

**TOWN COUNCIL MEETING #13-2003**

**JUNE 17, 2003 - 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

\*\*\*\*\*

**SUMMARY AGENDA**

**\*Citizen of the Year Award and Reception**

**ITEM #100-2003** To consider action relative to adopting the June 17, 2003 Consent Agenda.

**ITEM #101-2003** To consider action relative to an expenditure from the FY 2003 Operating Budget Miscellaneous and Contingency Account to provide for a financial analysis of the feasibility of purchasing the Freeport Division of the Maine Consumers Water System.

**OTHER BUSINESS:**

1. Update on investments - Roger Wold.
2. L.L. Bean Easement Request - Jim Gorman.
3. Discussion on Governor's proposal on Personal Property Taxation and Property Tax Reform.
4. Discussion on Teen Center - Councilor White.
5. Councilor Informational Exchange.

**ITEM #102-2003** To consider action relative to an Executive Session to discuss Police/Dispatch Contract negotiations.



Clerk

**AGENDA  
FREEPORT TOWN COUNCIL MEETING #13-2003  
TOWN HALL COUNCIL CHAMBERS  
JUNE 17, 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 #12-2003 held on June 3, 2003 and accept the Minutes as printed.

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

\* Citizen of the Year Award

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

**COUNCIL MEETING #12-2003  
JUNE 17, 2003**

---

**ITEM #100-2003** To consider action relative to adopting the June 17, 2003 Consent Agenda.

**BE IT ORDERED:** That the June 17, 2003 Consent Agenda be adopted.

---

**ITEM #101-2003** To consider action relative to an expenditure from the FY 2003 Operating Budget Miscellaneous and Contingency Account to provide for a financial analysis of the feasibility of purchasing the Freeport Division of the Maine Consumers Water System.

**BE IT ORDERED:** That up to \$5,000 be expended from the FY 2003 Operating Budget Miscellaneous and Contingency to provide for the financial analysis described above.

**NOTE:** This item was requested by the Water District Trustees.

---

**OTHER BUSINESS:**

1. Update on investments - Roger Wold.
2. L.L. Bean Easement Request - Jim Gorman.
3. Discussion on Governor's proposal on Personal Property Taxation and Property Tax Reform.
4. Discussion on Teen Center - Councilor White.
5. Councilor Informational Exchange.

---

**ITEM #102-2003** To consider action relative to an Executive Session to discuss Police/Dispatch Contract negotiations.

**MOTION:** That the Council enter into Executive Session to discuss Police/Dispatch Contract negotiations.

**MOTION:** That the Council reconvene.

Adjourn.

**TOWN COUNCIL  
CONSENT AGENDA  
JUNE 17, 2003**

---

**ITEM #97-2003** 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.

Jonathan Soule d/b/a **Gritty McDuff's**, 187 Lower Main Street  
Gwen Sartoris d/b/a **White Cedar Inn**, 178 Main Street  
Wingnut Hospitality, LLC Peter Anastos d/b/a **Comfort Suites**, 500 U.S.  
Route One  
Michael Ashby d/b/a **Dick's Sub Shop**, 15 South Street  
Thomas Ring d/b/a **Atlantic Seal B&B**, 25 Main St., So. Freeport

---

**ITEM #98-2003** To consider action relative to appointments to the following Boards & Committees.

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

<b><u>Board/Committee</u></b>	<b><u>Name</u></b>	<b><u>Term</u></b>
Appeals Board	Shannon Ryan	July 1, 2006
Appeals Board	Steven Bradbury	July 1, 2006
Conservation Commission	Steven Walker	July 1, 2006
Conservation Commission	Mary Sauer	July 1, 2006
Conservation Commission	Larry Lunt	July 1, 2006
Shellfish Commission	Garrett Simmons	July 1, 2006
Shellfish Commission	Thomas Bennett, Jr.	July 1, 2006
Shellfish Commission	Terry Miskell	July 1, 2005
Recreation Commission	Alicia Harding	November 1, 2003
Design Review Board	William Perna	October 1, 2004
Design Review Board	Erik Anderson	October 1, 2004

---

**ITEM #99-2003** To consider action relative to accepting a bid for a Public Works Department Trust Chassis, Dump Body, Plow and Wing, Calium Tank and Ground Speed Control System.

