

A G E N D A

COUNCIL MEETING #2-94

FREEPORT TOWN HALL COUNCIL CHAMBERS

FEBRUARY 1, 1994 - 7:30 P.M.

SPECIAL NOTE: This Agenda is a working Agenda that includes background information and is for the distribution to Council members only.

FROM: Dale C. Olmstead, Jr

TO: Elizabeth Ruff, Chairperson, Durham Road
Randall Bennett, Vice-Chair, Park Street
Edward Bradley, Flying Point Road
Roger Wold, Staples Point Road
Gloria DeGrandpre, Wolf Neck Road
Kenneth Mann, Mann Road
Edward Campbell, Gay Drive

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #1-94 held on January 18, 1994 and accept the minutes as printed.

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

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

COUNCIL MEETING #2-94
FEBRUARY 1, 1994

ITEM #12-94

TO CONSIDER ACTION RELATIVE TO APPLICATIONS/
RE-APPLICATIONS FOR VICTUALER LICENSES FOR
PAUL KELLEY, MICHAEL OLSEN, CYONG LY, JAMES
HENDRY, AND THOMAS HUDAK. (PUBLIC HEARING)

MOTION: That the Council adjourn and the
Licensing Board convene.

ROLL CALL OF MEMBERS:

Elizabeth Ruff	Gloria DeGrandpre
Randall Bennett	Kenneth Mann
Edward Bradley	Edward Campbell
Roger Wold	Jane Brogli

MOTION: That the following applications/
re-applications for Victualer Licenses be subject
to Public Hearing.

Paul Kelley, d/b/a R.E. Management, Inc. Peddler/
Private Property - Main Street.

Michael Olsen, d/b/a Freeport Country Club, 7 Old
County Road.

Cyong Ly (LY-SU CORP) d/b/a China Rose Restaurant,
10 School Street.

James Hendry, d/b/a Harborside B & B, 14 Main St.,
South Freeport.

Thomas Hudak, d/b/a Maple-Hedge B & B, 22 Park St.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the applications/re-applications
issued to the above named applicants, be approved.

MOTION: That the Licensing Board adjourn and the Council
reconvene.

COUNCIL MEETING #2-94
FEBRUARY 1, 1994

ITEM #13-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR THE CHINA ROSE. (PUBLIC HEARING)

MOTION: That the following re-application for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing.

Cyong Ly (LY-SU CORP.), d/b/a China Rose Restaurant, 10 School Street, Freeport.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the re-application for a Full-Time, Malt, Spirituous and Vinous License issued to the above named applicant, be approved.

ITEM #14-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR OCEAN FARMS OF FREEPORT, INC. (PUBLIC HEARING)

MOTION: That the following re-application for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing.

Jean MacLeod, d/b/a Ocean Farms of Freeport, Inc., 23 Main Street, Freeport.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the re-application for a Full-Time, Malt, Spirituous and Vinous License issued to the above named applicant, be approved.

COUNCIL MEETING #2-94
FEBRUARY 1, 1994

ITEM #15-94 TO CONSIDER ACTION RELATIVE TO A HEDGEHOG MOUNTAIN PROPERTY MASTER PLAN AND IMPLEMENTATION SCHEDULE.

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed Master Plan and Implementation Schedule for the Hedgehog Mountain property.

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.

ITEM #16-94 TO CONSIDER ACTION RELATIVE TO A PARKING LEASE AND SUB-LEASE.

BE IT ORDERED: That a Parking Lot Lease between the Town of Freeport Historical Society and the Town of Freeport for 7 parking spaces located at 45 Main Street, be approved.

BE IT FURTHER ORDERED: That a Parking Sub-Lease between the Town of Freeport and Freeport Junction Associates Limited Partnership for 7 parking spaces located at 45 Main Street, be approved.

ITEM #17-94 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF REVISIONS TO THE FREEPORT COMPREHENSIVE PLAN.

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss the proposed adoption of revisions to the Freeport Comprehensive 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.

COUNCIL MEETING #2-94
FEBRUARY 1, 1994

ITEM #18-94 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE
TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48)

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking 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.

