

Clerk

**AGENDA
FREEPORT TOWN COUNCIL MEETING #10-2003
TOWN HALL COUNCIL CHAMBERS
MAY 20, 2003 – 7:00 P.M.**

FROM: Dale C. Olmstead, Jr.

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #9-2003 held on May 6, 2003 and accept the Minutes as printed.

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

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

COUNCIL MEETING #10-2003
MAY 20, 2003

ITEM #74-2003 To consider action relative to adopting the May 20, 2003 Consent Agenda.

BE IT ORDERED: That the May 20, 2003 Consent Agenda be adopted.

ITEM #75-2003 To consider action relative to the retroactive Appointment of a Trustee of the Adelaide Winslow Harb Trust.

MOTION: Whereas, We, the undersigned, being all of the Municipal Officers of the Town of Freeport, Maine, pursuant to the power given to use in Trust of Adelaide Winslow Harb dated May 20, 1953, hereby take the following action:

Effective on the date provided below (the "Effective Date"), we hereby retroactively appoint John L. French as Trustee of the Trust of Adelaide Winslow Harb dated May 20, 1953 (hereinafter the "Trust"), for the period of time beginning March 21, 1995 and continuing through April 3, 2001. We thank him for his service.

The beginning and ending dates of this retroactive appointment were determined as follows: March 21, 1995 is the date of the former Trustee, Paul L. Powers, purported to appoint John L. French as successor Trustee. That appointment was ineffective because it was inconsistent with the Trust's terms authorizing the Freeport Municipal Officers to appoint successor Trustees and because it violated 18-A M.R.S.A. § 7-403. April 3, 2001 is the date the Municipal Officers appointed William A. Plouffe as successor Trustee of the Trust.

The Effective Date is the date that William A. Plouffe, the current Trustee of the Trust, confirms to the Municipal Officers that he has completed his review of all financial records related to the service of John L. French as *de facto* Trustee of the Trust and has verified that all such records confirm, to his satisfaction, that John L. French has administered the Trust in compliance with Maine law. The Municipal Officers specifically acknowledge paragraph 2 of the Trust, which states that the Trustee "...shall be relieved from liability and responsibility for any loss which may result from errors in judgment in investing and reinvesting funds.

NOTE: That Geoff Hole be present to explain the need for this item.

ITEM #76-2003 To consider action relative to the acceptance of two fire hydrants to be located on Dune Drive at Webster Crossing.

BE IT ORDERED: That two fire hydrants to be located on Dune Drive at Webster Crossing be accepted by the Town.

OTHER BUSINESS:

1. Update on the implementation of Vision 2010 - Councilors Arsenault & Regier.
2. Councilor Informational Exchange.

Adjourn.

**TOWN COUNCIL
CONSENT AGENDA
MAY 20, 2003**

ITEM #70-2003 To consider action relative to the approval of applications for Victualer's Licenses

BE IT ORDERED: That the following applications for Victualers Licenses be approved.

Gerald Clements d/b/a Sam's Italian Foods, 7 Main Street
Bob Pottle d/b/a Cindy's Fish & Fries, 292 U.S. Route 1
Michael Marino d/b/a The Lobster Cooker, 39 Main Street
Loren Goodridge d/b/a Subway, 475 U.S. Route 1
Thomas Ring d/b/a Atlantic Seal B&B, 25 Main Street
Lewis Corliss d/b/a The Village Inn, 186 Main Street
David Coffin d/b/a Harraseeket Inn, Main Street
Jonas & N. Kate Werner d/b/a Azure Cafe, 123 Main Street
Andy & Diane Terpstra d/b/a Dutch Lighthouse Motel, 525 U.S. Route 1
Murray Lloyd d/b/a Downeast Kettle Korn, 45 Main Street
Some Pizza, Inc. d/b/a Domino's Pizza, 491 U.S. Route 1
William Joynt d/b/a Ben & Jerry's, 83 Main Street
Loretta & Alan Bradley d/b/a Capt. Josiah Mitchell B&B, 188 Main Street
F. Carolyn Dobson d/b/a Desert of Maine, 95 Desert Road
John & Karen Nappi d/b/a Bow Street Market, Inc., 79 Bow Street
John L. Stiles d/b/a Jameson Tavern Restaurant, 115 Main Street
Nancy D. Gray d/b/a Harraseeket Inn, 162 Main Street
John P. Lewis d/b/a Blue Onion Restaurant, 193 Lower Main Street
Linda McMahon d/b/a Rotary Hot Dog Stand, LL Bean Pkg Lot Morse St.
Steve Goble d/b/a McDonald's Restaurant, 11 Mallet Drive
Tamantha J. Wilson d/b/a Harraseeket Grange #9, Elm Street

ITEM #71-2003 To consider action relative to the following Boards & Committees appointments.