**BE IT ORDERED:** That the bid from Whited Truck Center in the amount of \$86,108 be accepted.

**NOTE:** The budget for the above was \$117,000. The balance will remain in reserves.

---

End of Consent Agenda



---

**MINUTES**  
**COUNCIL MEETING #13-2003**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**June 17, 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 #12-2003 held on June 3, 2003 and accept the Minutes as printed.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #12-2003 HELD ON JUNE 3, 2003 AND ACCEPT THE MINUTES AS AMENDED.(Councilors Bishop & DeGrandpre) **VOTE:** (7 Ayes)

**ANNOUNCEMENTS:**

Chair Arsenault pointed out that there will be a dedication to Archie Ross and a plaque donated in his memory on June 28, 2003 at the Freeport Town Wharf at 9 a.m. Food and entertainment will be provided.

The Town Council Meeting Schedule has been revised. The first meeting in July has been deleted.

Chair Arsenault explained that the beautification project being conducted in downtown Freeport is being done by the Village Improvement Association at no cost to the Town. They are looking for volunteers and would welcome donations.

**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 & Cassida) (6 Ayes) (1 Excused—Bishop).

**Citizen of the Year Award**

Councilor Cassida, serving as Chair of the Special Projects committee, recognized Ann Westervelt as Citizen of the Year by presenting her with a plaque and noting some of her accomplishments. The following people also had praise for Mrs. Westervelt and thanked her for her many contributions to the Town: Kay Haines, Arlene Arris, Jon Robinson, Ed Bonney, Dale Olmstead and Chair Arsenault. Mrs. Haines also read a poem and presented the "Golden Clipper Award" to Mrs. Westervelt.

A reception followed.

**MOVED AND SECONDED:** To close the Public Comment Period for Non-Agenda Items Only. (Regier & DeGrandpre) (6 Ayes) (1 Excused—Bishop).

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

ITEM #100-2003 To consider action relative to adopting the June 17, 2003 Consent Agenda.

**BE IT ORDERED:** That the June 17, 2003 Consent Agenda be adopted. (Regier & Rumpf)

Councilor Regier asked if all of the necessary taxes and fees have been paid under Item #97-2003. Mr. Olmstead explained that Atlantic Seal B&B is refinancing and will be paying their taxes by the end of the month and their Victualer's License should be conditioned upon receipt of back payment.

**MOVED AND SECONDED:** That the Victualer's License for Thomas Ring d/b/a Atlantic Seal B & B be approved but the approval be conditional upon receipt of back payment of taxes by the end of this month. (Regier & DeGrandpre) **VOTE:** (7 Ayes).

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

---

ITEM #72-2003 To consider action relative to an expenditure from the FY 2003 Operating Budget Miscellaneous and Contingency Account to provide for a financial analysis of the feasibility of purchasing the Freeport Division of the Maine Consumers Water System.

**BE IT ORDERED:** That up to \$5,000 be expended from the FY 2003 Operating Budget Miscellaneous and Contingency to provide for the financial analysis described above.

NOTE: This item was requested by the Water District Trustees. (Rumpf & Bishop)

Mr. Olmstead explained the reason for this expenditure. Genie Beaulieu shared the results from the meeting the Water District Trustees had with Attorney, Pat Scully regarding the purchase of what they do not own now.



COUNCIL MEETING #13-2003  
JUNE 17, 2003

They agreed that they do not have all the answers and that an outside analysis needs to be done. The study will take about 60 days. If the Council approves this item, there will be some dialogue with the Water Company about the timing of the installation. A report could be expected in early fall. Discussion followed.

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

---

**OTHER BUSINESS:**

Update on investments—Roger Wold.

Mr. Wold gave an investment update to the Council and answered questions. Greg L'Heureux also shared his views. Councilors concurred that Mr. Wold's advice makes sense. There was consensus to stick with the current investment policy and review it in six months.

**L.L. Bean Easement Request—Jim Gorman**

Mr. Gorman, Manager of Real Estate for L.L. Bean explained that they are proposing to connect all their Freeport facilities by fiber optic telecommunications lines and have decided that they would like to have an overhead easement across the municipal lot.

