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**TOWN COUNCIL MEETING #14-2002**

**JUNE 11, 2002 - 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

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**SUMMARY AGENDA**

ITEM #114-2002 To consider action relative to adopting the June 11, 2002 Consent Agenda.

ITEM #115-2002 To consider action relative to an expenditure from the FY2002 Miscellaneous and Contingency Account to provide payment for Real Estate Advisory Services.

ITEM #116-2002 To consider action relative to a proposed zoning ordinance amendment concerning parking requirements in the commercial districts.

ITEM #117-2002 To consider action relative to an Executive Session to discuss a personnel matter.

ITEM #118-2002 To consider action relative to confirming the appointment of a Municipal Assessor for the Town of Freeport.

ITEM #119-2002 To consider action relative to an Executive Session to discuss real estate transactions specifically the possible acquisition of the Eastland Shoe property on Park Street.

**OTHER BUSINESS:**

1. Discuss nominations to the MMA Legislative Policy Committee and Executive Committee.
2. Report from the Freeport Bicycle and Pedestrian Committee.

Adjourn.



**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #14-2002**  
**TOWN HALL COUNCIL CHAMBERS**  
**JUNE 11, 2002 – 7:00 P.M.**

**FROM:** Dale C. Olmstead, Jr.

**TO:** Robert Stevens, Chairperson, Porters Landing  
John Arsenault, Vice Chairperson, Prout Road  
Kenneth Mann, Mann Road  
David Soley, Arnold Road  
Eileen Lowell, So. Freeport Road  
Rod Regier, South Street  
Susan Campbell, Hunter Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #13-2002, held on May 28, 2002 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 #14-2002  
JUNE 11, 2002

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ITEM #114-2002 To consider action relative to adopting the June 11, 2002 Consent Agenda.

**BE IT ORDERED:** That the June 11, 2002 Consent Agenda be adopted.

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ITEM #115-2002 To consider action relative to an expenditure from the FY2002 Miscellaneous and Contingency Account to provide payment for Real Estate Advisory Services.

**BE IT ORDERED:** That \$5,000.00 be expended from the FY2002 Miscellaneous and Contingency Account to provide payment for Real Estate Advisory Services rendered by Edward Haddad in connection with proposals to develop the Howard Place Parking Lot.

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ITEM #116-2002 To consider action relative to a proposed zoning ordinance amendment concerning parking requirements in the commercial districts.

**BE IT ORDERED:** That a public hearing be schedule for June 25, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the zoning ordinance concerning parking requirements in the commercial districts.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection for citizens during normal business hours.

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ITEM #117-2002 To consider action relative to an Executive Session to discuss a personnel matter.

**MOTION:** That the Council enter into Executive Session with the Town Council and the Municipal Assessor to discuss a personnel matter.

**MOTION:** That the Council reconvene.

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ITEM #118-2002 To consider action relative to confirming the appointment of a Municipal Assessor for the Town of Freeport.

**BE IT ORDERED:** That the Town Manager's appointment of Robert Konczal as Municipal Assessor for the Town of Freeport be confirmed.

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ITEM #119-2002 To consider action relative to an Executive Session to discuss real estate transactions specifically the possible acquisition of the Eastland Shoe property on Park Street.

**MOTION:** That the Council enter into Executive Session with the Town Council to discuss real estate transactions specifically the possible acquisition of the Eastland Shoe property on Park Street.

**MOTION:** That the Council reconvene.

**NOTE:** May be Council action taken as a result of the Executive Session.

**COUNCIL MEETING #14-2002**  
**JUNE 11, 2002**

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**OTHER BUSINESS:**

1. Discuss on nominations to the MMA Legislative Policy Committee and Executive Committee.
  2. Report from the Freeport Bicycle and Pedestrian Committee.
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**Adjourn.**



**TOWN COUNCIL  
CONSENT AGENDA  
JUNE 11, 2002**

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**ITEM #110-2002** To consider action relative to approving the use of the Town Hall Parking Lot.

**BE IT ORDERED:** That Freeport Community Services be granted the use of the Town Hall Parking lot on October 5, 2002 for the "10<sup>th</sup> Annual Chowdah Challenge."

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**ITEM #111-2002** To consider action relative to awards from the Dr. Gould Trust Fund.

**BE IT ORDERED:** That 18 individuals be granted awards from the Dr. Gould Trust Fund totalling \$2,730.95 to provide for the payment of medical expenses.

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**ITEM #112-2002** To consider action relative to awards from the Davis Trust Fund.