BE IT ORDERED: That the following individuals be appointed to Town Boards and Committees.

<u>Board/Committee</u>	<u>Name</u>	<u>Term</u>
Library Board	Lola Lea	April 1, 2005
Freeport Enocomic Development Corp.	George Denney	June 1, 2006
Freeport Economic Development Corp.	Candice Rinaldi	June 1, 2006
Freeport Economic Development Corp.	Adam Nappi	June 1, 2006

ITEM #72-2003 To consider action relative to granting the use of Municipal Properties for the Freeport Freedom Festival on September 13 and 14, 2003.

BE IT ORDERED: That the following Municipal properties be available for the Freeport Freedom Festival for use by local vendors selling food and other items. Bow Street Park, Oak Street parking lot, Town Hall grounds, and Moose Park parking spaces (6 spaces).

ITEM #73-2003 To consider action relative to the appointment of delegates to GPCOG's General Assembly to be held on June 19, 2003.

BE IT ORDERED: That Genie Bealieu and John Arsenault be appointed to serve as Freeport's delegates to GPCOG's 2003 General Assembly.

End of Consent Agenda

MINUTES
COUNCIL MEETING #10-2003
FREEPORT TOWN HALL COUNCIL CHAMBERS
May 20, 2003-7:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Chair, John Arsenault, Prout Road	x		
Vice Chair, Rod Regier, South Street	x		
Charlotte Bishop, Maquoit Drive	x		
Rich DeGrandpre, Timber Ridge Road	x		
Frederick White, 45 Pleasant Hill Road	x		
Thomas Rumpf, P.O. Box 819, S. Freeport	x		
James Cassida, 5 Timber Ridge Road	x		

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #9-2003 held on May 6, 2003 and accept the Minutes as printed.

Councilor Rumpf pointed out that on page 5 the word "affluent" should be replaced with "effluent". Other Councilors concurred.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-2003 HELD ON MAY 6, 2003 AND ACCEPT THE MINUTES AS AMENDED.(Councilors Cassida & Rumpf) **VOTE:** (7 Ayes)

SECOND 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. (Regier & Rumpf) (7 Ayes).

There were none.

MOVED AND SECONDED: To close the Public Comment Period. (Regier & Rumpf) (7 Ayes).

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ANNOUNCEMENTS:

Chair Arsenault advised that a public hearing will be held on May 27 on all aspects of the budget. The public is welcome to attend.

The Freeport Conservation Commission will be holding a public workshop on May 22 at 7 p.m. at the Freeport Public Library to draft management plans for Hedgehog Mountain and Florida Lake.

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

ITEM #74-2003 To consider action relative to adopting the May 20, 2003 Consent Agenda.

BE IT ORDERED: That the May 20, 2003 Consent Agenda be adopted. (Cassida & Regier)

Councilor Regier asked if all of the Victualers' License fees are paid up. Mr. Olmstead noted that they are not all paid up and that Thomas Ring d/b/a/ Atlantic Seal B&B brought in their application but the appropriate fee did not accompany it. Mr. Ring also has an outstanding tax balance of \$8,300. Discussion followed.

MOVED AND SECONDED: To strike Thomas Ring d/b/a Atlantic Seal B&B, 25 Main Street from the Consent Agenda. (Regier & Bishop) (7 Ayes)

MOVED AND SECONDED: That 72-2003 be considered as a separate item from the Consent Agenda. (Regier & Rumpf) (7 Ayes).

ROLL CALL VOTE ON REMAINING CONSENT AGENDA: (7 Ayes).

ITEM #72-2003 To consider action relative to granting the use of Municipal Properties for the Freeport Freedom Festival on September 13 and 14, 2003.