Mr. Rumpf asked if Mr. White was planning to participate in this proposal. He wants to be careful about the appearance of conflict of interest and suggested that Councilor White consider stepping down and recusing himself. Mr. White explained that he is employed by L.L. Bean and if it is appropriate, he would recuse himself and not participate in the discussion or the vote. Councilor Bishop noted that she does not want to set a precedent that Councilor White not participate in every item that relates to L.L. Bean. Others shared their views.

**MOVED AND SECONDED:** That Councilor White participate in this item.  
(Rumpf & Cassida) (1 Aye—Bishop) (5 Nays).

Councilor White asked how he could participate in future items regarding L.L. Bean. Other Councilors explained that he should step down and participate from the floor when necessary.

Mr. Gorman introduced Mark Curtis who explained that they will be 24' or 25' above the traveled way. Chair Arsenault mentioned that there is a possibility of development taking place in this parking lot and asked if the overhead lines could be relocated underground at some point. Mr. Olmstead noted it would make sense to go overhead rather than underground. Mr. Gorman agreed that the line could be moved underground if necessary. Mr. Rumpf asked about the historical policy in granting this type of easement and if they have been granted free of charge in the past. Mr. Olmstead advised that former Councils did not feel the need to charge for easements and noted how generous L.L. Bean has been to the community over the years. Discussion followed.

**MOVED AND SECONDED:** To take up an item not on the printed agenda.  
(Regier & DeGrandpre). (7 Ayes).

**MOVED AND SECONDED:** That the Town Manager be authorized to execute the contract with L.L. Bean for the easement as depicted in the map and attached letter, with the plan being either above ground or below ground, be subject to the following conditions:

COUNCIL MEETING #13-2003  
JUNE 17, 2003

1. The plans for the construction be approved by the Fire and Safety Department regarding clearance above the asphalt.
2. All costs in general be borne by L.L. Bean
3. L.L. Bean agrees to pay for any relocation charge should there be a change of use in this parking lot.

(Regier & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Recused—White).

**Discussion on Governor's proposal on Personal Property Taxation and Property Tax Reform.**

Bob Konczol, Town Assessor, explained the Governor's proposal to change the way property taxes are assessed. His bill includes a provision that would phase out a big portion of personal property assessment. This would affect Freeport in a negative way over time. It could add up to 35 cents to the tax rate over 10 years. The impact would not be uniform across the State. He answered questions for Councilors. Discussion followed.

Tom Bull, State Representative, shared information on the proposals they are working on in Augusta regarding property tax reform. Everybody agrees that they want tax reform but the question is how do they get it. He answered questions for Councilors

**Discussion on Teen Center—Councilor White.**

Councilor White shared some background information on a teen center and that the local teens were very much involved in the planning of a community center. A two-room portable classroom has become available at the high school. The City of Westbrook has offered Freeport \$7,000 to purchase that portable. He asked the Council to make a short-term investment in a teen center. He proposed that the Council provide direction to the School System to hold onto that portable and find a location in the next 30-90 days and assume the cost of moving it and then fund it for a 12-month period.

Mr. Olmstead pointed out the possible locations that could accommodate the Teen Center. He would recommend that the money to fund utilities come from the earned interest from the Community Center bond. It is sitting in an account. He has been thinking that perhaps the portable could stay where it is temporarily and utilities be reconnected. Chair Arsenault agreed that this would be a good solution.

Chair Arsenault pointed out that the vacant house next to FCS is for sale. He has had conversations with Beth Finlayson.

Scott, a Vista Volunteer working with teens at the high school, explained that he has been working with teens on fund-raising efforts and looking for a teen space. They have been running 8 p.m. to 12 a.m. on weekends. Community Ed is unable to provide any financial assistance. Discussion followed. Councilor Rumpf advised that he is uncomfortable making financial commitments without public input. Councilor Cassida does not want to make a decision on this issue tonight without seeing definite costs for moving, etc. Councilor Regier noted that this is a temporary bridge and wants to put in as little money as possible. He suggested directing the School Department to not accept Westbrook's bid, leave the portable on the site and see if it is feasible to take \$3,000 out of the earned interest account for operating costs for the year and see if it will work. Other Councilors concurred.

