

AGENDA
FREEPORT TOWN COUNCIL MEETING #21-2003
TOWN HALL COUNCIL CHAMBERS
NOVEMBER 18, 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 Special Meeting #20-2003 held on November 3, 2003 and accept the Minutes as printed.

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 4, 2003 election.

MOTION: That the Town Clerk's Report be accepted.

SWEARING IN OF NEW COUNCILORS

ROLL CALL OF NEW MEMBERS:

John Arsenault
Rod Regier
Charlotte Bishop
Rich DeGrandpre
Frederick White
Thomas Rumpf
James Cassida

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

**COUNCIL MEETING #21-2003
NOVEMBER 18, 2003**

ITEM #158-2003 To consider action relative to the electing of a chairperson and a vice-chairperson for the Town Council.

MOTION: That the nominations for the position of Council Chairperson be accepted.

MOTION: That the nominations cease.

NOTE: Voting.

BE IT ORDERED: That _____ be elected Chairperson of the Town Council.

MOTION: That the nominations for the position of Council Chairperson be accepted.

MOTION: That the nominations cease.

NOTE: Voting.

BE IT ORDERED: That _____ be elected Vice Chairperson of the Town Council.

**PRESENTATIONS AND COMMENTS FROM THE COUNCIL TO OUTGOING
COUNCIL LEADERSHIP.**

ITEM #159-2003 To consider action relative to proposed amendments to the Zoning Ordinance Concerning the Definition of a School (Chapter 21). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance Concerning the Definition of a School be approved.

ITEM #160-2003 To consider action relative to a proposed amendment to the Freeport Zoning Map expanding the Resource Protection II District in the area of the Webster Road Well. (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendment to the Freeport Zoning Map expanding the Resource Protection II District in the area of the Webster Road well be approved.

**COUNCIL MEETING #21-2003
NOVEMBER 18, 2003**

ITEM #161-2003 To consider action relative to an amendment to the Gould Fund Policy Guidelines concerning grant amounts.

BE IT ORDERED: That the proposed amendment to the Arthur L. Gould Medical Trust Fund Policy Guidelines for grants dated November 18, 2003 be approved.

ITEM #162-2003 To consider action relative to the closure of Grove Street from January 15 to 19 for the 2004 Maine Snow and Ice Follies Event.

BE IT ORDERED: That the request by Freeport Merchants Association to close Grove Street be approved.

BE IT FURTHER ORDERED: That the Public Works Department be authorized to assist with the effort by building and removing the huge run and removing ice carvings if time permits.

ITEM #163-2003 To consider action relative to a hardship application concerning properties acquired by the Town as a result of Municipal Tax Liens (Tax Map BC Lot 030 and Tax Map BC Lot 031).

MOTION: That the Municipal Facilities Committee provide their report and recommendation to the Town Council.

BE IT ORDERED: That the recommendation of the Municipal Facilities Committee be approved.

NOTE: This item might result in an Executive Session.

OTHER BUSINESS:

1. Discussion of letter from Attorney Scully dated October 30, 2003 and Suscom's offer to define driveways vs. private roads.
2. Distribution of packets concerning Council goals and Committee assignments for the coming year and consider topics and dates for Town Council workshops.
3. Informational exchange.

Adjourn.



Clerk

**FREEPORT TOWN COUNCIL MEETING #21-2003
TOWN HALL COUNCIL CHAMBERS
NOVEMBER 18, 2003 – 7:00 P.M.**

CHAIRPERSON'S CALL TO ORDER

PRESENT

ABSENT

EXCUSED

| | | | |
|---|---|--|--|
| John Arsenault, Prout Road | x | | |
| 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 | | |

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Special Meeting #20-2003 held on November 3, 2003 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Special Meeting #20-2003 held on November 3, 2003 and accept the Minutes as Printed. (DeGrandpre & Regier) **ROLL CALL VOTE:** (7 Ayes).

MOVED AND SECONDED: To move an item not on the printed agenda. (DeGrandpre & Bishop) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To open the public comment period for non-agenda items. (Regier & Bishop) **VOTE:** (7 Ayes).

Elizabeth Newts thanked the Council for its generosity in providing \$150 so that she could attend a National Youth Leadership Forum on Defense, Intelligence and Diplomacy in Washington, D.C. She provided an essay to the Council and answered questions. She offered to provide pictures.

MOVED AND SECONDED: To close the public comment period. (Regier & Bishop) **VOTE:** (7 Ayes).

ANNOUNCEMENT:

Chair Arsenault pointed out that the Mast Landing Property Committee will meet tomorrow night at the Library at 6:30 p.m.

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 4, 2003 election.

Bev Curry reported that on November 4th 60% of voters turned out and voted. There were 3,621 ballots cast. 143 new voters registered on Election Day. 365 voters cast absentee ballots. On the Cumberland County Charter Commission, it failed to pass in Freeport and in Cumberland County. On the State Tax issue for public education—1A and 1B tied with 1,157 votes each. 1C won with 1,191 votes. Freeport voters rejected the Racino question with 1,518 yes votes and 2,070 no votes. Freeport voters opposed the Casino question 3-1. 839 voted yes but 2,760 voters voted no. For the Bond question supporting water pollution issues—1,966 Freeport voters voted yes and 1,492 voted no. On the University of Maine improvements—1,649 voted yes and 1,805 voted no. On the bond issue supporting transportation improvements—2,063 voted yes, 1,401 voted no. Voters elected the following local candidates: District 4 Councilor—James Cassida with 742 votes, Councilor-At-Large—Charlotte Bishop with 2,874 votes. The School Committee Seats for 3-year terms went to Christopher Leighton, John Gleason and Martin Robles. The Sewer District Trustees elected were Donald Bail, Leon Arsenault and Paul Dunn. The one-year Sewer District seat went to F. Donald Dorsey. Edward Bonney received the most write-in votes for the Water District seat. He accepted the position.

