

M I N U T E S  
 FREEPORT TOWN COUNCIL MEETING #23-87  
 FREEPORT HIGH SCHOOL - MEDIA CENTER  
 NOVEMBER 17, 1987 - 7:30 P.M.

X Regular

   Special

<u>Chairperson's Call to Order</u>	Present	Abs.	Exc.
Robert Hartnett, Chairperson, Desert Road	<u>X</u>		
John Nelson, Vice-Chairperson, Church Street	<u>X</u>		
Edward Bonney, 21 Maple Avenue	<u>X</u>		
William Grady, Elm Street Extension	<u>X</u>		
Kirk Goddard, Mast Landing Road	<u>X</u>		
Robert Stevens, Porters Landing	<u>X</u>		
John Paterson, Flying Point Road		<u>X</u>	<u>X</u>

Moved and Seconded - That the Minutes of Meeting #22-87 held November 10, 1987 be corrected as follows: Page 8 under "Other Business" - sub paragraph 4 - last sentence - should read as follows: "Council agreed that the \$28,000.00 would be paid if a short fall occurs".  
 (Councilors Stevens & Nelson) (6 Ayes) (0 Nays)

Moved and Seconded - To waive the reading of the Minutes of Meeting #22-87 held November 10, 1987, and accept the Minutes, as amended.  
 (Councilors Stevens & Bonney) (6 Ayes) (0 Nays)

Moved and Seconded - That the Town Clerk report on the returns of the November 14, 1987 recount for an At-Large Council seat. (Councilors Bonney & Grady) (6 Ayes) (0 Nays)

M I N U T E S

SPECIAL FREEPORT MUNICIPAL OFFICERS MEETING#22S-87

FREEPORT HIGH SCHOOL - MEDIA CENTER - 10:00 A.M.

NOVEMBER 14, 1987

       Regular

  X   Special

<u>Roll Call of Municipal Officers</u>	<u>Present</u>
Robert Hartnett, Chairman, Desert Road	<u>  X  </u>
John Nelson, Vice-Chairman, Church Street	<u>  X  </u>
Edward Bonney, 21 Maple Avenue	<u>  X  </u>
William Grady, Elm Street Extension	<u>  X  </u>
Kirk Goddard, Mast Landing Road	<u>  X  </u>

Present at the Special Municipal Officers' Meeting were William Plouffe - Town of Freeport Attorney, Edward R. Campbell - Candidate, Tristine Smith - Attorney for Edward R. Campbell, John M.R. Paterson - Candidate, Martin Robles - Attorney for John Paterson, and Deputy Town Clerk - Vaughndella Curtis

Chairman Robert Hartnett announced that this Special Municipal Officers' Meeting had been called to order for the purpose of holding a recount hearing requested by Edward R. Campbell.

William Plouffe, Attorney for Freeport, gave a brief rundown on what would take place. A ballot inspection was conducted on November 7, 1987 and on November 10, 1987, Mr. Edward R. Campbell requested a ballot recount. This ballot recount was being held under Title 30 with some procedures being conducted under Title 21-A. All the ballots will be separated according to districts. Four tables have been set up with each table of counters representing one district only. Following are the tables and people present:

TABLE 1 - DISTRICT 1 - Cheryl Smith and MaryLou Halla - ballot clerks, Kirk Goddard - Municipal Officer, Sarah Beard Ainsworth - Paterson Agent, Margaret Pelletier - Campbell Agent.

TABLE 2 - DISTRICT 2 - Constance Coffin and Mary Kennedy - ballot clerks, William Grady - Municipal Officer, Hugh Phelps - Paterson Agent, Lorraine Thompson - Campbell Agent.

TABLE 3 - DISTRICT 3 - Kathryn Roy and Linda Cleaves - ballot clerks, Edward Bonney - Municipal Officer, Dorothy Maybury - Campbell Agent, Barbara Anderson - Paterson Agent.

TABLE 4 - DISTRICT 4 - Margaret Rutherford and Martha Brogan - ballot clerks, John Nelson - Municipal Officer, Ernestine Snow - Campbell Agent, Robert Anderson - Paterson Agent.

Basically, the ballots were sorted in groups of 50 ballots with any disputed or blank or write-in ballots being put aside.

