

SUMMARY AGENDA

FREEPORT TOWN COUNCIL MEETING #25-92

NOVEMBER 10, 1992 - 7:30 P.M.

FREEPORT TOWN HALL COUNCIL CHAMBERS

ITEM #218-92 TO CONSIDER ACTION RELATIVE TO ELECTING A
CHAIRPERSON AND VICE-CHAIRPERSON FOR THE
TOWN COUNCIL

ITEM #219-92 TO CONSIDER ACTION RELATIVE TO A LEASE AGREEMENT
BETWEEN THE TOWN OF FREEPORT AND THORNTON D.
RING

ITEM #220-92 TO CONSIDER ACTION RELATIVE TO THE VACATING OF THE
PUBLIC WAY KNOWN AS 'E' STREET LOCATED WITHIN THE
BOUNDARIES OF WINSLOW PARK

OTHER BUSINESS:

- 1). CONTINUED DISCUSSION ON REQUEST FROM TOWN OF FALMOUTH TO
JOIN A COALITION FOR FAIR FUNDING OF THE STATE EDUCATION
FUNDING FORMULA.
- 2). DISCUSSION ON REQUEST FOR CAMPLIN/MARINO PROPERTIES
CONCERNING PARKING RESTRICTIONS.
- 3). UPDATE ON LANDFILL WATER MONITORING REQUIREMENTS.
- 4). DISCUSSION ON WAIVER OF INTEREST FOR INDIVIDUALS WHO HAVE
APPEALED TAX ASSESSMENTS.
- 5). REPORT FROM THE BUILDING COMMITTEE.
- 6). DISCUSSION ON FILLING A 1 YEAR TERM ON THE SCHOOL COMMITTEE.

ITEM #221-92 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE
SESSION.

**Freeport Town Council Meeting #25-92
Freeport Town Hall Council Chambers
November 10, 1992 - 7:30 P.M.**

Regular X Special

<u>Chairperson's Call To Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Vaughndella Curtis, Chairperson Pine Street	X		
Kirk Goddard, Vice-Chairman Mast Landing	X		
Edward Bradley, Flying Point	X		
John Nelson, Church Road	X		
Andrew Arsenault U.S. Route #1	X		
Cary Veilleux, Wardtown Road	X		
Randall Bennett, Park Street			X

MOVED & SECONDED - To waive the reading of the minutes of Meeting #24-92 held November 10, 1992 and accept the minutes as printed (Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

MOVED AND SECONDED - That the Freeport Town Clerk report on the returns of the November 3, 1992 National, State, and Local Elections. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

Mary Wescott, Town Clerk, reported the following results from the November 3, 1992 municipal elections:

Councilman-At-Large	
John E. Arsenault	1,669
Elizabeth H. Ruff	2,214

Councilman, District 1	
Edward M. Bonney	432
Randall S. Bennett	468

School Committee	
Edward J. Nunery	989
Gerald P. Kennedy	1,290
Peter A. Moulton	1,258
Dorothy B. Johnson	2,157

Sewer District Trustee	
Sidney W. Darrah	2,210
Edward B. Hindley	2,736

Water District Trustee	
Margaret Griswold	3

Mary Wescott also reported that there were 4,335 ballots cast, representing 75% of the registered voters. There were 295 new voters on election day.

MOVED AND SECONDED - That the Town Clerk's report be accepted. (Councilors Veilleux & Goddard) (6 Ayes) (0 Nays)

ROLL CALL OF MEMBERS:

Kirk Goddard
Edward Bradley
Andrew Arsenault
John Nelson
Cary Veilleux
Randall Bennett (excused)
Elizabeth Ruff

MOVED AND SECONDED - to accept an item not on the printed agenda. (Bradley & Veilleux) (6 Ayes) (0 Nays)

Mr. Bradley asked to read into the record and ask for council acceptance of comments and recognition of the service of our out-going chairperson, Vaughndella Curtis. Tribute is attached. Vaughndella was presented with a gift from the council.

Second Order Of Business To take action on the following items of business as read by the Council Chairperson.

Item #218-92 To consider action relative to electing a chairperson and vice-chairperson for the town council.

MOVED AND SECONDED - That the nominations for the position of Council Chairperson be accepted and that Kirk Goddard be elected Chairman. (Councilors Veilleux & Bradley)

MOVED AND SECONDED - That the nominations cease.

BE IT ORDERED: That Kirk Goddard be elected Chairperson of the Town Council. (Councilors Veilleux & Bradley) (6 Ayes)(0 Nays)

MOVED AND SECONDED - That nominations for the position of Council Vice-Chairman be accepted and that John Nelson be elected Vice Chair. (Councilors Veilleux & Bradley) (6 Ayes) (0 Nays)

MOVED AND SECONDED - That the nominations cease.