ITEM #19-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE
SHELLFISH COMMISSION.

BE IT ORDERED: That ^{DAVID CHANEY}~~Thomas Bennett~~ be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 1995.

BE IF FURTHER ORDERED: That ^{CHANEY}~~Mr. Bennett~~ qualify by swearing an oath of office before the Town Clerk by February 10, 1994.

ITEM #20-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE
SOLID WASTE/RECYCLING COMMITTEE.

BE IT ORDERED: That Katherine M. Bither be appointed, effective immediately, to serve as a member of the Solid Waste/Recycling Committee until January 1, 1997.

BE IT FURTHER ORDERED: That Ms. Bither qualify by swearing an oath of office before the Town Clerk by February 10, 1994.

**COUNCIL MEETING #2-94
FEBRUARY 1, 1994**

OTHER BUSINESS:

- 1. REPORT ON RECENT PLANNING BOARD ACTIVITIES.**
- 2. DISCUSSION ON PROPOSAL FOR REVIEWING THE LOWER MAST LANDING SCHOOL SITE.**
- 3. DISCUSSION ON CONTROL AND USE OF THE BALANCE OF FUNDS FOR THE PUBLIC WORKS/PUBLIC SAFETY BUILDING PROJECT.**
- 4. DISCUSSION ON DISPOSITION OF THE CURRENT POLICE BUILDING AND THE WEST STREET BARN AND THE CHARGE OF THE PHASE II BUILDING COMMITTEE.**
- 5. DISCUSSION ON THE REPLACEMENT OF THE SHELLFISH WARDEN PICK-UP.**
- 6. SIGN MDOT AGREEMENT ON EXIT 19 INTERCHANGE IMPROVEMENTS.**
- 7. DISCUSSION ON REQUESTING A PUBLIC UTILITIES COMMISSION PUBLIC HEARING ON WATER COMPANY REORGANIZATION AND RATE INCREASES.**

END OF AGENDA

**COUNCIL MEETING #2-94
FREEPORT TOWN HALL COUNCIL CHAMBERS
FEBRUARY 1, 1994 - 7:30 P.M.**

<u>Chairperson's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Elizabeth Ruff, Chairperson, Durham Road	X		
Randall Bennett, Vice-Chair, Park Street	X		
Edward Bradley, Flying Point Road	X		
Roger Wold, Staples Point Road	X		
Gloria DeGrandpre, Wolf Neck Road	X		
Kenneth Mann, Mann Road	X		
Edward Campbell, Gay Drive	X		

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #1-94 held on January 18, 1994 and accept the minutes as printed and amended.

MOVED AND SECONDED: To amend the Minutes of Meeting #1-94 on page 8, second paragraph, to read "If the case is settled *using fewer legal hours than estimated*, the firm will reduce their fee (the \$7,500)". (Councilors Ruff & Bradley) (6 Ayes) (1 Nay - Mann)

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #1-94 held on January 18, 1994 and accept the minutes as printed and amended. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

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

Bruce Libby expressed concern about the lack of response to questions asked during the public comment period. He also asked how much money the council had spent on lawyer fees.

Mary Kennedy expressed concern that the Council meeting continued after the Executive Session held on January 18 and that people were unaware it had continued. She expressed concern about the article in the Forecaster about that meeting. She asked how that information became public when the Council went into Executive Session.

Chairperson Ruff stated that the Council was in Executive Session for about five minutes. The Councilors felt that the issues they were going to discuss were not appropriate for Executive Session so they reconvened the council meeting and the rest of the meeting was recorded.

Public Comment Continued

Mary Kennedy said she read that each individual council member discussed how one council member did not cooperate or didn't say the right things or said the wrong things. She said it looked like "Mann Bashing" and felt it wasn't the first time. She said the Council was here to vote--to get a unanimous consensus is not the first obligation. She asked why there couldn't be a difference of opinion.

Jack Forrest expressed concern about the way councilors treat each other. He said he hoped the council would work together.

