

**FREEPORT TOWN COUNCIL MEETING #07-2004**  
**TOWN HALL COUNCIL CHAMBERS**  
**April 20, 2004 – 7:00 P.M.**

**CHAIRPERSON'S CALL TO ORDER**

**PRESENT**

**ABSENT**

**EXCUSED**

Rod Regier, South Street  
Thomas Rumpf, P.O. Box 819, S. Freeport  
John Arsenault, Prout Road  
Charlotte Bishop, Maquoit Drive  
Rich DeGrandpre, Timber Ridge Road  
Frederick White, 45 Pleasant Hill Road  
James Cassida, 5 Timber Ridge Road

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Chair Regier called the meeting to order at 7 p.m.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting 06-2004 held on March 16, 2004 and accept the Minutes as printed. (Rumpf & Arsenault)

Councilor Arsenault pointed out that under the Second Order of Business on page 1, he attended the March 19<sup>th</sup> meeting at the Maine Economic Development Center, not Chair Regier. Chair Regier noted that on page 9, under the Police Department column, the pick-up truck correction should be \$19,000, not \$20,000. Councilor Rumpf pointed out on page 5, Mr. Quattrucci was incorrectly referred to as Mr. Pitucci.

**VOTE ON AMENDED MINUTES:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Regier announced that the request for proposals for use of the Soule School Building or site has gone out. It was advertised in the paper and has been sent to people and organizations that have expressed an interest in this property. The RFP process is underway right now. The submission deadline is Friday, May 14. Councilor DeGrandpre noted that people have asked him to procure a copy of the RFP for them. He will get them from the Town Hall.

Spring Clean-up will take place all day long on May 22/23.

Chair Regier noted that the next item on the agenda is the Citizen of the Year award, which is given annually to a Freeport individual or group that has contributed to the quality of this town, the well being of its citizens, the reputation of Freeport or has caused a measurable improvement for a significant number of Freeport residents. A plaque is outside the door of the Town Hall Chambers listing past recipients.

Councilor Arsenault, Chair of the Special Projects Committee, announced that Edgar Leighton is the recipient for this year's award. Mr. Leighton noted that the Town has been very good to him and he hopes he is giving something back and can continue to do so. Accolades were given by: Beth Finlayson, Susie Saunders, Dee Dee Russell, Ed Bonney, Councilor Arsenault, Councilor DeGrandpre, Councilor White and Chair Regier. A short recess followed and refreshments were served.

At 7:40 p.m. Chair Regier called the meeting back to order.

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

**There were no public comments.** Chair Regier made an executive call that the Public Comment Period has been opened and closed seeing that there is no one here to speak.

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

**ITEM #69-2004** To consider action relative to adopting the April 20, 2004 Consent Agenda.

**BE IT ORDERED:** That the April 20, 2004 Consent Agenda be adopted. (DeGrandpre & Arsenault)

Chair Regier highlighted the items for members of the public. Mr. Olmstead explained that the extra \$1,000 for the Police Department pick-up truck is to put a cap on it as well as a light bar. These items are within the approved budget. Mr. Olmstead explained the reasons for getting so few bids. Casco Bay Ford is actually holding the vehicles on their lot but the other dealers chose not to do this. Discussion followed.

**ROLL CALL VOTE:** (7 Ayes).

Mr. Olmstead asked if the Council could go back to the Victualer's licenses.

**MOVED AND SECONDED TO RECALL ITEM 69-2004** (DeGrandpre & Arsenault)  
**Vote:** (7 Ayes).

Mr. Olmstead explained that Peter Kellogg of Bakery II on Old South Freeport Road is not going to reopen the business so he has withdrawn the Victualers License application.

Chair Regier considered this an amendment to the Consent Agenda and called for a vote.

**Vote:** (7 Ayes).

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**ITEM #70-2004** To consider action relative to an expenditure from fund balance to provide funding for the Fiscal Year 2005 Capital Expenditures.