**BE IT ORDERED:** That 3 individuals be granted awards from the Davis Trust Fund to provide for payment of medical expenses.

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**ITEM #113-2002** To consider action relative to the acceptance of the Christine Small Cushing Memorial Scholarship Trust Fund.

**BE IT ORDERED:** That the Christine Small Cushing Memorial Scholarship Trust Fund in the amount of \$100,000 be accepted and used in accordance with the terms of the Scholarship Trust.

End of Consent Agenda





Clerk

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**MINUTES**  
**COUNCIL MEETING #14-2002**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**June 11, 2002—7:00 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
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Robert Stevens, Chairperson  
Porters Landing

x

John Arsenault, Vice Chairperson  
Prout Road

x (arrived at 7:05 p.m.)

David Soley  
Arnold Road

x

Susan Campbell  
Hunter Road

x

Rod Regier  
South Freeport Road

x

Kenneth Mann  
Mann Road

x

Eileen Lowell  
South Freeport Road

x

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #13-2002 HELD ON MAY 28, 2002 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #13-2002 HELD ON MAY 28, 2002 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Regier) (6 Ayes) (1 Excused—Arsenault).

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

Chair Stevens explained what was coming up later on the agenda and asked if anyone wanted to discuss the issue to be brought up during the Executive Session tonight. Councilor Soley suggested that the Council move the Report from the Bicycle and Pedestrian Committee listed under "Other Business" to a slot before the Executive Session.

**MOVED AND SECONDED:** To open the Public Comment Period (Campbell & Arsenault) (7 Ayes).

Linda Allard of Frost Brook Lane complained that her sign located in front of the Harraseeket Inn was removed by the Town without any notice to her. Her sign was her personal property and was destroyed. She feels that she and other small business owners should be entitled to the same privileges as L.L. Bean. Tom Ring of Atlantic Seal Cruises complained that his updated sign was removed. He hopes that it will be returned to him. He also noted that signage to South Freeport, Flying Point and Wolf Neck State Park is not clear. Mike Ashby of Dick's Sub Shop complained about not being advised that his sign would be removed. He noted that small local people need advertisement, too. Roland Foster complained that outside businesses need signage. Taking signage away will not help direct tourists to small local businesses and he urged the Council to take another look at this.

Councilor Regier explained what took place at a Traffic and Parking Committee meeting this morning regarding the change in signage in Freeport. The owners of the destroyed signs will be reimbursed for their signage. Councilor Mann shared his concerns for the signs that were removed from the west side of Mallett Drive. He wants to ensure that these people will be added to the list of people being reimbursed for damaged signs. Chair Stevens suggested bringing this up under "Other Business".

Chair Stevens apologized for the way the Town removed the signs.

Chair Stevens encouraged people to speak regarding the Eastland Shoe issue. Councilor Mann pointed out that most people have no knowledge of the purchase of Eastland Shoe and he encouraged Chair Stevens to explain to the public why this is being considered. Chair Stevens explained the Eastland situation.

Ed Bradley explained why the Coalition is changing its focus from the Delorme Building to Eastland Shoe. The opportunity is too great to not investigate it. Beth Finlayson of FCS and Gail Senese of Freeport Community Ed spoke in favor of purchasing Eastland Shoe. Steve Day cautioned the Town to look carefully at the Eastland Shoe building and consider what it will take to renovate it.

Councilor Mann wanted the public to know that until this issue showed up on the agenda, the Council has not had any discussion about actually being the body to purchase this building. There have not been any workshops or discussions around the community. His concern is not with the location but feels questions need to be asked on the structure, the cost of heating the building, adequate parking, etc.

John White encouraged the Council to return the center of town to Freeport's citizens.

**MOVED AND SECONDED:** To close the Public Comment Period (Arsenault & Campbell) (7 Ayes).(Councilors Arsenault & Campbell) (7 Ayes).

**THIRD ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson. ITEM #114-2002 To consider action relative to adopting the June 11, 2002 Consent Agenda.

**BE IT ORDERED:** That the June 11, 2002 Consent Agenda be adopted. (Councilors Arsenault & Regier)

Mr. Olmstead explained that under ITEM #112-2002 the amount was not stated and that amount is \$265.86. Councilors Arsenault and Regier accepted this change.

COUNCIL MEETING #14-2002  
JUNE 11, 2002

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Councilor Soley asked who should be thanked for the Christine Small Cushing Memorial Scholarship Trust Fund. Councilor Regier referred to the copy of the will that was included in the Council's packet.