Councilor Wold said he found the Forecaster article disturbing especially the headline. The headline said "Mann's Methods Spark Debate on Freeport Council's Ethics." He said he felt if a person only read that headline he would assume that there are some ethical problems within the Council. He said if one had heard the discussion that went on that evening, you would recognize that the word ethics is misused. He said the Council is not struggling with a question of ethics. He said the discussion was of how well the council was working together, how they could improve the way they work together, and there were comments about and by several councilors and it wasn't an attack on Councilor Mann. He said that because the reporter chose to write about this meeting, not by her attendance at the meeting but by listening to the tape, one gets an altogether different impression of what that meeting was about. He said there were a number of very positive comments that took place in that meeting--most of which were left out of that article. There was a general consensus that it was very positive. The Councilors had a chance to speak to each other openly and frankly, cleared the air about a few issues, and had made some progress in their relationships with each other. He assured the citizens that a) there's not an ethical issue on this council, b) some discussion about Councilor Mann's methods were in the context of a much broader discussion, and c) the council came out of that meeting stronger and with a much more cooperative attitude to each other.

MOVED AND SECONDED: To close the Public Comment Period. (Campbell & Wold) (7 Ayes) (0 Nays)

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

ITEM #12-94 TO CONSIDER ACTION RELATIVE TO APPLICATIONS / RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL KELLEY, MICHAEL OLSEN, CYONG LY, JAMES HENDRY, AND THOMAS HUDAK. (PUBLIC HEARING)

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene. (Councilors Degrandpre & Campbell) (7 Ayes) (0 Nays)

Item # 12-94 Continued

ROLL CALL OF MEMBERS:

Elizabeth Ruff
Randall Bennett
Edward Bradley
Roger Wold

Gloria DeGrandpre
Kenneth Mann
Edward Campbell
Jane Brogli

MOVED AND SECONDED: That the following applications/re-applications for Victualer Licenses be subject to Public Hearing: Paul Kelley, d/b/a R.E. Management, Inc. Peddler/Private Property - Main Street; Michael Olsen, d/b/a Freeport Country Club, 7 Old County Road; Cyong Ly (LY-SU CORP) d/b/a China Rose Restaurant, 10 School Street; and James Hendry, d/b/a Harborside B & B, 14 Main St., South Freeport; and Thomas Hudak, d/b/a Harborside B & B, 22 Park Street. (Degrandpre & Bradley) (8 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Campbell & Wold) (8 Ayes) (0 Nays)

MOVED AND SECONDED: To table Thomas Hudak, d/b/a Maple-Hedge B & B, 22 Park Street. (Councilors Bennett & Bradley) (8 Ayes) (0 Nays)

BE IT ORDERED: That the applications/re-applications issued to the above named applicants, be approved. (Councilors Degrandpre & Campbell) **ROLL CALL VOTE** (8 Ayes) (0 Nays)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ITEM #13-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR THE CHINA ROSE. (PUBLIC HEARING)

MOVED AND SECONDED: That the following re-application for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing: Cyong Ly (LY-SU CORP.), d/b/a China Rose Restaurant, 10 School Street, Freeport. (Councilors Mann & Bradley) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Wold & Campbell) (7 Ayes) (0 Nays)

Item #13-94 Continued

BE IT ORDERED: That the re-application for a Full-Time, Malt, Spirituous and Vinous License issued to the above named applicant, be approved. (Councilors Mann & Wold)
ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #14-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR OCEAN FARMS OF FREEPORT, INC. (PUBLIC HEARING)

MOVED AND SECONDED: That the following re-application for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing: Jean MacLeod, d/b/a Ocean Farms of Freeport, Inc., 23 Main Street, Freeport. (Councilors Bradley & Wold) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Wold & Bradley) (7 Ayes) (0 Nays)

BE IT ORDERED: That the re-application for a Full-Time, Malt, Spirituous and Vinous License issued to the above named applicant, be approved. (Councilors Campbell & Wold)
ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #15-94 TO CONSIDER ACTION RELATIVE TO A HEDGEHOG MOUNTAIN PROPERTY MASTER PLAN AND IMPLEMENTATION SCHEDULE.