BE IT ORDERED: That the following Municipal properties be available for the Freeport Freedom Festival for use by local vendors selling food and other items: Bow Street Park, Oak Street parking lot, Town Hall grounds and Moose Park parking spaces (6 spaces). (Regier & Rumpf).

Elaine Greene explained where Moose Park is located and that it most likely will not be used for the festival. Ms. Greene noted that the Army Band will be doing a concert from 1-2 p.m. on Sunday. The Navy has not yet confirmed if they will do a concert on Saturday. The Red Cross will be holding a 2-day blood drive. A craft show and apple pie contest will be held on Sunday. Every branch of the military will be set up to pass out small flags, etc. on Key Bank's lawn. The Navy will be setting up a "Taj Mahal" with a pilot simulator for children as well as something else dealing with submarines. Civil War Re-enactment personnel will be setting up tents to show children what it was like during the Civil War. An antique flea market will be held on Sunday. A lot of things will come into existence as we get closer to September. She is hoping that non-profit organizations will come up with ideas for raising funds for their own use. She hopes that this event could become similar to the Clam Festival for Yarmouth where the fire company, rescue and school groups can raise money for their needs. It will be a patriotic weekend, not a political weekend. She is trying to raise money. They have designed a T-Shirt that will be sold that weekend. CNN is coming to Freeport on Monday to do an article. Television and radio stations will be here as well. There is a web site up.

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Councilor Regier had questions concerning costs for security and trash pick up. He does not want Freeport residents paying for trash pick up. Ms. Greene explained her mission statement. She does not have any idea how many people will be coming to Freeport. A memorial service is not being planned but Ms. Greene is open to trying to put one on if it is desired. She is open to input. Discussion followed.

MOVED AND SECONDED: That the order be amended to say:

BE IT FURTHER ORDERED: On or before 1 August, 2003, the Directors of Freeport Freedom Festival shall provide to the Town Manager a plan to manage and dispose of trash and litter created by its vendors and customers, or shall be prepared to pay an amount not to exceed \$1,500 for reimbursement to the Town of Freeport for the public works and solid waste departments to pick up and dispose of trash and litter,

And

On or before 31 January, 2004, the Directors of Freeport Freedom Festival shall provide to the Town Manager a financial report of Festival activities in 2003. (Regier & Rumpf). (7 Ayes).

ROLL CALL VOTE: (7 Ayes).

ITEM #75-2003 To consider action relative to the retroactive Appointment of a Trustee of the Adelaide Winslow Harb Trust.

MOTION: Whereas, We, the undersigned, being all of the Municipal Officers of the Town of Freeport, Maine, pursuant to the power given to use in Trust of Adelaide Winslow Harb dated May 20, 1953, hereby take the following action:

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responsibility for any loss which may result from errors in judgment in investing and reinvesting funds.

NOTE: That Geoff Hole be present to explain the need for this item.

MOVED AND SECONDED: To table indefinitely. (Regier & Rumpf) (7 Ayes).

ITEM #76-2003 To consider action relative to the acceptance of two fire hydrants to be located on Dune Drive at Webster Crossing.

BE IT ORDERED: That two fire hydrants to be located on Dune Drive at Webster Crossing be accepted by the Town. (Rumpf & Cassida)

Mr. Olmstead explained that this subdivision is at the intersection of Webster and Desert Roads. The preference is not to have private hydrants in Freeport and accepting them will keep them out of the water rate base. Discussion followed.

ROLL CALL VOTE: (7 Ayes).

OTHER BUSINESS:

1. Update on the implementation of Vision 2010 – Councilors Arsenault & Regier.

Chair Arsenault explained what the Vision 2010 is for Freeport and that consultants have been hired to help achieve this vision successfully. An Implementation Team consisting of Rodney Gray, Betsy Ruff, Tom Whelan, Katharine Glover, Doug Dillman, Paul and Kevin Kelley, Fred Leighton, Susie Saunders, Richard Collins, George Denney, Vickie Lowe, Brad Kauffman, Rich Donaldson, Linda Hardacker, Dale Olmstead, Rod Regier and John Arsenault has been adopted. They met on May 5th to review ideas and projects that would benefit Freeport. Their next meeting will be in early June. Councilor Regier asked if the lists are complete and if they are acceptable to Councilors. The group would welcome input. Mr. Olmstead noted that the group will reconvene and formalize assignments in the near future.