BE IT ORDERED: That John Nelson be elected Vice-Chairperson of the Town Council. (Councilors Ruff & Bradley) (6 Ayes) (0 Nays).

MOVED AND SECONDED - To waive the rules of procedures and introduce Resolutions not on the printed agenda. (Councilors Goddard & Veilleux)

PUBLIC COMMENT PERIOD: 15 Minutes

Mary Kennedy presented the council with a letter and report of the Advisory Town Meeting held 10/16/92 from the Organizers of the Advisory Town Meeting. Mary read the letter to the Council. (Attached.)

Paul Cayot, speaking as a representative of Skiers Choice, said it was brought to his attention that his business has been listed on the agenda this evening for discussion of possible litigation concerning the temporary activities permit and holding a sale on Columbus Day Weekend. He objected to this being discussed in Executive Session rather than in public hearing to allow his speaking in his own defense. He felt that the ordinance does not specifically limit tent sales to once a year. Skiers Choice and many other retail stores have had more than one tent sale a year. This year he received a letter that notifies that the ordinance clearly says that one sale a year is permitted. There has not been a change in the ordinance in the time frame we've been holding these tent sales and it seems to be an interpretation of that ordinance. He doesn't want to get involved in litigation and would like to see the ordinance looked at and some clarification made as to is there a violation or does the ordinance say limited to one tent sale. If it is one tent sale does the ordinance also say every temporary activity is limited to a once-a-year basis. Why is a tent retail sale singled out as a temporary activity. Asked the council to look at it in Executive Session. He doesn't feel that Skiers Choice was in violation of Ordinance 501. councilor Goddard said that Mr. Cayot was welcome to wait until after that session to see if any decisions were made in that session. Mr. Bradley said that no matter what was discussed in Executive Session the council cannot take any action there. The council would come out of Executive Session and explain what action if any we were going to take and that point if Mr. Cayot disagreed with what we were saying and had comments to add--it would be appropriate to make comments at that time.

Amy Adams informed the council that she has received an abatement of \$8,000 from the tax assessor. She questioned the fact that as the tax assessor gave her a lower evaluation than MCI--is this true with the whole town. She is very unhappy with this evaluation.

Chairman Goddard allotted another 15 minutes of public discussion. (Each person allowed 3 minutes.)

Joyce Curit indicated that she can't get banks, credit unions, FHA and or the Government Loan First Home Buyer to loan her money for the amount her house is evaluated at. She doesn't feel that anything was done fairly and wants to know what the council is going to do.

Al Fagone wants to know what the council has done with the petition that he gave the council a couple of weeks ago.

Mrs. Toothacker expressed her concern the fire fighters, that responded to a fire at her house, arrived singularly and didn't do anything until the truck came. She feels that if we pay these kind of taxes, we should have better service. The Fire Department didn't get there for 20 minutes.

Carolyn Woerter expressed concern about the number of properties that are owned by the town and how that relates to our property tax. She asked if the town was paying tax on those properties. Mr. Goddard stated that the town pays no property tax as does the State and Federal properties. Mrs. Woerter proposed that the town put a moratorium on accepting any more gifts to the town until we straighten out our business at hand. She also asked that all fundings that are appropriated for new buildings are planned very carefully and that we have no other needs for expansion on those moneys allocated for those new buildings, that we do not end up with unforeseen expenditures as we did with the last one. She urged that we stay within budget.

Robert Greenleaf had a discussion with the tax assessor and is no further ahead than when he started. He will be back.

Al Fagone suggested the council keep the budget at zero.

Mr. Veilleux asked the town manager to check into the rules and regulations in regards to land acceptance and donations.

Chairman Goddard noted that our Fire Department is one of the best in the area. Chuck DeGrandpre responded to Ms. Toothacker's comments. He said that the firefighters work under state and federal mandates that protect firefighters. Fire fighters have gone into smoke filled environments and have been fined for doing that. He stated that they must be responsible for their own health and safety through the legal mandates. He said that he'd be more than happy to provide the Toothackers with the time cards and dispatch information. If it was 20 or 40 minutes, we're doing something drastically wrong.

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

Item #219-92 **MOVED AND SECONDED:** that the Town Manager be authorized to sign a lease agreement between the Town of Freeport and Thornton D. Ring for the leasing of property located at 2 Main Street. (Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

Councilor Ruff wanted to state that she is happy that someone suggested we extend our public comment period from 15 minutes to 30 minutes. She feels that is a very reasonable request and certainly am prepared to make a motion to do that. Kirk Goddard suggested that it become an agenda item for the next meeting.