Councilor White volunteered to take the lead on this and will give regular reports to the Council. He does not feel the \$7,000 is an issue for Mr. Lyman at this time. There should be no problem selling this portable down the road if necessary. Councilor Regier noted that here is a sentiment that The Town will retain the building and there will be some immediate assumption of operating costs. If there are future moving costs, they will be funded by earned interest from the Community Center bond.

**Councilor Informational Exchange**

Councilor Rumpf advised that he is not available on the 25<sup>th</sup> when the Village Planning Committee will be making their final report to the Planning Board and to the Town Council. He also had a question on the information from Darrell that was in his packet which Mr. Olmstead addressed.

Mr. Olmstead advised that they are circulating the bill from Powers and French verifying that these are appropriate charges and will get back to Jed French.

The Ordinance Committee will be meeting on July 14<sup>th</sup> at 4:30 p.m.

---

ITEM #102-2003 To consider action relative to an Executive Session to discuss Police/Dispatch Contract negotiations.

**MOVED AND SECONDED:** That the Council enter into Executive Session to discuss Police/Dispatch Contract negotiations. (White & Cassida) (7 Ayes).

**MOVED AND SECONDED:** To reconvene (White & Bishop) (7 Ayes).

**MOVED AND SECONDED:** That the Council authorize the Town Manager to discharge the contract and changes as discussed. (Regier & Bishop) **ROLL CALL VOTE:** (7 Ayes).

---

**Adjournment**

**MOVED AND SECONDED:** To adjourn at 11:35 p.m. (Cassida & Bishop) (7 Ayes).

Respectfully Submitted,



Sharon Coffin  
Council Secretary



# **TOWN OF FREEPORT**

## ***MEMO***

---

**MEMO TO:** Town Council  
**FROM:** Special Projects Committee  
**SUBJECT:** Citizen of the Year  
**DATE:** June 9, 2003

The Special Projects Committee has selected E. Ann Westervelt to be the recipient of the 2003 *Citizen of the Year* Award. Ann worked for the Town of Freeport for over 25 years as Director of the B.H. Bartol Library until her retirement in 1993. Ann continues to volunteer at the Freeport Community Library on a weekly basis and serves as a member of the Freeport Community Library Board. She will be honored at the June 17, 2003 Town Council Meeting.

The recipient of this award will remain a secret until the presentation of the award on the evening of June 17<sup>th</sup>. Arrangements have been made for Ann's family and friends to be present at this meeting. Kay Haines will be making sure that Ann is also at the meeting, although she will not know that she is being honored.

The presentation of the award will be made during the public comment period and all members of the Town Council and any members of the public will be able to speak if they so desire. A short reception will follow the presentation of the award.



**BRADLEY E. GUAY**

**19 HOLBROOK STREET, NO. 8., FREEPORT, ME 04032 • (207)865-2984 • EMAIL: SAFESPRING@AOL.COM**

---

June 15, 2003

Dale Olmstead, Town Manager  
Town Hall  
30 Main Street  
Freeport, ME 04032

Dear Mr. Olmstead:

I am regrettably out of town this week but would like to express my support for updating previous studies regarding the possible purchase of the water company. The study is needed to help everyone decide whether purchasing the water company is advantageous. However, I do not believe this follow-up study should cost more than \$2,500 because the economic analysis is comparatively simple (see Sewall 1985, 1989). Lower interest rates are likely the most important and changed factor since we last considered this option.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Brad Guay', with a stylized flourish at the end.

Brad Guay Ph.D.  
Water District Trustee





**To: Freeport Town Council**

**From: Jim Gorman – LL Bean**

**Re: Easement Request**

**Date: 6 June, 2003**

I would like to request an easement across the municipal lot, listed on the town tax maps as Map 11, Lot 24. This is the parking lot behind the GAP.

LL Bean is in the process of connecting all Freeport facilities by fiber optic telecommunications lines, and this path would provide the best pathway to run those lines. While the lines physically could be run to the Retail store and back via Main St., our telecommunications department wishes to maintain a certain distance between parallel lines should an accident occur.

