

**FREEPORT TOWN COUNCIL MEETING #09-2004
TOWN HALL COUNCIL CHAMBERS
MAY 18, 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. and noted that Councilor Bishop is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #08-2004 held on May 4, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #08-2004 held on May 4, 2004 and accept the Minutes as printed. (White & Rumpf) **VOTE:** (6 Ayes) (1 Excused—Bishop)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier reminded everyone that the Landfill/Recycling Center will be open on May 22/23 for Spring Clean-up from 9 a.m. to 4 p.m.

The Winslow Park Commission is making free camping available to Freeport residents the second week in June (7-14) and for a week toward the end of September on a first come, first served basis. Anyone interested should call the gatehouse at Winslow Park to make reservations.

There will be a Memorial Day celebration on Monday, the 31st beginning with a parade at 9:30 a.m. and a ceremony following at 10 a.m. at the Town Park.

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

MOVED AND SECONDED: To open the Public Comment Period for Non-agenda items only. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

There were none.

MOVED AND SECONDED: To close the Public Comment Period for Non-agenda items only. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

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

ITEM #85-04 To consider action relative to adopting the May 18, 2004 Consent Agenda.

BE IT ORDERED: That the May 18, 2004 Consent Agenda be adopted (White & DeGrandpre)

Chair Regier explained the items that appeared on the Consent Agenda. Mr. Olmstead noted that everyone's taxes are paid up.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop).

ITEM #86-04 To consider action relative to proposed amendments to the Administrative Code (Chapter 2) **PUBLIC HEARING.**

MOVED AND SECONDED: That the Public Hearing be opened. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

Mr. Olmstead explained that these amendments are necessary to bring the Town's codes into compliance with current practices and State law. They have been discussed at department heads meetings and are on the web.

MOVED AND SECONDED: That the Public Hearing be closed. (Rumpf & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Bishop).

BE IT ORDERED: That the proposed amendments to the Administrative Code be approved. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

ITEM #87-04 To consider action relative to adopting an Operating Budget for Fiscal Year 2005. **PUBLIC HEARING**

MOVED AND SECONDED: That the Public Hearing be opened. (Arsenault & Cassida) **VOTE:** (6 Ayes) (1 Excused—Bishop).

Joe Migliaccio, resident of South Freeport, asked the Town Council to adopt a communication policy that will clearly convey to the public the actual increases in our budget and for our services. He believes that newspaper notices and articles misrepresent this year's Town spending. He gave examples of the articles that he was referring to. He urged Councilors and School Administrators to set their goals in a fiscally responsible manner that sets increases

based on budget line item increases in spending not tax rates. He asked what the increase in the school budget this year is and was told it was 5.7%.

Councilor DeGrandpre explained that the budget increase in spending for the Town of Freeport is 3.4% this year and there is a need to support education. Councilor Rumpf pointed out that the Town Manager does not write the press articles and while the papers try to do their best, they are not always accurate. Councilor White noted that the addition of the tax stabilization fund is a proactive way of putting money in the bank for a rainy day and it has helped Freeport this year.

Chair Regier read a letter from Councilor Bishop explaining that she was unable to attend this evening's meeting and that she is confident that the Council is in agreement that what is being presented is in the community's best interests. She thanked everyone involved in the budget process. Chair Regier thanked the Town Manager, the department heads and the School Committee for all their efforts. He pointed out that approximately \$300,000 has been salted away in a tax rate stabilization account because this has been a good year and it is not all being spent. He also thanked Councilors for all their hard work.

MOVED AND SECONDED: That the Public Hearing be closed. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

ITEM #88-04 To consider action relative to the Regional Vocational Budget as approved by the Cooperative Board for the year 2004-2005.

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for the year 2004-2005 be approved in the amount of \$1,662,479 that \$246,618 be appropriated as Freeport's local share. (Cassida & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #89-04 To consider action relative to the Regional Vocational Budget as approved by the Cooperative Board for Adult Education for the year 2004-2005.

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for Adult Education for the year 2004-2005 be approved in the amount of \$51,000 and that \$3,550 be appropriated as Freeport's local share. (DeGrandpre & Cassida) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #90-04 To consider action relative to an appropriation from the Foundation Allocation for school purposes for the year 2004-2005.

BE IT ORDERED: That \$8,501,136 be appropriated from the Foundation Allocation for school purposes and that \$7,539,410 be appropriated as Freeport's local share of the Foundation Allocation.