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

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**ITEM #115-2002** To consider action relative to an expenditure from the FY2002 Miscellaneous and Contingency Account to provide payment for Real Estate Advisory Services.

**BE IT ORDERED:** That \$5,000.00 be expended from the FY2002 Miscellaneous and Contingency Account to provide payment for Real Estate Advisory Services rendered by Edward Haddad in connection with proposals to develop the Howard Place Parking Lot. (Councilor Soley & Arsenault)

Chair Stevens explained this issue and suggested the following amendment:

**MOVED AND SECONDED:** To authorize taking \$5,000 from the Kelly's deposit that they made with their proposal. If in fact, the Town does not reach an agreement with them for the development of the Howard Place Parking Lot, they will be entitled to the return of their deposit and the Town can then make an appropriation from the Miscellaneous and Contingency account. (Councilors Soley & Arsenault accepted this amendment as a friendly amendment.

Councilor Mann explained why he prefers to take this money from this fiscal year's Contingency Fund since the Council knows there is money there. Discussion followed.

**MOVED AND SECONDED:** That the \$5,000 will be taken from the deposit that the Town is currently holding for the Kellys. In the event that there subsequently becomes a need to give the Kellys back their deposit, then we are simultaneously encumbering \$5,000 from this fiscal year's Miscellaneous and Contingency fund and we will encumber that in the event that we need to pull that deposit back. If we don't need to pull that deposit back, the money will go to Reserves. (Councilors Soley & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #116-2002** To consider action relative to a proposed zoning ordinance amendment concerning parking requirements in the commercial districts.

**BE IT ORDERED:** That a public hearing be schedule for June 25, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the zoning ordinance concerning parking requirements in the commercial districts.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection for citizens during normal business hours. (Councilors Lowell & Arsenault)

Councilor Soley suggested that this be added to the website. Mr. Olmstead advised that it is done automatically. Councilor Soley requested that it be included in the "Be It Further Ordered" and other Councilors concurred.

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

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Councilor Soley requested that at this time the Report from the Freeport Bicycle and Pedestrian Committee be

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considered. Other Councilors concurred.

Genie Beaulieu explained the committee's charge and acknowledged the hard work done by the committee that consisted of Steve Brown, Joe Hahn, Jack Cartez, Elizabeth Patten, Kathleen Sullivan, Judith Wood, Rodney Lane and Phil Wagner. Mr. Brown was also in attendance. There is a need for input from the community and the Council. There is a lot of work that needs to be done. Public hearings need to be scheduled in the fall. Pleasant Hill and Flying Point Roads were discussed as possibilities for bike lanes. Councilor Soley suggested including the Staples Point Road and the entire South Freeport Road. Councilor Soley noted that he would be interested in seeing every street shown on a plan that bicyclists are currently using in Freeport. Ms. Beaulieu noted that the committee is not interested in bringing in a plan that is filled with "holes". She is not sure what kind of professional help is needed, perhaps some engineering work is required. She warned that roads cannot be widened without being striped. There should be a commitment on the Council's part in policy making decisions and the Town should have an accepted prioritized plan in place.

**MOVED AND SECONDED:** To move an item not on the printed agenda.  
(Councilors Lowell & Soley) (7 Ayes).

**MOVED AND SECONDED:** That the Council receive this report from the committee, endorse the high priorities and T-21s (with the exception of the Pownal Road to Hunter Road) listed by the committee and instruct the committee to work with the new Town Engineer to develop specific plans for those roads listed as high priorities and T-21s (with the exception of the Pownal Road to Hunter Road via Town Property) and develop a plan that makes it possible for the Town to secure federal funds. (Councilors Lowell & Soley).

The Town Planner shared her views. Discussion followed on priorities and the T21s with the exception of the Pownal Road to Hunter Road.

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

Chair Stevens thanked the committee for all their work.

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ITEM #117-2002 To consider action relative to an Executive Session to discuss a personnel matter.

**MOVED AND SECONDED:** To table this item indefinitely and enter into a discussion item. (Councilors Arsenault & Campbell) (7 Ayes).

Jim Thomas advised that he submitted his letter of resignation effective July 5 to allow him to complete his doctorate. He will continue to provide some service this summer.

Mr. Olmstead noted that he has hired Mr. Thomas as a consultant to complete the re-val. He advised that Mr. Thomas has served the Town very well. Councilors concurred that he has done a great job and they are happy that he will be staying on for sometime.