Results of the recount were as follows:

Paterson: D1 222 (8 more votes were picked up from Nov. 3)  
D2 358 (18 more votes were picked up)  
D3 424 (1 vote was dropped)  
D4 276 (1 vote was picked up)

making a total vote cast for Mr. Paterson 1,280 (26 more than originally counted)

Campbell: D1 264 (2 votes more were picked up)  
D2 358 (12 votes more were picked up)  
D3 206 (3 more votes were picked up)  
D4 430 (4 more votes were picked up)

making a total vote cast for Mr. Campbell 1,258 (21 more than originally counted)

There were 22 questioned ballots

TOTAL VOTER BALLOTS CAST were 2,805 compared to 2,786 originally cast. This amounts to 54% of voter participation - originally it had been 53%.

Mr. Campbell did not wish to pursue the 22 questioned ballots and at this point conceded to Mr. Paterson. A Certificate of Election was issued to Mr. Paterson, properly signed by the Municipal Officers.

The Municipal Officers moved to adjourn the Meeting at 12:40 P.M.

Right after the Special Municipal Officers' Meeting, the Town Clerk swore Mr. John M.R. Paterson in as Councilor-At-Large to serve until 1990.

*Respectfully submitted*  
*Mary J. Prescott*  
*Town Clerk*

Moved and Seconded - That the Town Clerk's report be accepted.  
(Councilors Nelson & Bonney) (6 Ayes) (0 Nays)

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Moved and Seconded - That the hearing of an appeal by Robert Bennett of a Coastal Waters Decision regarding Mr. Bennett's Mooring be opened.  
(Councilors Grady & Stevens) (6 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Grady & Stevens) (6 Ayes) (0 Nays)

ITEM #251-87      Be It Ordered - That the decision of the Coastal Waters Commission, regarding the location of Mr. Robert Bennett's mooring, (moving the mooring twenty feet), be upheld.  
(Councilors Grady & Stevens)  
(5 Ayes) (1 Nay, Councilor Hartnett)

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ITEM #252-87      Be It Ordered - That an amount not to exceed \$64,511.00 of funds received from the Middle School Insurance Settlement be contributed to the construction of a New High School Gymnasium Project, as approved by Freeport Voters on November 3, 1987.  
(Councilors Goddard & Grady)  
(6 Ayes) (0 Nays)

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Moved and Seconded - That the Town Manager read the Bids submitted.  
(Councilors Nelson & Bonney) (6 Ayes) (0 Nays)

Seven bids were received as follows:

Harold Ingerson, Inc.	\$277,717
Harry Crooker & Sons	283,746
W.E. Cloutier & Co.	290,253
Delwood Lumber, Inc.	327,714
Shaw Brothers Construction	334,029
A. H. Grover, Inc.	295,022
Quahog Construction	451,663

ITEM #253-87      Be It Ordered - That the Bid submitted by Harold Ingerson, Inc. for \$277,717.00 for the Construction of Parking Lots on and Near the Former Middle School Site, be accepted.

Be It Further Ordered - That the Traffic and Parking Committee be authorized to negotiate with Harold Ingerson, Inc. in an attempt to bring the low bid in line with funds available for this project.  
(Councilors Nelson & Grady)  
(6 Ayes) (0 Nays)

ITEM #254

Be It Ordered - That the following donated amounts to the Town of Freeport be accepted:

For the Purchase of Land for Recreational Purposes:

Various Individuals	\$ 1,250.
Freeport Land Bank	
Commission	10,000.

For the Purpose of Traffic and Parking Study:

Freeport Merchants Association	\$ 3,500.
L.L. Bean, Inc.	3,500.

(Councilors Bonney & Stevens)  
(6 Ayes) (0 Nays)

Michael Healy representing Mr. White explained to the Council that 6 granite permanent markers are going to be installed on the land marking off the boundaries; the approximate cost is \$600 and did councilors wish to pay one-half the cost; council agreed.

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Moved and Seconded - That the Council consider an item not on the printed Agenda.

(Councilors Bonney & Nelson) (6 Ayes) (0 Nays)

ITEM #254A

Be It Ordered - That the Town Council authorize the granting of a conservation easement forty feet in width to the Land Bank Commission along Lower Mast Landing Road - Reference Map 20, Lot 75A.