Mrs. Curry thanked everyone who helped on Election Day.

Mrs. Curry explained that the United States Government called and requested that she go to Russia to observe Parliamentary Elections in December. She will be one of 30 U.S. members on a team observing the Parliamentary Elections. She noted that it will be very exciting to participate and that Democracy is in trouble in Russia.

MOVED AND SECONDED: That the Town Clerk's Report be accepted. (Regier & DeGrandpre) **VOTE:** (7 Ayes).

SWEARING IN OF NEW COUNCILORS

Mrs. Curry swore in Councilors Bishop and Cassida.

ROLL CALL OF NEW MEMBERS:

John Arsenault
Rod Regier
Charlotte Bishop
Rich DeGrandpre
Frederick White
Thomas Rumpf
James Cassida

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

ITEM #158-2003 To consider action relative to the electing of a chairperson and a vice-chairperson for the Town Council.

MOVED AND SECONDED: That the nominations for the position of Council Chairperson be accepted. (White & Rumpf) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To nominate Rod Regier as Chair. (Arsenault & DeGrandpre)

MOVED AND SECONDED: That the nominations cease. (White & Cassida). **VOTE:** (7 Ayes).

BE IT ORDERED: That Rod Regier be elected Chairperson of the Town Council. (White & Rumpf) **ROLL CALL VOTE:** (7 Ayes).

Chair Arsenault turned the gavel over to newly elected Chair Regier.

MOVED AND SECONDED: That the nominations for the position of Council Vice Chairperson be accepted. (Arsenault & DeGrandpre) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To nominate Tom Rumpf as Vice Chair. (Arsenault & DeGrandpre)

MOVED AND SECONDED: That the nominations cease. (Arsenault & DeGrandpre) **VOTE:** (7 Ayes).

BE IT ORDERED: That Tom Rumpf be elected Vice Chairperson of the Town Council. (Arsenault & Cassida) **ROLL CALL VOTE:** (7 Ayes).

PRESENTATIONS AND COMMENTS FROM THE COUNCIL TO OUTGOING COUNCIL LEADERSHIP.

Chair Regier presented a ship's clock to John Arsenault for his dedication and hard work over the last four years. He thanked Councilor Arsenault for his leadership. Councilor Rumpf pointed out how impressed he is with Councilor Arsenault's interest in Town Government and how he has taken advantage of many training opportunities. He presented Councilor Arsenault with a box of golf balls in the event he finds time to pursue some of his other interests. Councilor DeGrandpre noted that he has served with Councilor Arsenault on Regionalization and thanked him for all his efforts. Councilor Arsenault mentioned how much he enjoyed serving as Chair and thanked his Vice Chair Regier for the countless hours he has spent working on Town business. Councilor Arsenault also recognized the Town employees who serve as the fabric that makes this Town run and are dedicated to their jobs. He thanked the department heads for their help in the budget process this year as well as Mr. Olmstead. He looks forward to serving the balance of his term.

Chair Regier noted that he was recently in Washington, D.C and had an occasion to visit the National Archives and reviewed the Bill of Rights which he did not recognize. He explained the reasons he did not recognize them.

ITEM #159-2003 To consider action relative to proposed amendments to the Zoning Ordinance Concerning the Definition of a School (Chapter 21). (Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (DeGrandpre & Rumpf) **VOTE:** (7 Ayes).

Town Planner, Donna Larson, explained that the Planning Board looked at the definition of a school and where schools are allowed at the Council's request. They came up with three definitions that are allowed in different locations. In all locations, applicants would have to go through site plan review. Discussion followed.

MOVED AND SECONDED: To amend the proposed changes in the Zoning Ordinance concerning the definitions of a school, specifically to amend the last sentence under Commercial School to read as follows: Retail sales of items related to the school are allowed as an accessory use to the commercial school. (Rumpf & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes).

Charles Swanson of Wolfe Neck congratulated the newly elected Councilors. He represents 15 families in his neighborhood and explained what situation brought these changes forward. He noted that on June 12, 2002 the Coastal Waters Commission approved a 100' dock in his neighborhood. He recommends that the Council strike the section on Outdoor Recreation School from the new Zoning Ordinance. He answered questions for Councilors.

Joel Nickless, Wolfe Neck Road resident, shared a number of Mr. Swanson's comments. It's been a progressing exercise in frustration. He explained the \$12 Walk-on Lessons offered by a corporation that take place in his neighborhood and the impact that is felt by the area's residents. He also mentioned the seaside walks that are taking place in Wolfe Neck Woods. Ms. Larson pointed out that the Planning Board only gave conditional approval for this past season. During the process the Flying Point property was purchased. At this point there is no approval for next season. Discussion followed. Councilor White advised that he would not be voting on this issue since he is employed by L.L. Bean. There was consensus that the Planning Board did a fine job in defining schools. Councilor Rumpf is amazed that there is little direction given to the program participants concerning the fact that they are surrounded by private property and recommended that the Town Planner write to Richard Patenaude of the University suggesting that they do a better job of providing information on where the University's boundaries are in this area. A copy could also be provided to the CEO.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Bishop) **VOTE:** (7 Ayes).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance concerning the Definition of a School be approved. (DeGrandpre & Rumpf) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention—White).