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed Master Plan and Implementation Schedule for the Hedgehog Mountain property. **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 Bennett & Campbell) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

John Nelson thanked Bob Hartnett and the committee for a great job. He said he had read the report and urged the council to endorse it (he won't be able to attend on the 15th).

ITEM #16-94 TO CONSIDER ACTION RELATIVE TO A PARKING LEASE AND SUB-LEASE.

BE IT ORDERED: That a Parking Lot Lease between the Town of Freeport Historical Society and the Town of Freeport for 7 parking spaces located at 45 Main Street, be approved. **BE IT FURTHER ORDERED:** That a Parking Sub-Lease between the Town of Freeport and Freeport Junction Associates Limited Partnership for 7 parking spaces located at 45 Main Street, be approved. (Councilors Wold & Bradley) **ROLL CALL VOTE** (6 Ayes) (1 Nays - Bradley)

ITEM #17-94 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF REVISIONS TO THE FREEPORT COMPREHENSIVE PLAN.

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss the proposed adoption of revisions to the Freeport Comprehensive 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 Campbell & Bennett) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

Ms. Ruff explained that the Public Hearing will present an opportunity for the public to comment on the draft Comprehensive Plan as put forward by the Planning Board. She said the Council has had two workshops with the Planning Board. She reported that some councilors have some areas of concern in the Comprehensive Plan and may put forward some revisions but these will not be incorporated in the draft plan. The Planning Board held a public hearing on the Comprehensive Plan in October with a good turnout. Some of those comments were incorporated in the changes.

David Thompson said that after the public hearing, the Planning Board tried to address all the issues raised and have attached the document to the Plan. He hoped that all those interested will attend the public hearing and then the town will be one step closer to passing the Comprehensive Plan.

Mr. Wold asked for a synopsis of the concerns/ideas of the Council regarding the Comprehensive Plan. He urged that this public hearing be better publicized, possibly advertised in the local papers.

Ms. Ruff said that the Comprehensive Plan material will be available at Bow Street Market, Mom & Pop's store in South Freeport and the North Freeport Country Store.

Item #17-94 Continued

Mr. Olmstead said an ad (copy in front of the councilors) will go into the Shopper's Notes, the Forecaster, and the Brunswick Times Record. He said that none of the papers were willing to run a public service ad. He noted the cost of three quarter page ads in those papers will be \$450. He said the Chair and the Vice-chair approved that expense at the last Chair and Vice-chair meeting. He said they chose not to have an ad in the Portland paper because that ad would cost over \$1,200. Mr. Olmstead said the town staff is preparing a packet for individuals to take--existing Comprehensive Plan, the Comprehensive Plan with the proposed revisions, the Planning Board amendments, a synopsis of the two council workshops with the Planning Board, and the schedule for adoption.

Mr. Mann encouraged citizens to attend the public hearing and comment on the Comprehensive Plan.

ITEM #18-94 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48)

BE IT ORDERED: That a Public Hearing be scheduled for February 15, 1994 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking 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 Bennett & Campbell) **ROLL CALL VOTE (7 Ayes) (0 Nays)**

ITEM #19-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SHELLFISH COMMISSION.

Councilor Bennett reported that there were four people that had expressed interest in serving on the Shellfish Committee. Their names are Bob Prindall (3/23/90), John Arsenault (12/17/91), Richard Dougherty (5/21/92), Pat Norton (9/9/91), and David Chaney (11/30/93). The Appointments Committee recommended David Chaney for the appointment.

BE IT ORDERED: That David Chaney be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 1995.

The First Ballot Vote for David Chaney was unanimous. There was an election.

Item #19-94 Continued

BE IF FURTHER ORDERED: That Mr. Chaney qualify by swearing an oath of office before the Town Clerk by February 10, 1994. (Councilors Campbell & Wold) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #20-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SOLID WASTE/RECYCLING COMMITTEE.

BE IT ORDERED: That Katherine M. Bither be appointed, effective immediately, to serve as a member of the Solid Waste/Recycling Committee until January 1, 1997.

The First Ballot Vote for Katherine M. Bither was unanimous. There was an election.