2. Councilor Informational Exchange.

Councilor Rumpf reported that he had questions regarding Freeport's water rate in comparison to other water districts. He received information put out by the PUC. He found that Freeport's rates are a little bit above the surrounding communities. Most towns were lower but a few such as Bowdoinham and Boothbay were higher. Mr. Olmstead advised that Pat Scully is convinced that the Water District Trustees should take another look at acquiring the system. He has been discussing this consideration with Genie Beaulieu and Mr. Olmstead. A meeting will be scheduled with the Trustees in a couple of weeks to further those discussions. Mr. Scully is convinced there will be a savings to Freeport water users if the Trustees acquire the system. Mr. Olmstead reminded Councilors that the Water Trustees have no funds and would need to come to the Town for financial assistance should a study be needed. Mr. Olmstead did not know how the Trustees are paying for their meeting with Mr. Scully. Councilor Regier noted that this meeting is at 11:30 a.m. on May 23 in Portland at 100 Middle Street, 6th Floor. Mr. Scully is recommending that the Trustees buy the system before the second well on Webster Road is installed. Mr. Olmstead is unsure what the Trustees will want to do.

Regarding Winslow Park's need to upgrade the shower and restroom facilities, Councilor Rumpf talked to people at the Bureau of Parks and Lands in Augusta regarding the availability of funds that come from the Federal Government. The expectation is that they will have a little less than a half million dollars this year that will come to Maine in Municipal grants. Freeport got \$25,000 last year for the playground on the Pownal Road.

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This could have some impact on Freeport's ability to get funds this year. The Superintendent of Schools has been exploring the possibility of applying for a grant to help with the cost of the proposed running track. What is being proposed at Winslow Park would qualify for a grant but a decision should be made to determine which project is most beneficial to the Town because it would be unlikely that both applications would be funded.

Mr. Olmstead advised that each Councilor got a letter in their packets about tomorrow's RWS meeting. Mr. Olmstead is planning on attending this meeting. He will be supporting the proposal that he put in Councilor's packets a few weeks ago, which is a broader study than what is being suggested by waste haulers. He wants to be sure that we are looking at the whole industry from curb to incinerator. It is necessary to have all the information on what goes into disposing of waste. Consideration of selling the system is something else he plans to ask at this meeting or hiring private management to come in and manage the system. Currently this is not part of either proposal. He wants to do this once to get the information the Board needs to make a decision. He will oppose any attempt to water down the study. Councilor Rumpf indicated that he fully supports Mr. Olmstead's interests. Other Councilors concurred.

Chair Arsenault reported that he attended a retail forum in Providence, Rhode Island six weeks ago. He had a packet explaining what is available for businesses in Freeport. He realized that what was missing was a packet of Municipal services that are available in Freeport. He worked with Johanna Hanselman to come up with a booklet explaining what each department does and any affixed costs that a business should be informed of. It also references economic development, FMA and any community services, organizational clubs, etc. He listed all the things that are included. He has asked that a lot of this information be put on the Town's website. A packet will be available for people that have just moved here or are contemplating moving here, telling them what is available in the community will also be made available. He listed all the things available in this packet as well. He feels it will work well for the community. Packets will be provided to Councilors and Chair Arsenault asked them to let him know if anything else should be added.

Councilor Rumpf asked if the sign-up sheet for Town Boards was included and Chair Arsenault agreed that it should be included.

Councilor Regier mentioned that Mr. Olmstead's staff is preparing the background information dealing with Paper Streets. He is hoping to come up with a more streamlined process to deal with this issue.

Mr. Olmstead pointed out that every property owner in Freeport was sent a coupon to bring one load of trash to the Landfill. Along with that coupon was an application form for anyone willing to serve on a Board or Committee. He thanked everyone for responding and encouraged others to consider filling their form out.

Adjournment

MOVED AND SECONDED: To adjourn at 8:35 p.m. (Cassida & DeGrandpre) (7 Ayes).

Respectfully Submitted,

Sharon Coffin

Sharon Coffin
Council Secretary