ITEM #160-2003 To consider action relative to a proposed amendment to the Freeport Zoning Map expanding the Resource Protection II District in the area of the Webster Road Well. (Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (Arsenault & DeGrandpre) **VOTE:** (7 Ayes).

Donna Larson explained that this came about as a result of the monitoring done by Consumers Maine Water when they were considering adding a second well out on Webster Road. An extensive pump test was done and the data collected gave the company new data on how ground water moves in that area. They brought the data to the Town and requested that the RP-II District be amended to reflect what the new data was showing. Rick Knowlton was in attendance and answered questions for Councilors. Discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Rumpf) **VOTE:** (7 Ayes).

BE IT ORDERED: That the proposed amendment to the Freeport Zoning Map expanding the Resource Protection II District in the area of the Webster Road well be approved. (Arsenault & Cassida)

MOVED AND SECONDED: To amend the motion to include a USGS map with all their current USGS coordinants and boundaries as identified. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes).

ITEM #161-2003 To consider action relative to an amendment to the Gould Fund Policy Guidelines concerning grant amounts.

BE IT ORDERED: That the proposed amendment to the Arthur L. Gould Medical Trust Fund Policy Guidelines for grants dated November 18, 2003 be approved. (Arsenault & Cassida)

Mr. Olmstead noted that the motion should be amended to read "for grant applications dated later than November 18, 2003.

MOVED AND SECONDED: To amend the motion to read: **BE IT ORDERED:** that the proposed amendment to the Arthur L. Gould Medical Trust Fund Policy Guidelines for grant applications dated later than November 18, 2003 be approved. (DeGrandpre & Rumpf) **VOTE:** (7 Ayes)

Johanna Hanselman explained that this trust fund was established back in 1968 and a policy was established. There is a balance of unexpended income of more than \$11,000 but over the past few years there has been a decrease in the annual earned income on this fund. She and the Finance Director reviewed the will with the Town Attorney and his interpretation was that the Town would not be running contrary to the will if it used some of the expended monies to offset these lean interest years to continue to provide reasonable funds to people until interest rates increase. She read the proposed amendment into the record. She answered questions for Councilors.

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes).

ITEM #162-2003 To consider action relative to the closure of Grove Street from January 15 to 19 for the 2004 Maine Snow and Ice Follies Event.

BE IT ORDERED: That the request by Freeport Merchants Association to close Grove Street be approved.

BE IT FURTHER ORDERED: That the Public Works Department be authorized to assist with the effort by building and removing the luge run and removing ice carvings if time permits. (White & Arsenault).

Mr. Olmstead explained that there is a significant cost to the Town in participating in the building of the luge run and removing it. There have been complaints about closing the streets for a luge run. The Public Works Department may not get it in as timely as the merchants would like and they may not get it removed because of working around snowstorms to keep roads passable. Jim Plummer has advised that a larger bulldozer is needed and the cost should be borne by the merchants. The Town will provide labor, gas, etc. FMMA is fully aware that if it snows, the Town will not be participating. They need to be prepared to bring in private equipment if the Town is unable to participate.

MOVED AND SECONDED: If there is equipment that the Town does not have and needs to be rented or leased, the cost will be the responsibility of the Merchants Association. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

MOVED AND SECONDED: To amend the closing of Grove Street to include closure of Depot Street for the dates of operation only. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

Councilor White noted that the Town is spending \$4,500 to set up a luge run but has concerns about spending \$2,000 for Christmas decorations.

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes).

ITEM #163-2003 To consider action relative to a hardship application concerning properties acquired by the Town as a result of Municipal Tax Liens (Tax Map BC Lot 030 and Tax Map BC Lot 031).

MOVED AND SECONDED: That the Municipal Facilities Committee provide their report and recommendation to the Town Council. (Bishop & Rumpf) **VOTE:** (7 Ayes).

Councilor DeGrandpre reported that the committee met with Mr. And Mrs. Shields and was provided confidential information that demonstrated hardship. The committee accepted their application for hardship. They will be expected to pay \$11,082.78 as the repurchase price and the Town will provide them with a quit claim deed.

BE IT ORDERED: That the recommendation of the Municipal Facilities Committee be approved. (Bishop & Cassida) **ROLL CALL VOTE:** (7 Ayes).

OTHER BUSINESS:

1. Discussion of letter from Attorney Scully dated October 30, 2003 and Suscom's offer to define driveways vs. private roads.

Councilor White explained that the Council has a letter from Attorney Scully that speaks to the Ridge Road question. Suscom will cover the first 300 feet on a driveway and beyond that it is the homeowner's responsibility to bear the burden of the remaining cost. In this situation, whether or not the Ridge Road is a private road or driveway and at what point it becomes a driveway is not clear. This has been a topic of discussion for sometime. Discussion followed. Councilor Arsenault advised that he does not believe the Town should bear the cost of proving it is something other than a driveway. It is the responsibility of the landowner. John Goran of the Cable Board shared his views. Discussion followed. Mr. Olmstead mentioned that he has a different angle to pursue but did not give any specifics.

Chair Regier pointed out that the Edsons can go forward at their own cost and it is certainly their option.

2. Distribution of packets concerning Council goals and Committee assignments for the coming year and consider topics and dates for Town Council workshops.