BE IT FURTHER ORDERED: That Ms. Bither qualify by swearing an oath of office before the Town Clerk by February 10, 1994.(Councilors Campbell & Wold) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

OTHER BUSINESS:

1. REPORT ON RECENT PLANNING BOARD ACTIVITIES.

David Thompson, Chairman of the Planning Board reported on the activities of the Planning Board. He said the Board had met with the Council in two workshops regarding the Comprehensive Plan. He said the Board had a rezoning request from the Flying Point area on the land that is adjacent to the land that was clear cut. The law allows a change in the Resource Protection Zone if the owners can show it was not clearly mapped. It would appear that there is room for compromise. The Pine Tree Academy had a request for a small addition. He said the board had received a request from the owners of Sisters' Island to build a summer home--it has been through the Board of Appeals for a set-back requirement. He thanked the Board of Appeals for doing a good job in addressing all the issues. They also had a request from the Bishop Farm subdivision to add two more lots. They have a request for a Bed and Breakfast on Route 1 North that is on the next agenda.

He offered a personal opinion on the issues between the Historical Society and the Design Review Board. He said he felt that people have misunderstood what design review does under the current ordinance. Many years ago, the Council asked the Planning Board to expand the village commercial zone but the Board would not recommend an expansion of the village commercial zone until we have some kind of facade zoning. The Design Review Board is set up to control what buildings look like (a design district) but is not a historical district.

Report from Planning Board Continued

Mr. Mann asked the Council to recommend that all boards and commissions make copies available of the plans and revisions the boards are looking at so that the citizens can also be involved

2. DISCUSSION ON PROPOSAL FOR REVIEWING THE LOWER MAST LANDING SCHOOL SITE.

Mr. Olmstead explained that Joe Hahn asked Bud Brown to submit a proposal for reviewing the Freeport Mast Landing School Site and critiquing the T. Y. Lin Proposal and then to make a report to the Council. This is in conjunction with the litigation that has commenced against T. Y. Lin. The estimated cost is \$4,900.

Mr. Bradley said this was the same group responsible for submitting the town's application to the Corps. He didn't know if Joe Hahn was aware of this--because Joe Hahn did not have anything to do with the application. He said he wanted to ask Joe Hahn if this would interfere with the objectiveness in looking at this issue. He suggested the Council table the issue until the Council can ask Joe Hahn that question and have it clear in our minds before a vote on the issue.

Mr. Mann said that he did look into this issue and Bud Brown and his firm, ECO-Analysts did a lot of work for the town. He said they did two reports for the town--through the school department. One is addressed to Bob Lyman and one to the architect. These reports are very extensive and they delineate the wetlands. He asked Mr. Olmstead if the town attorney knew about these reports. Mr. Olmstead said he didn't know if Joe Hahn knew about the reports. Mr. Mann said that after having read the reports and talking to Bob Lyman, it became obvious to him that the applications that went to the Army Corps for permitting of the fields was based upon the delineation of the wetlands that was done by Bud Brown and his firm. He said that to give him (Bud Brown) another \$4,900 for work he's already done and work we based our applications on is kind of like putting the fox back in the hen house.

Mr. Bradley said the task Joe Hahn put to him (Bud Brown) is not to again delineate wetlands but to review the work of another consultant in the context of the regulatory environment as it existed at the time that consultant did his work. It is a totally different job than the work for which he got paid originally and work in a job which would require he go back into the regulatory environment as it existed to see whether it was reasonable to do what T. Y. Lin did or didn't do at that time.

Lower Mast Landing School Site Continued

Mr. Mann said that in this report they (Bud Brown) refer to the wetlands laws that were in effect at that time and Bud Brown did an analysis of where the wetlands were on that location and based upon his work that application went to the Army Corps and the EPA and we were denied those fields. Mr. Mann said the application was denied based on his (Bud Brown's) work. He said he doesn't feel he (Mr. Brown) has a very good track record.

Mr. Campbell recommended tabling this item until the questions are resolved.

MOVED AND SECONDED: To table this item until
March 1, 1994. (Councilors Campbell & Bradley) (6 Ayes)
(1 Nay - Mann)

Chairman Ruff asked the Council for questions to present to Joe Hahn.