Explanation: *The local share of the foundation allocation is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

(White & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #91-04	To consider action relative to an appropriation from Debt Service Allocation for school purposes for the year 2004-2005.
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BE IT ORDERED: That \$571,494 be appropriated from Debt Service Allocation for school purposes and that \$392,474 be appropriated as the local share of debt service.

Explanation: *Debt Service is the amount of money needed to repay the municipality's long-term debt for construction. The local share of that debt is \$392,474 and the state-reimbursed share of that debt is \$179,020.*

(Rumpf & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #92-04	To consider action relative to an appropriation of additional local funds for school purposes under the provision of 20-A MRSA 15614 for the year 2004-2005.
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BE IT ORDERED: That \$3,909,363 be appropriated for additional local funds for school purposes under the provision of 20-A MRSA 15614.

Explanation: *The additional local funds are those locally raised funds over and above the total of local amounts raised that are described in the foundation and debt service budget articles that will help achieve the municipality's budget for educational programs.*

(Arsenault & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #93-04	To consider action relative to authorizing the School Committee to expend funds for fiscal year beginning July 1, 2004 and ending June 30, 2005 from the Foundation Allocation, Debt Service Allocation, Unexpended Balances, Tuition Receipts, Local Appropriations, State Subsidy and other receipts for the support of schools.
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BE IT ORDERED: That the School Committee be authorized to expend \$12,981,993 for fiscal year beginning July 1, 2004 and ending June 30, 2005 from the Foundation Allocation, Debt Service Allocation,

Tuition Receipts, Local Appropriations, State Subsidy and other receipts for the support of schools. (Cassida & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #94-04 To consider action relative to an appropriation for Adult Education for fiscal year 2004-2005.

BE IT ORDERED: That \$151,250 be appropriated for Adult Education and that \$82,616 be approved for the Town of Freeport's local share for fiscal year 2004-2005. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #95-04 To consider action relative to the acceptance of State Funds for fiscal year 2005.

BE IT ORDERED: That the following categories of State Funds be accepted for fiscal year 2005.

1. Municipal Revenue Sharing
2. Local Road Assistance
3. State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief)
4. Public Library State Aid per capita
5. Civil Emergency Funds (Emergency Management Assistance)
6. Snowmobile Registration Funds
7. Tree Growth Reimbursement
8. Veterans Exemption Reimbursement
9. Homestead Exemption Funds
10. State Grants or Other Funds (this category includes all funds received from the State that are not included in Items 1 through 10 above).

(White & Arsenault) ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

ITEM #96-04 To consider action relative to the proposed fiscal year 2005 Municipal Budget.

BE IT ORDERED: That the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2004 to June 30, 2005 Municipal Budget.

APPROPRIATIONS

General Government	\$2,287,984
Protection & Enforcement	1,770,681
Health & Welfare	80,473
Public Works/Solid Waste	1,664,987
Library	352,457
Unclassified	287,960
Education/Community Education	12,469,699
Education- State Debt	512,294
Debt Service – Local	2,091,612
County Tax	735,177
Human Service Agencies	46,100
Bustins Island	174,000
Abatements	25,000
Economic Development Corp.	80,000
Capital Reserves	<u>50,000</u>

TOTAL APPROPRIATIONS **\$22,628,424**

ESTIMATED REVENUES

Non-Property Tax/Tax Penalties	\$1,172,500
Intergovernmental	955,650
Charges for Services	325,700
Licenses and Permits	155,200
Fines and Forfeitures	40,500
Miscellaneous	50,000
Education/Community Education	1,653,869
Education – State Debt	512,294
Education Tuition Carryover	<u>55,000</u>

TOTAL ESTIMATED **\$4,920,713**

Library Lease Proceeds	147,177
Amount Transferred from Undesignated Funds	310,000

Amount to be raised by
Taxation 17,250,534

TOTAL REVENUES **\$22,628,424**

(Rumpf & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

ITEM #97-04

To consider action relative to the operating budget for Winslow Park for fiscal year 2005.

BE IT ORDERED: That \$171,666 be approved for the Winslow Park budget from July 1, 2004 to June 30, 2005 and \$10,870 be approved for the Harb Cottage budget from July 1, 2004 to June 30, 2005. (Arsenault & DeGrandpre)

Councilor Rumpf noted that he met with the Director of the Bureau of Parks and Lands in Augusta and learned that they are looking hard at budgets. Revenues from admissions only account for 30% or 40% of their expenses. They have yet to find a park which was able to operate on its revenues. Councilor Rumpf pointed out that Winslow Park operates on the revenues raised from user and camper fees. It does have a small endowment, which generates \$10,000 per year or less. It is a tribute to the management and park commission that they are able to operate that way. He was proud to be able to point this out.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

ITEM #98-04 To consider action relative to adopting a Non-Emergency Transport (NET) Budget for fiscal year 2005.