ITEM #220-92 - **BE IT ORDERED:** That the Freeport Town Council, acting as the Municipal Officers, will hold a Public Hearing on December 1, 1992 in the Town Hall Council Chambers at 7:30 p.m. to consider the vacating, pursuant to 23 M.R.S.A. 3027, of the Public Way known as "E" Street and to determine the amount of damages, if any, to be paid to each abutter. That the Town Manager is directed to give notice of the Public Hearing as provided in 23 M.R.S.A. 3027. (Councilors Veilleux & Betsy Ruff) (6 Ayes) (0 Nays)

Recommended that the Winslow Park Commission be informed of this issue and make sure they know that this issue will go to public hearing. It was also recommended to consult the Planning Committee.

OTHER BUSINESS:

1. Continued discussion on request from Town of Falmouth to join a coalition for fair funding of the State Education Funding Formula.

Dale Olmstead explained that this coalition is for equitable funding. The Coalition believes that the existing school funding formula does not equitably distribute funds to the various school units around the state. They believe that using a municipality's total valuation is not an effective way to measure the people's capacity to pay for education within that community. He asked if the council had received enough information to act on this request

or to table it for a later date. The fee to join this coalition is \$1.00 per student--approximately \$1,150 total. Mr. Bradley feels that it is very important to join this coalition and be involved to help change the funding formula. Councilor Nelson advised that this group has no mission statement and that there must be a better way to equalize school funding. He feels that the formula works the way it was intended. Mr. Veilleux stated that sometimes we have to think of ourselves and because of the budgets we have to live with, he supports joining the coalition. Councilor Ruff supports joining as this is a very important issue. Mr. Arsenault is against joining until there is a mission statement. Councilor Arsenault supports the concept but would like to wait until after someone attends the next meeting.

MOVED AND SECONDED: To join the coalition for fair funding and fund \$1,150 (\$1.00 per student) from the Miscellaneous Contingency Fund and that we send someone as a voting member to the meeting. (Councilors Bradley & Ruff) (3 Ayes) (3 Nays) **MOTION FAILED.** Dale Olmstead and Ed Bradley will attend the meeting.

2. Discussion on request for Camplin/Marino Properties concerning parking restrictions.

Recommended sending to Planning Board for their recommendation.

3. Update on Landfill Water Monitoring Requirements.

Dale Olmstead reported that D.E.P. has agreed to do two things--they will decrease the testing frequency to twice a year from four times a year and they also will pick up monitoring for the rest of this fiscal year. The message is that a \$30,000 savings that the council recommended in the budget is going to be realized plus probably an additional \$20-30,000 we won't have to spend from the current budget.

4. Discussion on waiver of interest for individuals who have appealed tax assessments.

Decided to put on next month's agenda.

5. Report from the Building Committee.

The committee agreed that they would have the contract bids come in on the 20th, that would give contractors for heating, plumbing and electrical a chance (the smaller contractors working locally) a chance to bid on this. The general contract bid will come in later on the 24th. The committee feels that it is important/critical for the council to award the bid on the 24th and it's a selected bid list. The committee has agreed that the low bidder will be given the award. The contractors told the committee that if the bid is awarded on the 24th they would break ground on the day after Thanksgiving. If the council waits until December 1 to award the bid, they will lose a week--and at this time of year that week is very critical to a construction project. The committee would like to know if the council is willing to give understanding that the low bidder will be awarded the project and the project is well within budget--the committee would like to have authority to award the bid or if the council is uncomfortable with that to have the council meet with them on the 24th at 3 o'clock at a special meeting to make that award. Councilor Bradley feels that this is a very important bid and would like a report on this process.

David McQuaid stated that as a committee member he is dedicated to one thing and one think only and that is to bring the project in significantly under the figures that was voted at the poll. He said that after discussing this with the committee, he finds that to a person they all feel the same way. Any discrepancies the committee has had either with the thoughts of how this should look or be have been discussed in committee over and over--have been dealt with in committee by manner of a clear majority approving the particular issues and going on ahead. It has been an almost unanimous vote all the way along on all of the issues.