On the attached map, I have shown the path that we would like to use to in placing those lines. Plans are to come up Holbrook St., access property between 10 & 12 Holbrook St, cross the municipal lot, and continue onto Cross St. We currently have verbal permission from Jay Yilmaz, and should we gain approval from the council, we will go forward and provide the legal documents needed for the requested easement.

Since all lines are underground in the municipal lot, we would also install our lines underground, to maintain that consistent look. Additionally, while I have used a copy from the tax maps in giving a visual presentation, I believe from my site walk that the run might not be as perpendicular as shown, and I wanted to bring that to your attention for clarity.

Thank you for your consideration to this, and I look forward to meeting with you on June 17, to answer any questions that you may have.



**Dale Olmstead**

---

**From:** "Laura Veilleux" <lveilleux@memun.org>  
**To:** <e-bulletin@imail.memun.org>  
**Sent:** Wednesday, June 04, 2003 7:40 AM  
**Subject:** Update on Governor's proposed competing measure

**To:** Municipal officials interested in tax reform

**Fr:** Geoff Herman

**Re:** Update on Governor Baldacci's proposed "competing measure"

**Date:** June 4, 2003

We just received Governor Baldacci's proposed tax reform (or "fiscal reform") plan as a printed bill (in draft form) late yesterday afternoon. The public hearing on the bill is scheduled for today at 1:00 p.m. in Room 127 of the State House. The printed bill is 55 pages long and obviously contains more details about the proposal than has been shared with the public thus far. We are in the process of preparing a more-detailed analysis, but a couple of elements of the bill jump out for early reference.

**Question to the voters:** Although the Governor's proposal would provide no more financial support for K-12 education, in real dollars, than current law (except for the alleged "savings" that are attributable to large-scale municipal and school consolidation) the question to the voters on the ballot, competing with the citizen initiative, would be:

"Do you want the State to pay 55% of the annual cost of public education and lower property taxes by cutting government spending?"

**State assumes local assessing function:** As has been reported, the Governor's proposal would repeal the tax on personal property in a "going-forward" manner, starting with all BETR-qualifying personal property that would otherwise be taxed for the first time as of April 1, 2004. That newly exempt property would not be assessed by the municipal assessors to determine the municipality's lost value. Under the plan, the state would assess that property according to some state-determined assessing methodology and then calculate the town's reimbursement. If the town did not agree with the state's assessment, it would have to file an appeal to the state.

A more detailed analysis of the Governor's plan will be forthcoming.



# TOWN OF FREEPORT

Assessor's Office  
30 Main Street, Freeport ME 04032  
865-4743

To: Freeport Town Council  
Dale Olmstead, Town Manager

06/04/03

Re: Impact of personal property valuation on mil rate

Dear Councilors:

In LD 1629 Governor Baldacci has just proposed a lengthy and complicated change to the way property taxes are assessed. The bill includes a provision that in effect would phase out a large portion of personal property assessment. At the Town Manager's request, I submit to you the following comments on the impact that this proposal would have on Freeport.

Under current law, businesses paying tax on certain assessable personal property can be reimbursed by the state. This is called the BETR program. Under the revision, towns would not assess any new property that qualifies for BETR; the state would do so instead and reimburse the town for 50% of the lost revenue.

*What are the possible effects on the town?*

Primarily, a little lost revenue. Approximately 10% of our tax base is personal property and only a small portion of that qualifies for the BETR program. Since only machinery and equipment personal property put in service after 2004 is involved, the initial impact would be small. However, over time, new property will shift into the state program year by year, and the towns will get 50 cents on the dollar. (This assumes that the state assesses this property to the same extent that the towns do; our loss could be greater if the state is not aggressive in its discovery efforts.)

It should be emphasized that that not all property would fall into this category, as not all is currently eligible for the program. However, it is also important to note that the definition of eligible property could be expanded over time to encompass more or all personal property.

*What are the possible effects on the state?*

It's actually a benefit. Right now the state is sending 100% of this money as reimbursements to the business taxpayers. Instead they will just send 50% to the towns and keep the rest. The towns bear the burden of this change.

Please remember that LD 1629 may be changed significantly before it comes up for a vote.

With regards,



Robert A. Konczal  
Town Assessor