BE IT ORDERED: That the Non-Emergency Transport budget in the amount of \$348,500 be approved for fiscal year 2005. (Cassida & Arsenault)

Mr. Olmstead noted that he is reasonably comfortable with this budget. He believes it is prudent but the Council needs to be brought up to date on the program since its inception so that it will understand where the program stands in its entirety.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Cassida & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Bishop)

Item #100-04 To consider action relative to an expenditure from the Fiscal Year 2004 Operating Budget Miscellaneous and Contingency Account to provide for the town's share of a well replacement.

BE IT ORDERED: that \$4,000 be expended from the FY 2004 Operating Budget Miscellaneous and Contingency Account to provide for the Town share in the cost of a well replacement for property located at 114 Wardtown Road (Tax Map 17, Lot 55A), on the condition that the landowners sign a release acceptable to the Town Manager.

Note: The estimated cost of the well replacement is approximately \$5,000. The Town would pay the first \$4,000 with the owners, Paul and Karen Lowe, paying the balance up to \$1,000. Should the cost exceed \$5,000, the Town would pay the amount in excess of \$5,000. (DeGrandpre & White)

Councilor Cassida explained that Lowes have been experiencing degradation in their very shallow well water. The well is located close to the road. The Town has tested and determined that the source of contamination is most likely road salt. It has been determined that there is no spot on their property where a similar shallow dug well could be located. The contamination is pretty much property wide. Estimates on a drilled well have been collected and this arrangement was reached in a meeting with the Lowes this morning regarding the replacement costs.

Mr. Olmstead noted that this situation was brought to the Town's attention by the Lowes and the Maine Department of Transportation and if the Town is determined to be a contributor to the contamination, we have a statutory obligation to assist with replacement. There is some legal responsibility on the Town's part to deal with this. This is a State road maintained by the Town.

Councilor DeGrandpre suggested that the Council should consider taking a look at requiring a certain distance from the road for wells in the Zoning Ordinance at some point.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

Councilor White recognized Chair Regier's leadership during the budget process and thanked him.

OTHER BUSINESS:

1. Discussion on sidewalk entertainment —skipped
2. Results of Soule School RFP process —Councilor DeGrandpre advised that the committee received five interesting proposals. They need to be carefully reviewed. Their next meeting will be on May 26 at 4 p.m. and the committee will need to discuss these proposals. They will also be discussing the West Street property.
3. Request for valet parking signage—Chair Regier noted that this is not yet ready for Council discussion. He passed on it this evening.
4. Update on RWS—Mr. Olmstead explained that there are two votes that will be called between now and the end of June. One is a vote on refinancing RWS debt and restructuring RWS debt. He made reference to handouts provided to Councilors. He has been supporting an option that would provide each RWS community the option of handling their debt either as it currently exists over the next ten years, which means we would pay the highest tipping fee projected next year. Over the subsequent nine years, the tipping fee would decrease to a point where on the residential side, it could be \$16-\$20 per ton. That is when the debt service would be retired. He explained RWS-1 and RWS-2. He would like to see Freeport maintain the current debt service schedule and join RWS-2, meaning that we would like to remain a member of the system once our debt is paid off. It would be foolhardy to have gotten through the tough times and then in 2014 walk away from a very attractive tipping fee. This is how he is going to come down on the reorganization issue. He is not sure there are enough votes on the Board to support restructuring the debt at all.

If the vote fails, they will then talk about whether or not we want to refinance and restructure the debt within the ten-year term that currently exists. There appears to be growing momentum to come up with a levelized tipping fee of \$128 or so over the next ten years. He is planning to vote against this option unless the Council advises him to vote differently because it will cost the taxpayers who are members of RWS \$6.6mm over the next ten years to restructure in that fashion. Freeport's share would be \$200,000 but we may be forced into this. If there is any disagreement on how Mr. Olmstead is intending to vote, he needs to know tonight. Discussion followed. Mr. Olmstead indicated that he is hoping a general manager will be on board by September 1.

Councilor Rumpf pointed out how well Freeport is doing recycling and Mr. Olmstead agreed.

Councilors concurred that they are satisfied with Mr. Olmstead's intended voting plan.

Adjournment:

MOVED AND SECONDED: To adjourn at 8:15 p.m. (Cassida & White)

VOTE: (6 Ayes) (1 Excused—Bishop)

Respectfully Submitted,

Sharon Coffin
Council Secretary