MOVED AND SECONDED: to accept an item not printed on the agenda. (Councilors Veilleux & Ruff) (6 Ayes) (0 Nays)

MOVED AND SECONDED: that the council will hold a special meeting on November 24th at 3 p.m. in council chambers to review the bids and with the consultation of the building committee the lowest bid for the public works building contract. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

6. Discussion on filling a 1 year term on the School Committee.

Chairman Goodard stated that two weeks ago, the council received the resignation of Diane Dennison from the school committee. The council needs to discuss the process for appointing a person to replace her for the year remaining until the next regularly scheduled election. He recommended the council follow a process used in the past. The council had a similar occasion and accepted applications in a very finite time frame, held public interviews of those people, in front of the council, and made a decision. He felt that process was very public, it encouraged everybody who was interested to apply, councilors were able to make their decisions independently whatever beliefs they had independently. He recommended that the council follow that same process and that applications be submitted by November 24th and have the interviews at the next regularly scheduled meeting December 1st. Councilor Arsenault felt that as we just had an election, and people who were interested in that seat had taken out papers and run for office, the person should be selected from the remaining candidates for school committee. Mr. Veilleux felt that the candidate that ran should be considered very highly--open process kinds of turns it into a beauty contest--maybe should be sent to appointments committee for recommendations. Mr. Nelson disagreed with taking the next person on the ballot--he is favor of an open offer and would like to see and know who those people are. Mr. Bradley felt the council should consider Peter Moulton very carefully but also should consider other candidates. Councilor Ruff would like to open the position to the committee and encouraged the candidates who ran to apply.

MOVED AND SECONDED: to receive and process applications by the 24th and to hold interviews at the council meeting on December 1st and make a decision that evening. Also move if it appears that a large number of applications are received, they will be screened by the Council Chair and Vice-Chair, with council input if you deem it necessary. Move that a letter go to the school committee inviting, if they so desire, their input on the night of the 1st.

(Councilors Bradley & Ruff) (5 Ayes) (1 Nay)

Chairman Goddard reminded the councilors that their goals and objectives should be submitted at the December 1st meeting. Committee selections will be made also.

Mr. Olmstead advised that the Freeport Rotary Club requested permission to use the green space between the Police Department and the Public Works Building to hold their annual Christmas Tree sale. The proceeds from the sale are used for scholarship for graduating seniors from Freeport High School. They are also asking for permission to install power on that space.

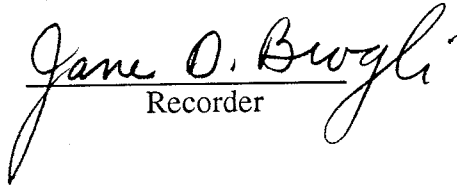
ITEM #221-92

BE IT ORDERED: That the Town Council enter into Executive Session with the Town Attorney to discuss litigation (Town of Freeport vs. Greenlaw, T.Y. Lin and DiPietro) and to discuss possible litigation. (Skiers Choice and Davis Auto). (Councilors Bradley & Nelson) (6 Ayes) (0 Nays)

MOVED 7 SECONDED; to reconvene. (Councilors Veilleux & Bradley) (6 & 0)

MOVED & SECONDED: TO adjourn at (Councilors Veilleux & Bradley) (6 Ayes) (0 Nays)

The foregoing was recorded by: Jane D. Brogli


Recorder

Tribute to Vaundella Curtis

Freeport is a community of coastal outcroppings where shared concerns are surrounded by the turbulent waters of conflicting points of view. Like the granite rock our positions change slowly, worn down by the constant agitation from emotions and values which surround and sometimes submerge us.

Most of us are comfortable sailing between these islands except when tides are running, and the storm winds are high. When the wind and water whip up we huddle together on our safest island with those we know best.

It is then that the Town needs Bridges most. They connect us and transport us to places we could not go. They bring us the things we need when we can't reach them ourselves.

Bridges end isolation.

They transport people from places they know well to places they haven't visited before. Bridges let us leave and make it easier to stay behind.

Bridges come in all sizes and shapes. They are institutions like our schools, firehouse, our neighborhood clubs and organizations.

They can be businesses or people but they all have the common ability to transport us from where we are to where we need to go.

Tonight, we decommission one of our most important bridges.

For the past three years, Vaundella Curtis has served as Councillor, Vice-Chair and Chair by doing what she can do like no-one else.

She carries us from island to island at the height of the storm, when few would move if they weren't sure she could get them there and then back again. She brings us together, she allows us to move on.

While most are digging in she carries traffic in all directions. She is a magic carpet ride not a solid stone structure.

She is present everywhere and has helped us all.

She has earned our respect and our friendship. We will miss her and await her return. For when the stormy seas make it dangerous to sail between the islands of our town she will be there, ready and willing to carry us back and forth.

Thank you Vaundella, and hurry back.

Ed Bradley