Chair Regier pointed out that there is a December 5 deadline for Council goals and committee assignment. They should be submitted to Kelly Profenno at the Town Office. He and Vice Chair Rumpf will process them. Councilor Cassida asked if committee assignments will change much because he would like to learn different things. Chair Regier instructed him to write down his choices. Everyone will have to trust his judgment as well as Vice Chair Rumpf's. If there is some heartfelt request for change, they should be notified.

Chair Regier advised that MMA is having an elected official workshop in early December and the Town will pay the admission fee. They are intensive and valuable sessions.

Chair Regier noted that the Council had a workshop with the Town Attorney early this year and he got the sense it was valuable. It is part of the contract with the Town's Attorney so there is no specific charge for it. He asked if Councilors are interested in repeating this in '04 if both workshops have already been held in '03. There was consensus that the Council would like to schedule a workshop with the Town Attorney. Mr. Olmstead will check and see if both have been held. If not, he will schedule one quickly in December.

Mr. Olmstead noted that in reviewing the Council's Workshop Schedule, he doesn't have it ready. He will put it in the December 2 Council packet and have it appear as an agenda item to review and approve.

Chair Regier noted the long need to review fiscal policies and he would like to schedule a workshop with the Financial Director on this matter. Also sadly lacking has been the routine meetings with the various Boards and Committees in Town. Sometimes it is very important to ensure that there is mutual contact and a sense of direction is maintained. He is hoping to get these scheduled in the Council's workshop schedule fairly early.

3. Informational Exchange

Vice Chair Rumpf advised that the Town's application for an Access and Improvement Grant from Land for Maine's Future was approved today for Florida Lake to build a kiosk and make improvements.

Soule School—Councilor DeGrandpre advised that the Municipal Facilities Committee spent some time talking about where we are going to move on. Larry Welsher brought three diagrams for the back portion of the Soule School. If anyone wants to take a look at them, Johanna Hanselman has them. The Committee should meet again to pull this together. Mr. Olmstead advised that technically we do not have a committee yet and that no costs were provided by Mr. Welsher. Chair Regier noted the incentive to get the committee assignments in early. Councilor

COUNCIL MEETING #21-2003
NOVEMBER 18, 2003

DeGrandpre explained that the estimate to replace Soule School with a slightly smaller building was \$425,000 and that is the only estimate Mr. Welsher provided. Basically we are dealing only with concepts at this time. It is unclear whether there should be housing or whether it should remain wooded.

Councilor Bishop mentioned that the front page of the newspaper explained that the National Guard will not be able to help with the running track. Mr. Olmstead noted that he received a call from the National Guard on November 5 accepting the project. On November 6 they were called to Iraq. When they return in 12-18 months, they will begin a new round of applications and we have every indication that they would do the project at that time. The question is can we wait another 18 months to get assistance from the National Guard. The \$50,000 grant from the State would most likely lapse by then. However, he thinks there are some things that we can do to get started on the project and expend those funds. There is a large area to be cleared. Councilor Arsenault spoke to Joan Samuelson and she advised that Nike will hold the money for a year or two. The Public Works Dept. can do this but they would sacrifice other projects. If Public Works is considered, Chair Regier advised that there would have to be a full Council discussion about it.

Chair Regier advised that the Land and Water Conservation Grant is contingent upon the National Guard guaranteeing participation. Councilor Rumpf mentioned that this does not affect the grant from the Land for Maine's Future. It is still active.

Councilor DeGrandpre attended a Regionalization meeting last night and talked about the Coastal Corridor. It was an interesting meeting and Val Halla provided a nice meal. Mr. Olmstead advised that this is the third or fourth meal that has been provided for the Regionalization Committee. Freeport is the only community yet to host a dinner and eventually it will catch up to us. They agreed to meet in three months and the pressure may be on for Freeport to step up to the plate.

Adjournment.

MOVED AND SECONDED: To adjourn at 10:10 (Bishop & Arsenault)
VOTE: (7 Ayes).

Respectfully Submitted,


Sharon Coffin
Council Secretary

National Youth Leadership Forum on Defense, Intelligence and Diplomacy

By. Beth Neuts

The National Youth Leadership Forum was started in the early 90's to give high school students the opportunity to see different aspects of a certain career that they may be interested in pursuing once out of college. Since it's start this program has taken thousands of students and given them an intense 6 days away from home where they can learn if this is something they would really like to do with their lives. There are many different forums including Law, Medicine, and Technology.

From November 4th - 9th I was given the opportunity to go and have the experience of a lifetime in Washington DC through this program. When I first got there I met with my group of 21 other people from all across the US. I also got to meet my Faculty Advisor Brad Ikard, Brad is an ex-Marine and also has a Ph.D. in History. He treated us as though we were college students. He didn't baby us, asking if we had done our reading, he expected us to do it and since we all had the highest respect for this man we did our work. He rarely talked because he wanted us to work everything out for ourselves and after every group meeting he would tell us how proud he was because out of all the groups he had had so far we were the most on task and knew what we were talking about.

However this experience was not only about meeting students with similar interests, it was also about meeting people who actually worked in our field of interest. We had guest speakers who worked directly for Donald Rumsfeld or Colin Powell, this was very exciting to me because that meant that these top officials felt it was important enough to let these people come and talk to us during a work day. It showed me that this program really did have merit.

Since its start in 1992 the Forum on Defense, Intelligence and Diplomacy has given its students a hands on look at our government through the activities students take advantage of during their 6 days. One of these activities is the Simulation that takes place on our last two days at the Forum. Our Simulation was a mock crisis between Panama and Columbia involving the Darien Region of Panama. In this simulation you are broken up in the 4 major cluster groups, Executive, Defense, Diplomatic and Press. I was in the Diplomatic cluster, my role in the Simulation was the Assistant Secretary of State in the Western Hemisphere Affairs, this basically meant that I was the liaison between the US government and the governments of Panama and Colombia.

