, Sandra Giggey is the Vice President and Evelyn Stilkey is the Secretary/Treasurer. He did not have the names of the seven trustees with him but offered to provide a list to Councilors. Mr. Stilkey is the Superintendent of the cemetery and was asked to represent the Association. He explained that the pros are that there would not be two sets of accounting every year and they have the ability to work with other associations to determine how others do successful investing. He cannot foresee any cons to the Town. It will mean that the cemetery will need to have a few extra meetings for finance purposes. They have about 300 graves available for sale. He feels it is wonderful that the Town supports its veterans. Discussion followed.

Councilor Beaulieu indicated that she would like to know the names of the trustees and who will be managing the money before she can vote on this. Councilor DeGrandpre would like to give folks in Town an opportunity to consider this. This is the first time this item has appeared on a regular agenda.

Chair Rumpf noted that it appears the majority of the Council has concerns and would like to see some additional agreement between the Town and the Association which would help ensure that the Council gets an annual report on the financial information and also deal with the issue of the Town having some ability to recall the funds for management if they don't meet best management practices.

Councilor White would like to see someone from the organization here speaking on their own behalf. He questions why there is an attempt to fix something that is working right now. He doesn't see any benefit, he only sees risk. He would like to know how the fund has been managed and what the earnings have been over the years. He would like to know what would be different if managed by the Association.

Chair Rumpf noted that the Association is asking to take on full responsibility for managing their own affairs and he is all for privatization when it makes sense. It is a private cemetery, not a public cemetery.

Councilor Cassida would like to hear from the Trustees and would like more detail on how the funds will be invested and who will manage them. He agrees that it is a private cemetery and

there is no reason why the association should not manage their own funds. The Council wants assurance that it can do this.

Chair Rumpf asked the Town Manager to explore with the Town Attorney ways to ensure that there are some checks and balances on this capacity.

Mr. Olmstead noted that he would ask the Town Attorney to modify the order to provide a reverter

clause and require an annual reporting to the Town. The Association will need to provide a list of trustees, identify who their investment advisor will be and come back to the Council along with an investment strategy to control the funds. He noted that this will have to be tabled indefinitely and the Association will need to inform the Town when it is ready to come back with their information.

Mr. L'Heureux noted his concerns with the Association possibly dipping into its principle. Mr. Olmstead explained what took place sometime ago. More discussion took place.

MOVED AND SECONDED: To table Item #147-05 indefinitely until some of the questions that were raised this evening can be resolved and a clear plan be put forward. (Cassida & Beaulieu). **VOTE:** (7 Ayes).

OTHER BUSINESS:

1. Update on FY 2006-2007 PACTS project list.

Mr. Olmstead explained that Freeport's reconstruction project of a portion of Route One ended up on the "B" list and the sidewalk proposed from Kendall Lane to the Baptist Church ended up on the "A" list. PACTS has dropped the Kendall Lane project because MDOT will receive less federal aid for road construction than it had anticipated. Unfortunately, we cannot build a sidewalk without reconstructing the road. He believes that there is still hope in getting the Kendall Lane project funded in 2006-2007. If not, it is well positioned for 2008-2009. There is a faint pulse if some communities want to drop out of the "A" list. A decision will have to be made by spring.

2. Discussion on annual regional meeting scheduled for November 16.

Mr. Olmstead asked Councilors to put November 16 on their calendars. Invitations will be mailed to them containing all the necessary information.

3. Informational Exchange.

Councilor White advised that the Facilities Committee met last Saturday and viewed some of the sites discussed for use of the docks that were acquired from Brewer's. They determined that finger floats could increase the quality of access at Porter's Landing. They also went to Sandy Beach and had a lively discussion. They then went to Soule School and walked through the back parcel and open space. They visited Bow Street Park because there was a request to build out a patio by the side entrance. There are a few trees that need to be removed. After the election, they will schedule another meeting to discuss float use.

Chair Rumpf passed out a copy of the report for the Annual Town Report as well as the original Council goals that were agreed upon this year. He went through the list and noted that the Council has done a good job in meeting its stated goals.

ITEM #148-05 To consider action relative to an executive session to consider an offer to purchase Town owned property at the corner of Hunter and Desert Roads. (M.R.S.A Title 1 Section 405 § 6C)

MOVED AND SECONDED: That the Council enter into executive session. (Arsenault & Cassida) **VOTE:** (7 Ayes).

MOVED AND SECONDED: That the Council reconvene. (Beaulieu & DeGrandpre) **VOTE:** (7 Ayes).

ITEM #149-05 To consider action relative to an executive session to discuss the Town Manager's Annual Evaluation. (M.S.R.S. Title 1 Section 405 § 6A.)

MOVED AND SECONDED: That the Town Council enter into executive session to discuss the Town Manager's Annual Evaluation. (White & Bishop) **VOTE:** (7 Ayes).

MOVED AND SECONDED: That the Council reconvene. (Arsenault & Beaulieu) **VOTE:** (7 Ayes).

Adjournment

MOVED AND SECONDED: To adjourn at 9:32 p.m. (Cassida & Bishop) **VOTE:** (7 Ayes).

Respectfully Submitted,

Sharon Coffin
Council Secretary