COUNCIL MEETING #14-2002  
JUNE 11, 2002

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**ITEM #118-2002** To consider action relative to confirming the appointment of a Municipal Assessor for the Town of Freeport.

**BE IT ORDERED:** That the Town Manager's appointment of Robert Konczal as Municipal Assessor for the Town of Freeport be confirmed. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #119-2002** To consider action relative to an Executive Session to discuss real estate transactions specifically the possible acquisition of the Eastland Shoe property on Park Street.

**MOVED AND SECONDED:** That the Council enter into Executive Session with the Town Council to discuss real estate transactions, specifically the possible acquisition of the Eastland Shoe property on Park Street. (Councilors Stevens & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** That the Council reconvene. (Councilors Mann & Lowell) (7 Ayes)

**MOVED AND SECONDED:** To consider an item not on the printed agenda (Soley & Campbell) (7 Ayes).

**MOVED AND SECONDED:** To authorize the Town Manager to execute the Community Center agreement as amended that was hammered out in Executive Session. (Councilors Soley & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Mann).

**MOVED AND SECONDED:** That the Town of Freeport enter into an agreement with Malone Commercial Brokers to serve as our buying agent if we decide to make an offer. (Councilors Regier & Arsenault)

Chair Stevens noted that the broker's commission will be paid out of the total commission from the seller.

**ROLL CALL VOTE:** (5 Ayes (1 Recused—Soley) (1 Nay—Mann).

**MOVED AND SECONDED:** That the Town of Freeport enter into a confidential contract to purchase the Eastland Shoe property and that we authorize the Town Manager to execute this confidential agreement. (Councilors Regier & Arsenault)

Councilor Mann explained why he would be voting no on this issue. He fears the Town will be setting itself up to spend more money than it needs to. At this time there is no specific knowledge of what it will cost for renovations. Councilor Regier explained that the Council will be scheduling a public hearing most likely on July 2. There will be additional public participation in this project. Councilor Campbell wanted it clear that the public will have ample time to collect the necessary feasibility information.

**ROLL CALL VOTE:** (5 Ayes) (1 Recused—Soley) (1 Nay—Mann).

**MOVED AND SECONDED:** That a special meeting be held on July 2 for the purpose of consideration of the Town's purchase of the Eastland Shoe property assuming that there is a purchase and sale agreement. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (7 Ayes)

Councilor Campbell noted that the Council is asking that the public participate in a public opinion poll on July 10 following the public hearing to let them know their wishes in terms of this project going forward.

**OTHER BUSINESS:**

**Dog Ordinance**

Councilor Mann asked Councilors to look at this Ordinance in the next 5 days or so and get their changes to him. He is hoping to be able to set a public hearing at the next Council meeting.

**Discuss nominations to the MMA Legislative Policy Committee and Executive Committee.**

Chair Stevens is interested in the Executive Committee of the MMA but he is not sure he has a shot at it. He asked that his name be put in for both slots.

**MOVED AND SECONDED:** To move an item not on the printed agenda.  
(Councilors Soley & Arsenault) (7 Ayes).

**MOVED AND SECONDED:** That the Freeport Town Council supports Bob Stevens as its nominee for the Executive Committee and/or the Legislative Policy Committee of the MMA.  
(Councilors Soley & Arsenault) (7 Ayes).

**Signage**

Councilor Lowell asked if the Town is covered for signage to the harbor. Mr. Olmstead advised that there was a sign on Route One that was taken down for construction but it will be put back up. Councilor Lowell asked if there was someone these small business owners can go to appeal their sign needs and relieve their anxieties. Councilor Regier noted that there is no appeal process but there are designated areas for individual signs. Anyone can address signage questions to the Codes Enforcement Officer.

Councilor Soley asked the Town Manager to look at the process and see what happened with the kiosk signs. Mr. Olmstead mentioned that he has already dealt with this. Councilor Mann wants the citizens on the westerly side of Mallett Drive to be able to get reimbursement for their damaged signs. He wants it clear that they are eligible for reimbursement. It is the consensus of the Council that they will be reimbursed.

Councilor Campbell would like someone to collect information from the public if they are experiencing a drop in business if there is compelling evidence that it is due to the lack of a sign.

**Invitation from Habitat to Humanity for Wall Raising on June 12.**

Chair Stevens asked if anyone could be in attendance and Vice Chair Arsenault offered to attend.