**BE IT ORDERED:** That the amount of \$269,000 from fund balance approved on April 6, 2004 be increased to \$290,000 to cover the cost of Capital items approved for Fiscal Year 2005.

**NOTE:** As changes in the budget were being made, an error in calculating the amount needed from fund balance to avoid bonding was made. The adopted plan is in the Council packet. (White & Rumpf)

Mr. Olmstead explained the reasons for this increase.

**ROLL CALL VOTE:** (7 Ayes).

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**ITEM #71-2004** To consider action relative to proposed increases in Transfer Station User Fees.

**BE IT ORDERED:** That the proposed increases in Transfer Station User Fees outlined in the March 23, 2004 memo from the Solid Waste/Recycling Director be approved.

**NOTE:** Immediate fee adjustments are being strongly recommended. The adjustments do not include the cost of portable scales and are intended to deal with the revenue deficit for FY 2004. (Bishop & Cassida).

Bart Carhart explained the proposal and noted that the existing fees became effective in August of 1999 and do not reflect the existing tipping fees. Mr. Carhart is working with the Town Engineer to develop the specifications for the scale so that they can go to bid. They are hoping to have the specs by the end of May. Discussion followed.

**MOVED AND SECONDED:** To amend the start date of the new fees to May 1, 2004. (Bishop & Arsenault) **VOTE:** (7 Ayes).

**ROLL CALL VOTE ON AMENDED MOTION:** (7 ayes)

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**ITEM #72-2004** To consider action relative to adopting new Regulations and Procedures for the Assessment Review Board.

**BE IT ORDERED:** That the Regulations and Procedures for the Assessment Review Board dated March 23, 2004 be approved.

**BE IT FURTHER ORDERED:** That the current Regulations and Procedures for the Assessment Review Board be vacated.

**NOTE:** The new Regulations and Procedures are being recommended by the Board. The current Regulations are believed to be in place since 1976. (DeGrandpre & Rumpf)

Mr. Olmstead advised that there has been a request to table this proposal indefinitely. Chair Regier explained that the Assessor brought him some of the language proposals this past week and they are desperately in need of change. The Town Attorney has not responded to the new language submitted to him.

**MOVED AND SECONDED:** To table indefinitely. (DeGrandpre & Rumpf). **VOTE:** (7 Ayes).

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**OTHER BUSINESS:**

1. RWS update.

Chair Regier noted that Mr. Olmstead has been representing Freeport at RWS since the beginning and asked him to update the Council on what has been going on recently.

Mr. Olmstead explained that RWS has been dealing with several issues at the Board level. The first issue is whether or not to expand the current ash fill, which has about nine months life left. The option would be to expand the ash fill in two phases or contract to use the new landfill recently permitted by the State in Old Town. They have been discussing this issue at the last couple of meetings. The Board voted at its last meeting to enter into a contract to take the ash from the facility to Old Town. Our facility will not be expanded at this time. He

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suspects that at some point in the future, we will expand our facility to provide back-up capacity for the plant's future needs. This issue will most likely return to the Board in a couple of years for further discussion.

The next issue facing the Board is whether or not to refinance our existing debt and whether or not the debt should be restructured. Some RWS communities would like to refinance and restructure. Others want to restructure taking advantage of potentially lower interest rates. He suspects refinancing to take advantage of lower interest rates is probably going to happen, assuming that interest rates remain somewhat level and do not spike up over the next few months. Whether or not the debt is restructured remains to be seen. He is trying to accomplish choice in the restructuring. Allow the debt to be refinanced but let each community decide on whether or not they want to restructure their share of the RWS debt.