Mr. Campbell said he wanted to hear an outline of what part ECO-Analysts played in the original applications, evaluation of the site, and was the town attorney aware of this.

Mr. Mann said he wanted to know how much money Bud Brown has received from the town for these two reports and where the money came from. Mr. Mann also asked if the three fields, that we applied for in the application, were located to avoid the wetlands as he mapped them.

3. DISCUSSION ON CONTROL AND USE OF THE BALANCE OF FUNDS FOR THE PUBLIC WORKS/PUBLIC SAFETY BUILDING PROJECT.

Mr. Olmstead gave a report on the balances left in the accounts for the building projects (attached). He said the total available of \$106,044 will change because the Public Safety Building project is currently ongoing--there may be change orders that have been discussed or identified by the contractor or Clerk of Works. He said, based on everything we know to date, the \$23,000 in the Public Safety Contingency Account is a pretty close number. Of the over \$2.9 million approved by the voters for this project, the architect took that amount and broke it down into two components--what he thought would be needed for the Public Safety Building and what he thought would be needed for the Public Works Facility. He said the Public Works building, which is now complete with the exception of those items cut out of the project, Contingency Account holds \$10,429. The Fuel Tank/Asbestos Removal Account is anticipated to be \$20,000--that account would have been \$80-85,000 but the Council chose to spend \$61,000 for the metal roof. The Earned Interest Account, which is money earned on the investments of the proceeds while they are waiting to be expended, currently is \$52,615.

Building Project Discussion continued

Chairperson Ruff said there are three items that were put forward by the Building Committee that were cut from the project. They are a salt shed, a three-sided building for storage, and fencing for the school buses. She said the Building Committee is requesting that the Council turn over the Fuel Tank/Asbestos Removal balance of \$20,000 and the Earned Interest balance of \$52,615 to the committee and they will consider these three projects. She said the question for the Council is what the Council wants to do with the \$72,615. She said the question is who will take responsibility for this money-- Council retain or pass to the Building Committee. Ms. Ruff said she felt the Building Committee should take control of this money and decide how to use it.

Mr. Bennett felt the recommendation from the Building Committee should come to the Council for a decision. He said that before he votes, he'd like to know what the money will go for.

Mr. Bradley also said the Council should vote on the recommendations of the Building Committee.

Mr. Wold agreed that the Building Committee should recommend how to spend the money and then approval should come from the Council.

Mr. Campbell said he supports Ms. Ruff as these are items previously cut from that budget and he trusts that the Building Committee would make responsible decisions.

David Thompson congratulated the person who invested the funds to acquire \$52,615 in interest. He said that morally anything spent over \$50,000 is supposed to go out to public referendum. He feels the Council should retain control of the Earned Interest money.

Jack Forrest reminded the Council of the DEP fine. He asked if it would come out of these funds. Mr. Olmstead said this amount (\$7,000) was already taken out of the Public Works Contingency Account.

Mary Kennedy asked when the project would be completed and wouldn't appear again on the agenda. Mr. Olmstead said the building is estimated to be completed mid-June--what remains to be done is most of the interior work and the grounds work (all budgeted for).

MOVED AND SECONDED: That Council retain control over entire amount of funds that are excess to the project including contingency funds and have the Committee bring to the Council their list of priorities at the earliest possible time. (Councilors Bradley & Wold) (5 Ayes) (2 Nays - Ruff & Mann)

4. DISCUSSION ON DISPOSITION OF THE CURRENT POLICE BUILDING AND THE WEST STREET BARN AND THE CHARGE OF THE PHASE II BUILDING COMMITTEE.

Chairperson Ruff stated that the Phase II Building Committee was originally charged with looking at the issue of green space around the new building. The charge did not include decisions around the two buildings still on that property. She said the question was raised whether we should add to the charge of this committee or ask the Municipal Facilities Committee to look at or to work with the Phase II Building Committee on this issue.