(Councilors Nelson & Bonney)  
(6 Ayes) (0 Nays)

ITEM #255-87

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Be It Ordered - That the Town Manager be authorized to sign a Project Application for State Board of Education Concept Approval of the Construction of an Elementary School Building for the Town of Freeport.

(Councilors Stevens & Bonney)  
(6 Ayes) (0 Nays)

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Other Business:

1. Joseph Taylor, Daniel Jellis & Steve Gordon from the Portland Water District explained to councilors that questionnaires had gone out to surrounding communities inquiring whether they might be interested in utilizing water from the Sebago Lake area; in 1986 a 25-year master water plan was put into place; they are looking specifically at 10 communities within the area and wished to know if Freeport was interested; Sebago Lake is capable of 200,000,000 gallons of water per day - right now only 1/10th is being utilized; Portland Water Company does supply water to Cousins Island through Yarmouth, but their water line ends at Cumberland; if Freeport, did, in fact initiate their own water district, Portland could wholesale water to Freeport; there was no financial commitment at this point; Town Manager Olmstead will send out a letter endorsing Freeport's participation in the study.

2. Superintendent Robert Lyman spoke to the Council on the removal of asbestos; priority areas which must be cleaned up are: High School Boiler Room & Lockerrooms - Morse School, the old wing & Soule School, pipes throughout the classrooms; \$19,000 is the approximate amount needed to take care of the immediate areas; total cost of the entire asbestos problem is roughly \$35,000; the School Committee will try very hard to come up with the \$19,000, but, should there be a short fall, would council be willing to come up with a difference of between \$8,000 - \$10,000?
3. Selection of Insurance Consultant: Town Manager Olmstead stated two well qualified consultants have been sorted out, one from Massachusetts and the other New Hampshire; prices ranged roughly from \$1,000 to a high of \$2,175; Chase Langmaid from the Prindle Agency suggested a third consultant living in Maine and passed out information on the applicant; after much discussion and much comparing, Council decided on J. F. Dudziak Insurance Consultant of Manchester, New Hampshire.
4. Formation of Freeport Water District: Town Manager Olmstead contacted Joseph Taylor from the Portland Water Company in order to get information on the set up; Yarmouth, No. Yarmouth and Brunswick have their own water districts; two major benefits of forming a water district are: (1) taxpayers are not upset by fees because user fees are utilized, and (2) a municipality's debt service is not affected; trustees of a water district must be elected by the voters which was the result of a recently passed bill three years ago; also, it was suggested that three trustees would be sufficient.
5. Councilor Nelson wrote up a draft on how to handle tax acquired property and suggested a seven-member committee to set priorities on land; discussion among councilors <sup>concluded</sup> that a policy should be set up rather than an exact ordinance; this item will be taken up at the December 8 workshop.
6. Town Manager Olmstead announced that work had begun today on Grove Street School; Mr. Olmstead was reminded that he best not forget Councilor Bonney's "hard hat"; there will be a ground breaking ceremony on Friday, November 20, at 3:30 P.M.
7. William Grady, Chairman of the Traffic and Parking Committee, has let the Council know that they are coming together with a total list of amendments; a final report will be forthcoming.
8. Councilor Grady mentioned he had received a letter from a resident living on Independence Drive stating he would like to see the street closed; there <sup>is so</sup> much activity with people circumventing the traffic lights at LL Bean and using the street as a thoroughfare in order to get to LL Bean; Councilor Grady thought of surveying the neighborhood for input.

Councilor Goddard questioned the Council on whether they thought there would be a "conflict of interest" going into tonight's Executive Session as he is well acquainted with the parties being discussed; Council felt there was no conflict of interest.

Moved and Seconded - That the Council enter into Executive Session to discuss pending litigation (Coffin vs. The Town of Freeport).

(Councilors Bonney & Stevens) (6 Ayes) (0 Nays)

Moved and Seconded - That the Council reconvene.

(Councilors Stevens & Grady) (6 Ayes) (0 Nays)

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Moved and Seconded - That the Council adjourn at 11:13 P.M.

(Councilors Goddard & Stevens) (6 Ayes) (0 Nays)

The foregoing was recorded by:

*Mary D. Wescott*  
Mary D. Wescott, Council Secretary

Dist: Council, Auditor, Attorney, Town Clerk, Supt. of Schools,  
Library, Police, Highway, Codes, Planner, Fire, Assessor,  
Welfare, Finance