From this you begin speaking with other members in your group as to what they know about the crisis. Then every 10 minutes someone in your group is given an "inject" a piece of information that changes something about the crisis, such as there are now US hostages, or they have SAM (Surface Air Missiles). From this you have to go to other cluster groups and find out what they know, at the end of the 2 hours you go and speak to the "President" of your group and he decides what the final call is. The next day a President from another group comes in and you act like the press and try and pick apart his foreign policy ideas. This part of the Simulation is a lot of fun because you get to pull apart another group's idea. The simulation was a great use of time because it gave us an idea of what a job in the government might be like if there were a crisis.

My experience in Washington was something I will never forget, we did so many amazing things, such as going to the German Embassy to discuss foreign policy, and going

to the State Department to learn about our diplomatic ties to Panama region. However, it wasn't only about all the academic opportunities, I also had the opportunity to meet kids from all over the US, and not everyone had the same views as myself. With all the different opinions, we learned how to disagree respectfully and that you can still be great friends even if you don't have the same political views. The kids from my group are people that I will stay in contact with for the rest of my life, in 6 short days we became a family, these are some of the nicest people I have ever met. In my time there I learned many important things, not only about our government and foreign policy, but also about making friends and how to work in a group setting when you really don't know anyone. I feel that this Forum was a great opportunity for me to learn a lot about myself and my future career.

Overall this experience could not have been any better, I am so fortunate to have had the opportunity to attend this Forum. I am now a delegate for the program which means, among others things, I can nominate other motivated students for this Forum. Hopefully in the next few years you will be receiving more reports like this!

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



Office of the Town Clerk

REPORT OF THE TOWN CLERK NOVEMBER 4, 2003 State, County & Municipal Election

TOTAL NUMBER OF REGISTERED VOTERS AT THE START OF VOTING – 5887

NUMBER OF VOTERS WHO REGISTERED ON ELECTION DAY - 143

TOTAL NUMBER OF MUNICIPAL BALLOTS CAST – 3621

TOTAL PERCENTAGE OF VOTERS WHO CAST BALLOTS – 60%

NUMBER OF ABSENTEE BALLOTS REQUESTED – 365 – 10% of votes cast

Review of results

The Cumberland County ballot question to create a County Charter Commission failed to pass both in Freeport and all of Cumberland County.

Freeport voters cast the following votes on the State Referendum questions:

Question 1(State tax support of public education)

1A: 1157

1B: 1157

1C: 1191

Question 2 (Slot Machines): Yes – 1518 No – 2070

Question 3 (Casino): Yes – 839 No – 2760

Question 4 (Bond issue supporting water pollution issues): Yes – 1966 No – 1492

Question 5 (Bond issue supporting improvements at Univ. of Maine system):

Yes – 1649 No – 1805

Question 6 (Bond issue supporting transportation improvements):

Yes – 2063 No – 1401

Voters elected the following local candidates:

District 4 Councilor – 3 year term: James Cassida - 742 votes

Councilor-at-Large-3 year term: Charlotte Bishop - 2,874 votes

School Committee -3 year terms:

Christopher Leighton - 2,514 votes

John Gleason - 2,395 votes

Martin Robles - 2,290 votes

Sewer District Trustees - 3 year terms:

Donald Bail - 2,273 votes

Leon Arsenault - 2,484 votes

Paul Dunn - 2,272 votes

Sewer District Trustee - 1 year term:

F. Donald Dorsey - 2,845 votes

Water District Trustee - 3 year term:

Write-in candidate-Edward Bonney - 12 votes

Many thanks to Deputy Clerk, Joan Edwards, Deputy Registrars Vicki Lowe and Betty Bonny, Warden Rick Simard, Deputy Wardens Melanie Ferrucci and Steve McPheters and the faithful crew of election workers, without whom the election could not have happened.

Respectfully submitted,



**Beverly Curry
Town Clerk**

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



October 3, 2003

TO: Dale Olmstead, Town Manager
FROM: Donna Larson, Town Planner
RE: Definition of the School

At their October 1, 2003 meeting, the Planning Board recommended that the Town Council, amend the definition of "school" in the Zoning Ordinance and the Districts in which the schools would be allowed (details are listed below).

This recommendation was a difficult decision for some of the Board members, and as such additional standards for schools may be recommended by the Board in the future.

Recommended by the Planning Board on 10/01/03:

1. *Delete the existing definition of "School":*
2. *Add the definitions of "Public or Private School", "Commercial School", and "Outdoor Recreation School" to the Districts indicated for each type of school*

Public or Private School – A building or buildings and its associated grounds which is principally used to conduct educational classes including public and private elementary and secondary schools and nursery schools, including post-secondary schools, but not including Commercial Schools.

Allowed as a permitted use, subject to site plan review in: RR-I, RR-II, RR-IA, MDR-I, MDR-II, MD-A, MD-B, V-I, V-II, C-I, C-II, C-III, C-IV, VC-I, VC-II, VC-III, VC-IV, LB, I-I, I-II

Commercial School – A building or buildings which is principally used to conduct commercial educational classes including, but not limited to trade schools, schools of art, beauty, business, dancing, driving, music, martial arts, but not including private nursery, elementary or secondary schools. Retail sales of items related to the school area as an accessory use to the commercial school.