**Air Applicator Letter**

Chair Stevens read a letter that the Town Manager received praising Johanna Hanselman for her work in the browntail moth municipal spray program from the Air Applicator. Mr. Olmstead noted that this letter is in Johanna's personnel file.

COUNCIL MEETING #14-2002  
JUNE 11, 2002

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Adjournment

**MOVED AND SECONDED:** To adjourn at 11:45 p.m. (Councilors Soley & Arsenault)  
(7 Ayes).

Respectfully Submitted,

*Sharon Coffin*

Sharon Coffin  
Council Secretary





## ACCEPTANCE OF TRUST


I, Thomas Edwards, of Freeport, Maine, certify that I am the current serving Principal of Freeport, Maine, High School, and in that capacity, and on behalf of myself and my successors as Principal, I accept the Trusteeship of the Christine Small Cushing Memorial Scholarship Trust, which was created in the Will of Leon C Cushing, late of Freeport, Maine (who died September 5, 2001), his said will being duly probated in the Cumberland County Probate Court.

I am familiar with all the terms of said Scholarship Trust as set forth in said will, (a copy of which provisions are attached hereto and made a part hereof as Schedule A) and I agree for myself and my successors as Principal that the fund provided in said will for said trust, namely \$100,000, and any future income of and additions to it, shall always be held, administered and distributed in accordance with the provisions of said trust as set forth in said will.

In witness whereof I have executed this Acceptance of Trust in my said capacities as Principal of said High School and as Trustee of said trust, this 13<sup>th</sup> day of April May 2002.

Witnessed by:



  
Thomas Edwards, Principal of Freeport,  
Maine, High School, and Trustee of the  
Christine Small Cushing Memorial  
Scholarship Trust

Acceptance of the above trust in accordance  
with its terms is officially approved by the Town of  
Freeport, Maine, School Board,

By: \_\_\_\_\_ May  
April 2002

BE IT REMEMBERED that I, Leon C Cushing, of Freeport in the County of Cumberland and State of Maine, being of sound and disposing mind and memory, but mindful of the uncertainty of this life, do make, publish and declare this, my Last Will and Testament, hereby revoking all wills and codicils previously made by me.

After the payment of my just debts, funeral charges, and expenses of administration, I dispose of my estate as follows:

FIRST: I am not unmindful of my son, Stephen D Cushing, but leave him nothing but my love and affection.

SECOND: I give and bequeath the sum of one hundred thousand dollars (\$100,000) to the principal of Freeport, Maine, High School, and his successors in office, IN TRUST NEVERTHELESS, upon the terms and conditions following:

- A. This trust is established in memory of my late wife, Christine Small Cushing, who, like me, and members of her family for several generations, have attended Freeport High School. This trust shall be named the CHRISTINE SMALL CUSHING MEMORIAL SCHOLARSHIP TRUST.
- B. The trustee shall always keep the principal of said trust safely invested, as a separate trust fund, not to be merged into any other scholarship or other trust fund, and the principal shall always be retained (and augmented) as set forth below.
- C. Each year the trustee shall expend ninety five percent (95%) of the income of said trust earned during the most recent year, as a scholarship grant or grants for the benefit of one or more members of the senior class of Freeport High School desirous of continuing his or her education in college or technical school, to help enable the recipient or recipients to achieve that goal.
- D. In awarding such scholarship grants, the trustee shall consider only students who have achieved a 2.5 grade average or better (or the then equivalent if some other grading system is in effect) in their most recent scholastic year, and who, in the opinion of the faculty of the school, are industrious and of good moral character. Students interested in pursuing careers in mathematics or science may be given some preference by the trustee. Financial need shall be considered by the trustee, but shall not be the dominant consideration in making a grant. The trustee, at his discretion, may award the entire 95% of income grant to one student, or divide it among more than one in any given year.
- E. Scholarship grants from this trust shall be made directly to the schools the recipients will attend, one-half of such grant to be made at the beginning of the scholastic year, and the remainder at midyear.
- F. The remaining 5% of income shall be retained each year, and added to the trust principal.

G. If in any year there are no qualified recipients, or if for any other reason the full amount of an award is not expended, all amounts so retained shall be added to the principal of the trust fund.

H. In the event that Freeport High School ever ceases to exist as a separate entity, the principal of the high school which all, or the largest percentage of Freeport residents attend, and his successors in office, shall thereafter become trustee, and the recipients shall be students of that school.

I. If at any time in the future no trustee is in being, upon application by any resident of the Town of Freeport, Maine, to the Judge of Probate for Cumberland County, the Judge shall have the power to modify the terms of the trust sufficiently to provide for an ongoing Trusteeship which will meet the basic terms of this trust, and to implement such modifications by appropriate court order.