RWS II will be created when two or more communities want to extend the term of their debt beyond the year 2014. For those communities that do not want to do that, but want to remain a member of RWS, they will have the option of joining RWS II. The terms will be hammered out over the next couple of months of what our relationship will look like after 2014. He does not know any RWS community, after going through the pain and suffering we've gone through, and will probably go through in retiring the current debt at the plant, will then walk away from very attractive tipping fees in the year 2015. He has seen scenarios where the tipping fees on the residential side could drop as low as \$16 per ton, assuming that the commercial tipping fees remain at \$88/ton or are greater than that. If the tipping fees are leveled for both residential and commercial waste, the fees could drop to \$50 per ton in the year 2015. He has not heard any community at the Board level indicate they would walk away from these tipping fees at that time. He suspects that a lot of communities will support refinancing the debt and identifying or continuing the relationship with RWS beyond 2014 and in effect joining RWS II or some other name given by the Board at the end of the day. His recommendation for Freeport is that we adhere to the current debt retirement schedule for our portion of the debt and that we take advantage of refinancing in an effort to achieve lower interest rates and join RWS II now and be in a position to take advantage of those much lower rates ten years out.

The next issue to deal with will be the organizational structure of the system. In his opinion, the Board is too big and a 28-member Board is too difficult to deal with. It should be a much smaller streamlined group.

They voted two meetings ago to engage the Maine Municipal Association to do a national search for a general manager, which is underway. He is hoping to have someone in place by August 1.

More discussion followed. Chair Regier asked Councilors if they were comfortable with the position the Town Manager has been taking for the Town which is trying to create an opportunity for us to have flexibility on renegotiating our debt if we wish to except paying a higher term immediately rather than stretching it out for a longer payment stream. He also asked if Councilors are comfortable with the consideration going forward with a revised Regional Waste Systems partnership. Mr. Olmstead wants the Council to understand the position he is taking at these Board meetings and if they are not comfortable, he wants to know. He is working very hard to provide options for Freeport. Councilors did not voice any opposition to the work being done by Mr. Olmstead. Mr. Olmstead did not need any Council action.

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## **2. Informational Exchange**

Chair Regier reminded Councilors that there is a workshop with the School Committee scheduled on April 27. He requested that they save the school committee budget information that is in their packets. Mr. Olmstead will e-mail out agendas. Chair Regier asked Dale to check with Rick Simard about microphones so that the audio will be reasonable. An extra microphone was brought into the last school committee workshop, which greatly enhanced the audio.

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Councilor Rumpf had a question about a letter dated March 31 Mr. Olmstead received from Jack Cashman regarding the TIF. Mr. Olmstead explained that they met last week and in the "other category" were two items that they had further questions about. They were not clear what we were trying to accomplish on the parking garage because \$650,000 would not build one. The State is leery about including this in the TIF district. They feel that based on the program presented in the TIF document and revenue projections throughout the additional ten-year period, it did not appear there were enough funds to complete the program. He suspects the State will come back and approve the TIF application absent the parking garage from the program, which will bring the budget more into line. The other item they had a lot of questions about was the Tourist Information Center in the downtown area. They were wondering how it would be financed and if TIF funds would be the sole source of financing. Mr. Olmstead is confident that the State was given a better idea of what we were trying to accomplish with that particular project. He suspects they are inclined to approve that as part of the package. He indicated to the State at the meeting that the Information Center would be one of the first things to fall off the improvement program should the funds not be available. He expects another letter in about a week with final approval.

Councilor Rumpf asked the Town Manager to give an update on the State's Desert Road property. Mr. Olmstead explained that he received a letter from the Commissioner of the Department of Transportation informing him of the process that the State uses when it liquidates property that it no longer has a need for. The letter mentioned that it probably would take 3-5 years to figure out what to do with this property once they discontinue the current use. If the property is going to be sold, it will be sold at fair market value. He suspects that the Governor never saw his letter. Regionalism is not mentioned in the Commissioner's letter at all. This letter will be discussed at the next Regional meeting and Mr. Olmstead will encourage the five communities in our Regional group to ask for a meeting with the Governor to further discuss our request.

Councilor DeGrandpre noted that he is going to pull together a list of buildings abandoned by the DOT that have been provided to communities.

Adjournment

**MOVED AND SECONDED:** To adjourn at 8:45 p.m. (Cassida & Arsenault)  
**VOTE:** (7 Ayes).

Respectfully Submitted,

*Sharon Coffin*

Sharon Coffin  
Council Secretary