Allowed as a permitted use, subject to site plan review in: V-I, V-II, VC-I, VC-II, VC-III, VC-IV C-I, C-II, C-III, C-IV, MD-A, MD-B, VC-I, LB, I-I, I-II

Outdoor Recreation School – A building or buildings and/or associated grounds which is principally used for providing instruction in outdoor recreational activities and sports, including the use of non-motorized outdoor recreation products. The term Outdoor Recreation School shall not include any outdoor use of motorized recreational products such as personal watercraft (as defined

in 12 M.S.R.A. section 7791). An Outdoor Recreation School may not engage in retail sales on the premises of the recreation school unless Retail Trade is a permitted use in the zoning district where the outdoor recreation school is located.

Allowed as a permitted use, subject to site plan review in: RR-I, RR-II, RR-IA, RP-II, MDR-I, MDR-II, MD-A, MD-B, V-I, V-II, C-I, C-II, C-III, C-IV, VC-I, VC-II, VC-III, VC-IV, LB, I-I, I-II

Allowed as a permitted use, subject to Site Plan Review provided the lot on which the Outdoor Recreation School is located is at least twice the minimum lot size in the District and that the gross floor area of any building or the total gross square footage of buildings on any parcel shall not exceed 5,000 sq. ft.: RR-1, RR-2, RP-2, MD-A, MD-B, MDR-I, and MDR-II.

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



Dale C. Olmstead, Jr.
Town Manager

TO: Dale Olmstead, Town Manager
FROM: Donna Larson, Town Planner
RE: RP-II Zoning Map Amendment
DATE: October 3, 2003

At their October 1, 2003, the Planning Board voted to recommendation that the Town Council amend the Official Zoning Map with regard to the Resource Protection II District in the area of the Webster Road well. The request for the zoning amendment was initiated by Consumer's Maine Water Company (CMWC).

The proposal expands the existing boundaries of the RP-II District to include the area determined by CMWC to be the 2500-day travel time zone (the area needed to protect the water source from chronic contaminates; and the area recommended by the State of Maine). The attached map shows the existing and proposed Districts. The Board agreed to expand the existing District rather than eliminating the existing district and adopting the new 2500-day travel time zone as it was a more conservative approach and provided more protection for the water resource. As new information about the well is generated, the boundaries could be altered; however, the proposal is based upon the best information available at this time.

As part of their proposal, CMWC has also agreed to conduct an educational program for residents in the RP-II Zone. The State Drinking Water Program is developing educational materials and the Planning Department will work with CMWC in distributing these materials when they become available.

The recommendation is as follows:

Be it ordered that the Planning Board recommend to the Town Council, a zoning map amendment for the Resource Protection II zoning boundaries in the area surrounding the Webster Road Well, as shown as the "Combined existing and proposed RP-II" district, as shown on a map dated September 17, 2003, in that the revised boundary of the Resource Protection II District is consistent with the Freeport Comprehensive Plan Section V, page 21 regarding Aquifers and Section VII, page 1, regarding Policies, Goals, and Implementation Strategies of Natural Resources, in that more precise information has been developed by Consumers Maine Water Company to determine the more appropriate boundaries of the District, and that Consumers Maine Water Company has agreed to an education program for residents in the Resource Protection II District.

proposed RP-II



existing RP-II



November 18, 2003

TOWN OF FREEPORT

MEMO

MEMO TO: Dale C. Olmstead Jr., Town Manager
FROM: Greg L'Heureux, Finance Director
Johanna Hanselman, General Assistance Director
SUBJECT: Arthur L. Gould Medical Trust Fund – Amendment request for Financial Limits of Grant
DATE: October 23, 2003

The issuing of grants through the Arthur L. Gould Medical Trust Fund for a single year to a single applicant is currently limited to five percent (5%) per annum of the total income earned on Fund principal during the previous fiscal year of the Town of Freeport, with a maximum grant of \$250 per quarter per single applicant. With the significant decline in interest rates, the income generated from this fund has decreased almost 60% over the past three years. If grants continue to be administered within these guidelines, the quarterly grant would need to be reduced to \$43.75 per quarter. Given the increasing costs of prescriptions and medical treatment, this poses an incredible hardship on those who rely on this Fund.

Arthur L. Grant's Will reads as follows:

"... said trust assets shall be paid over, delivered, transferred and conveyed, free and clear of all trusts and coalitions, to the Inhabitants of the Town of Freeport, to be safely invested by said Town, and the income therefrom annually to be used by the Municipal Officers of said Town for the use of the indigent sick, residents of said Town, for medical attention and hospitalization."

In the past there have been years in which the interest income has not been used in entirety, resulting in an unexpended income of \$11,067 as of the end of FY03. In reviewing the will document with the Town Attorney, it does not appear that using these unexpended funds would run contrary to the intent of Dr. Gould's will. We would not deplete these unexpended funds entirely but would like to have a portion of these funds available during these low interest times to continue to assist those in need at reasonable levels. Attached you will find proposed changes to the current policy which we would like the Town Council to consider.