J. No trustee shall ever be entitled to any compensation for carrying out his duties, but he shall be entitled to reimbursement of reasonable expenses. The Trustee shall always be bonded, the cost of such bond being specifically declared to be a reasonable expense of the trust.

After the creation of the above trust, I dispose of the remainder of my estate as follows:

THIRD: A. I give and bequeath the sum of five thousand dollars (\$5,000) to my niece, Carol Dyer, if she survives me.

B. I give and bequeath the sum of three thousand dollars (\$3,000) to my niece, Phyllis Panagakos, if she survives me.

FOURTH: If my friend Shirley Durgin survives me, I give and bequeath forty percent (40%) of said remainder of my estate to my granddaughter Sarah Moore, IN TRUST NEVERTHELESS for the benefit of said Shirley Durgin, as follows:

A. During the remainder of the life of said Shirley Durgin the trustee shall expend the net income of the trust to her, or for her benefit, at least quarterly.

B. In addition, if at any time the trustee, in her sole discretion, feels that said Shirley Durgin's assets and income are insufficient to provide for her reasonable care, comfort and support, the trustee may expend principal from the trust in such amounts as she feels necessary to achieve that standard.

C. The trustee shall be entitled to reasonable compensation from the trust for her performance of her duties as trustee.

I, LEON C CUSHING, the Testator, sign my name to this instrument this 17th day of September 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this as my Last Will and Testament, and that I sign it willingly, that I execute it as my free and voluntary act, and for the purposes therein expressed and that I am eighteen years of age, or older, and under no constraint or undue influence.

Leon C. Cushing  
LEON C CUSHING

We, Emily J. Brookway and Michael F. Blumore the witnesses, being first duly sworn, to hereby declare to the undersigned authority, that the Testator has signed and executed this instrument as his Last Will and Testament and that he signed it willingly, and that each of us, in the presence and hearing of the Testator and in the presence and hearing of each other, signs this Will as witness to the Testator's signing, and that to the best of our knowledge, the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Emily J. Brookway  
Michael F. Blumore

STATE OF MAINE  
CUMBERLAND SS

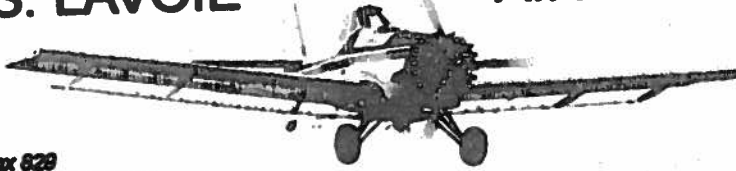
Subscribed, sworn to, and acknowledged before me by Leon C Cushing, the Testator and subscribed and sworn to before me by Emily J. Brookway and Michael F. Blumore, the witnesses, this 17th day of September 1999.

John D. Bradford  
Notary Public

My Comm.  
Expires May 4 2006

M. S. LAVOIE

AIR APPLICATOR



P. O. Box 829  
Presque Isle, ME 04769

(207) 784-8313  
(Fax) 784-8308

May 27, 2002

Mr. Dale C. Olmstead, Jr.  
Town Manager  
Town of Freeport  
Municipal Building  
Freeport, Maine 04032

*Dale*  
Dear Mr. Olmstead:

It was great to see you again!

We enjoyed working for the Town of Freeport this year and trust that the browntail moth control project met your and the Town's standards in terms of application, timing, and logistics.

Mike and I have been involved in municipal spray programs for several years now—working with representatives from several coastal towns and cities. Thanks to the help and professional guidance of Dick Bradbury from the Maine Forest Service, these programs have proven to be safe, efficient, and successful over the years.

However, I just had to write to let you know that working with Johanna Hanselman this year set a new standard. Johanna is truly the most organized, knowledgeable, and dedicated person we have ever worked with on any municipal control program—period. She knew her spray areas, proved extremely helpful logistically, and was both courteous and responsive to the people of Freeport—picking up walkers, warning bikers, and generally interacting with townspeople both in and out of the spray areas. Would you please pass this letter and our respect for Johanna along to the members of your Town Council?

Thank you again for your business. It was once again a pleasure to work for Freeport.

I look forward to our next visit.

Very truly yours,

*Dottie*

Dottie Hutchins  
Entomologist

cc: Johanna Hanselman  
Dick Bradbury