Mr. Campbell, who is chairman of the Municipal Facilities Committee, said he'd had conversations with the Phase II Building Committee. He said there are a number of public groups with interest in these two buildings--West Street Barn and the current Police Station. As these are town buildings, he feels it would be appropriate for the Municipal Facilities Committee to work in conjunction with the Phase II Building Committee on a recommendation for these buildings.

Ms. Ruff asked Mr. Campbell to arrange for a joint meeting of the Phase II Building Committee and the Municipal Facilities Committee and to bring a recommendation to the Council.

5. DISCUSSION ON THE REPLACEMENT OF THE SHELLFISH WARDEN PICK-UP.

Mr. Olmstead said last year the Police Department requested the replacement of the Shellfish Warden's pick-up truck and the Council chose not to fund it. He said two weeks ago the truck lost its motor and the Shellfish Warden is now without a vehicle. He said the Chief investigated the cost of putting in a used motor (\$1,700) or a new motor (\$4,000). When Mr. Olmstead met with the Chair and Vice-Chair last week he was asked to investigate the cost of a new vehicle. He presented a report on those bids (attached) and recommended the S10 Pick-Up for \$13,746.56. Mr. Olmstead said this could be funded under Fund Balance, bond this amount during capital budget process, and then repay Fund Balance at that time.

Mike Whitehouse recommended the S10 Pick-up with 4-Wheel Drive. He said the current vehicle has 2-Wheel drive and has a lot of problems on the boat ramp and the 4-cylinder isn't rugged enough. He said another benefit would be that this vehicle could double as a police vehicle--in the last ice storm two police vehicles were stuck for two hours and unable to respond to calls.

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Councilors Campbell & Wold) (7 Ayes)
(0 Nays)

Shellfish Warden's Pick-Up Continued

BE IT ORDERED: That the bid from Goodwin Chevrolet in the amount of \$13,746.56 for a new pick-up truck for the Shellfish Warden be accepted. **BE IT FURTHER ORDERED:** That \$13,746.56 be expended from Fund Balance to pay for the pick-up truck. (Councilors Campbell & Bennett) **ROLL CALL VOTE** (6 Ayes) (1 Nay - Mann)

6. SIGN MDOT AGREEMENT ON EXIT 19 INTERCHANGE IMPROVEMENTS.

The Council agreed to sign MDOT Agreement that the municipality will issue individual permits to the contractor for transporting equipment that exceed legal limits on town roads.

7. DISCUSSION ON REQUESTING A PUBLIC UTILITIES COMMISSION PUBLIC HEARING ON WATER COMPANY REORGANIZATION AND RATE INCREASES.

Councilor Mann said that he was approached by a member of the Bed and Breakfast Association to request the Council to write to the Maine Public Utilities Commission to request a public hearing in Freeport regarding the rate increase proposed by Maine Water Company.

MOVED AND SECONDED: To support sending the letter and have the Chair sign letter (attached) for the Council. (Councilors Mann & Degrandpre) (7 Ayes) (0 Nays)

OTHER BUSINESS:

Mr. Bradley reported that he, Mr. Bennett, and Mr. Olmstead met with Brewer's Boat Yard. He said he believes the meeting will result in a new lease. He said there was positive discussion about their needs and our needs. In about a month, they will be back to the Council with recommendations.

Chairman Ruff reported that she and Mr. Bennett went to the meeting with the Rescue members but did not hold the meeting. She said she appreciated the Council's advice on the Rescue issue.

MOVED AND SECONDED: To adjourn at 11:10. (Councilors Campbell & Bradley) (7 Ayes) (0 Nays)

*Respectfully submitted,
Jane Brogl*

BUILDING PROJECT BALANCES

FEBRUARY 26, 1994

PUBLIC WORKS CONTINGENCY	\$10,429
PUBLIC SAFETY CONTINGENCY	23,000
FUEL TANK/ASBESTOS REMOVAL	20,000
EARNED INTEREST	52,615
TOTAL AVAILABLE	\$106,044

***PROJECT IN PROGRESS**

NOTES:

- 1. THE CONTINGENCY ACCOUNTS ARE CONTROLLED BY THE BUILDING COMMITTEE.**
- 2. THE PUBLIC SAFETY CONTINGENCY ACCOUNT TAKES INTO CONSIDERATION ALL ANTICIPATED CHANGE ORDERS.**
- 3. THE FUEL TANK/ASBESTOS ACCOUNT REFLECTS THE COST OF THE METAL ROOF \$61,000. THIS ACCOUNT WAS TAKEN OUT OF THE BUILDING PROJECT BY COUNCIL VOTE AND THE BALANCE IS CONTROLLED BY THE COUNCIL.**
- 4. EARNED INTEREST ACCOUNT IS CONTROLLED BY THE COUNCIL. INTEREST WILL LAPSE INTO THE EARNED INTEREST CAPITAL ACCOUNT AT THE END OF THE PROJECT. EARNED INTEREST CAN ONLY BE USED FOR THE BUILDING PROJECT, OTHER CAPITAL EXPENDITURES OR ADDED TO CAPITAL RESERVE ACCOUNTS.**
- 5. SOME OF THE ITEMS CUT FROM THE PROJECT INCLUDE A SALT SHED \$41,500 (1992 COST), THREE SIDED BUILDING FOR STORAGE \$26,300 (1992 COST) AND FENCING FOR SCHOOL BUSES (COST UNKNOWN)**

BID OPENING FOR MID-SIZE PICKUP
TRUCK FOR SPECIAL ENFORCEMENT

BIDDING COMMENCED AT 8:30 AM ON FEBRUARY 1, 1994

JUDY HAWLEY READ THE FOLLOWING BIDS:

- | | | | |
|----------------------------------|-------------|---------|-------------|
| 1. BRUNSWICK FORD - F150 MODEL | | | |
| 1994 2 WHEEL | \$13,875.00 | 4 WHEEL | \$16,710.00 |
| 2. GOODWIN CHEVROLET - S10 MODEL | | | |
| 1994 2 WHEEL | \$10,748.06 | 4 WHEEL | \$13,746.56 |
| 3. BODWELL MOTORS - DODGE DAKOTA | | | |
| 1994 2 WHEEL | \$12,650.00 | 4 WHEEL | \$16,130.00 |

THE BIDDING CEASED AT 8:35 AM

*Recorded by Mary Dwescott
Town Clerk*

TOWN OF FREEPORT



Municipal Offices

(207) 865-4743

Dale C. Olmstead, Jr.
Town Manager

February 2, 1994

Charles A. Jacobs
Administrative Director
Maine Public Utilities Commission
State House Station 18
Augusta, Maine 04333-0018

Re: CAMDEN & ROCKLAND WATER COMPANY, MAINE WATER COMPANY and
WANAKAH WATER CO.; Re: Proposed Increase in Rates Docket No. 93-145

Dear Mr. Jacobs:

On behalf of the Town Council and the citizens of the Town of Freeport, I am writing to request that the Maine Public Utilities Commission conduct a public hearing in Freeport, Maine in order to hear from the public and from Town officials regarding the substantial rate increase proposed by Maine Water Company.

It is our understanding that the Commission has not scheduled public hearings in this case. As you know, Maine Water Company's filing proposes a 30% increase in water rates for Freeport. The Town's current water rates are among the highest in the State. In addition, the Town and its citizens have had to absorb significant increases in other utility costs, such as electricity. All of these increases are occurring in the midst of a severe regional recession marked by high unemployment. The fiscal crisis at the State and Federal level has resulted in shifting more and more financial responsibilities to municipalities, which are passed to our citizens through increased property taxes. The proposed water increase is simply more than the Town and its citizens can bear.

We strongly urge you to schedule a public hearing in Freeport in March, before your formal hearings in the rate case, which are scheduled for April. The Commission's formal proceedings simply do not provide a reasonable opportunity for Freeport citizens to relate to you their concerns about this dramatic rate increase, and the impact it will cause to them.

We look forward to hearing from you.

Very truly yours,

Elizabeth Ruff
Chairperson, Freeport Town Council

cc: Commission Chairman Thomas L. Welch
Commissioner Elizabeth Paine
Commissioner William M. Nugent
All parties in Docket No. 93-145