**Arthur L. Gould Medical Trust Fund
Policy Guidelines for Grants
Proposed Amendment**

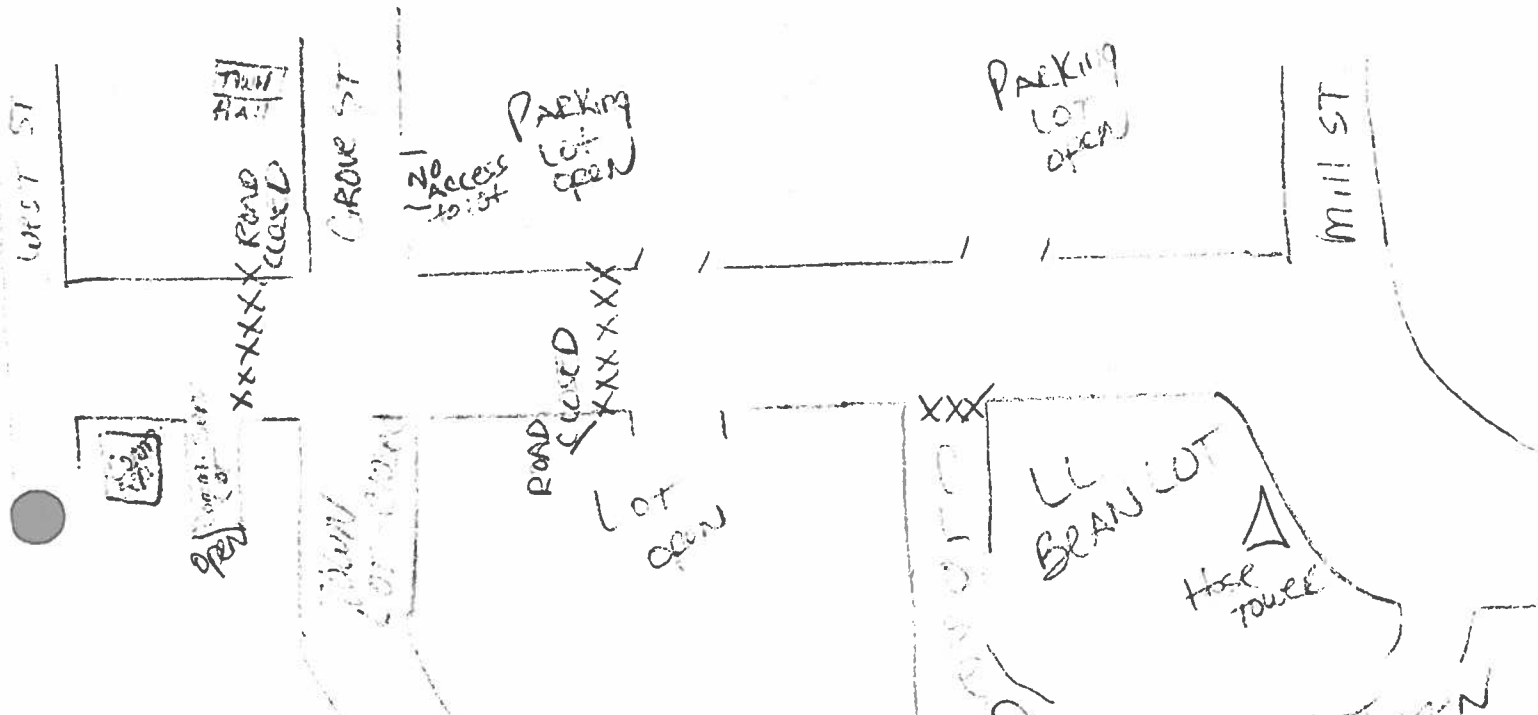
1.5 Financial Limits of Grant

~~Grants made for a single year to a single applicant from the Arthur L. Gould Fund shall be limited to five percent (5%) per annum of the total income earned on Fund principal during the previous fiscal year of the Town of Freeport.~~

Grants made for a single year to a single applicant from the Arthur L. Gould Fund shall be determined annually based upon the anticipated number of applicants and the estimated income anticipated to be earned for the year and no more than 33% of any carry forward of unexpended income from prior years. Such single applicant limits will be calculated each October by the Finance Director and General Assistance Director and approved by the Town Manager.

Using the proposed guidelines, we would recommend that each individual receiving assistance would be allowed a maximum of \$125 per quarter beginning December 1, 2003.

1. To receive permission to close Grove Street to vehicular traffic during the period of January 15 - January 19 (to open by noon on the 19th). Along with this closure, we are requesting Depot Street to be closed as shown below, during the same time frame. We have worked diligently to keep as much of Depot Street open as possible. With this, we will need permission also to close down the parking lot directly below Grove Street (see below). The need for parking this time of year, in this location, is almost nonexistent.



The parking lot directly beside Community Services would be able to be open as needed. Paul Kelley (owner of the house at the other side of the luge run) has also given us permission to close down the road as listed. His tenant will still be able to use the driveway to the house.

2. We are also asking permission for Public Works to build the luge run, as they have done in the past. This project could not be pulled off without their help. In years past, they have been able to work on the "run" the Thursday before the event and into Friday morning (January 15 and 16th). And, they have been invaluable in removing the snow quickly and efficiently on the Monday after the event (January 19th).

- a. After the event is over (the ice carvings on Main Street stay up for a couple of weeks), we would ask that Public Works help us clear the ice carvings off Main Street (sometime the week of January 26th)

As you know, this one event draws many hundreds of people to Freeport during a very slow time of year. As a matter of fact, the majority of the attendees are Freeport residents. It's a great time for our local patrons to enjoy downtown Freeport and beyond.

Each year, we are asked to make sure that all abutters are okay with the road closing. This being the case, the town hall is one abutter and the Bowe Building is the other. We have spoken with Bob Bowe (owner) and he is more than happy to accommodate this great town event. He has offered to send a note to you, should one be required.

We look forward to another successful year of bringing the community together for a really fun, family event.

Please let me know what other information you may need to make this request a reality, as we are beginning to market this huge event, and look forward to the Town's "ok" asap.

Sincerely,

Catherine Glover
Executive Director

CG/mw

TOWN OF FREEPORT

Public Works Department
(207) 865-4461
FAX (207) 865-0244



James Plummer
Director

September 8, 2003

MEMO

To: Dale Olmstead, Town Manager
From: Jim Plummer, DPW Director

Subject: Freeport Winterfest

The estimated cost for building the luge run, and removing the snow after the event is over Will cost the town an estimated \$5750.00, for equipment and manpower. Labor \$2000.00, Equipment rental \$1200.00 for large bulldozer, and town equipment \$2550.00 Council must be aware that if we have snow conditions during this time period that we will Be plowing our streets, or salt and sanding the streets, and we will be unable to participate in building the luge run. My estimated cost is at straight time pay and no overtime is calculated.

I would recommend that the merchants association plan on finding some one else to participate in This event, and that the Public works department could help if weather conditions permit.

Cc: File

Bernstein, Shur, Sawyer & Nelson, P.A.

Counselors at Law

100 Middle Street, West Tower, P.O. Box 9729, Portland, Maine 04104-5029
207-774-1200 Fax 207-774-1127
Internet: bssn.com

Direct Line: (207) 228-7201
E-Mail: pscully@bssn.com

October 30, 2003

Via Facsimile & First-Class Mail

Dale C. Olmstead, Jr., Town Manager
Town of Freeport
Main Street
Freeport, ME 04032

Re: Ridge Road Question

Dear Dale:

I am writing in response to your request regarding the dispute with Suscom over its obligation to extend cable service the length of Ridge Road in order to provide service to the Edsons.

I understand that the Edsons have asserted to the Council that Ridge Road is a private road that follows the course of a public way formerly known as "Old County Road." You have asked how much time and expense would be required for this firm to perform the necessary legal and factual research to determine the current legal status of Ridge Road. The materials you forwarded to me include a sketch on which a road running from the Litchfield Road to the Edson property is labeled in handwriting "Old County Road." In addition, a copy of a deed from Central Securities to the Edsons includes in its property description a reference to crossing the "Old County Road, so called."

In order for us to fully examine the current legal status of Ridge Road, we would need to perform a significant amount of factual research, along with some legal research. We would need to search Town and Cumberland County records to determine whether a public road known as "Old County Road" was laid out, and if so, where it existed, and how it was created. We would also need to review the chain of title of the Edsons and their predecessors as well as any relevant plans or maps in the Registry of Deeds. Even if we found that a county road existed at some point in time, we would need to determine whether that road had been discontinued or abandoned in the past, and when any discontinuance or abandonment occurred. Again, if a public way ever existed, but it was either discontinued or abandoned by non-maintenance, the

legal status of the road could differ depending on the dates. For example, it is very possible that any former public way was abandoned decades ago and the title in the way reverted to the abutters with no public rights remaining. There is simply no way to confirm this without extensive factual research and some good luck. It is very possible that the records could prove inconclusive. You should assume that this effort would require several thousand dollars of fees.

You have also asked that I clarify the specific issue that this dispute raises under the Franchise Agreement. Apparently, Pat McCormick made some inconsistent arguments at the Council meeting concerning whether this was a private road or a driveway. Generally speaking, the Franchise Agreement between Freeport and Suscom requires that Suscom extend its cable plant to all public and private roads in Freeport. The exception is the so-called "service drop" from the street to the individual customer's house. Section 5.2(c) of the Franchise Agreement provides that cable service shall be provided:

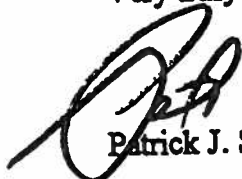
"at the standard subscriber installation charge.... to any subscriber who requests Cable Service(s) whose residence or other building in which Cable Service is requested is: (1) located within three hundred (300) feet of the Cable System; or (2) for an additional charge if the residence or other building is located greater than three hundred (300) feet from the Cable System, such charge shall be at maximum the franchisee's actual cost for labor and materials for that portion of the installation which is beyond the first three hundred (300) feet from the Cable System as listed in Schedule 2."

Thus, if the drop from the street to the subscriber's house is 300 feet or less, the subscriber will be charged only a standard installation charge. If the drop is 500 feet, Suscom will charge the customer the extra cost of installing the additional 200 feet. Suscom's position, as reflected in Craig Bremer's September 25, 2003 letter to you, is that the last roughly 900-foot portion of Ridge Road that is entirely on the Edson property is not a public or private road, but is simply a driveway. As such, service to the Edson's from their property line is governed by the "service drop" provisions in Section 5.2(c). Under that provision, Suscom would be responsible for the cost of the first 300 feet of that 900 foot drop and the Edsons would be responsible for the cost of the remaining 600 feet. As you know, Suscom is proposing to settle this dispute by absorbing one-half of the estimated \$9,660 cost of installing this 900-foot underground drop. If Suscom's argument is correct, their obligation under the Franchise Agreement would be to pay roughly one-third of this cost (the cost of the first 300 feet of this 900 foot drop).

As I have previously indicated, the Franchise Agreement does not provide a clear answer to this dispute. It does not clearly define the difference between a line extension and a service drop to an individual customer; nor does it define the difference between a private road and a driveway.

Please feel free to contact me if you need any additional information.

Very truly yours,



Patrick J. Scully