

FREEPORT TOWN COUNCIL MEETING #20-93

SEPTEMBER 21, 1993 - 7:30 P.M. - COUNCIL CHAMBERS

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SUMMARY AGENDA

- ITEM #176-93 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/  
REAPPLICATIONS FOR VICTUALER LICENSES FOR  
JAMES ROBERTS, JOHN ROHNER, RYAN DOHERTY, MARA  
FRANK. **(PUBLIC HEARING)**
- ITEM #177-93 TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR  
A SPECIAL AMUSEMENT PERMIT FOR DANCING AND  
ENTERTAINMENT. NANCY GRAY, JEAN MACLEOD AND  
RONALD BROOK. **(PUBLIC HEARING)**
- ITEM #178-93 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR AN  
AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT FOR  
ALLEN RANGE ROAD USED AUTO PARTS. **(PUBLIC  
HEARING)**
- ITEM #179-93 TO CONSIDER ACTION RELATIVE TO A PROPOSED  
AMENDMENT TO THE FREEPORT TOWN CHARTER.  
**(PUBLIC HEARING)**
- ITEM #180-93 TO CONSIDER ACTION RELATIVE TO THE RELEASE OF A  
DEED RESTRICTION FOR PROPERTY LOCATED BEHIND THE  
GAP BUILDING ON MAIN STREET. (TAX MAP 11, LOT 23)  
**(PUBLIC HEARING)**
- ITEM #181-93 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE  
DR. GOULD TRUST FUND.
- ITEM #182-93 TO CONSIDER ACTION RELATIVE TO AN AWARD FROM THE  
DAVIS TRUST FUND.
- ITEM #183-93 TO CONSIDER ACTION RELATIVE TO AWARDING BIDS ON  
SURPLUS PROPERTY.

PLEASE TURN OVER



- ITEM #184-93 TO CONSIDER ACTION RELATIVE TO THE PROPOSED REDUCTION OF THE PORTERS LANDING RIGHT-OF-WAY IN RETURN FOR A GIFT OF LAND AT THE END OF COVE ROAD.
- ITEM #185-93 TO CONSIDER ACTION RELATIVE TO THE CERTIFICATION OF FRANCHISING AUTHORITY TO REGULATE BASIC CABLE RATES.
- ITEM #186-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.
- ITEM #187-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE DESIGN REVIEW BOARD.
- ITEM #188-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE PLANNING BOARD.
- ITEM #189-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE COASTAL WATERS COMMISSION.
- ITEM #190-93 TO CONSIDER ACTION RELATIVE TO PROPOSED REVISIONS TO THE WINSLOW PARK MASTER PLAN.
- ITEM #174-93 TABLED SEPTEMBER 7, 1993. TO CONSIDER ACTION RELATIVE TO A RELEASE OF JUDGEMENT. (TOWN OF FREEPORT V. BRICKYARD COVE)

OTHER BUSINESS:

1. DISCUSSION ON REQUEST BY MORSE STREET SCHOOL FOR THE USE OF THE TOWN HALL PARKING LOT.
2. DISCUSSION ON RECYCLING AGREEMENT WITH THE TOWN OF NORTH YARMOUTH.
3. DISCUSSION ON FUNDING A METAL ROOF FOR THE NEW PUBLIC SAFETY FACILITY.

END OF AGENDA

**COUNCIL MEETING #20-93**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**September 21, 1993 - 7:30 p.m.**

**Chairperson's Call to Order**

Kirk Goddard, Chairperson, Mast Landing Road  
Edward Bradley, Flying Point Road  
Andrew Arsenault, 287A U.S. Route #1  
John Nelson, Church Street  
Cary Veilleux, Wardtown Road  
Randall Bennett, Park Street  
Elizabeth Ruff, Durham Road

**Present   Absent   Excused**

X  
X (arrived at 7:53)  
X  
X  
X  
X (arrived at 8:15)  
X

**FIRST ORDER OF BUSINESS:**

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #19-93 held on September 7, 1993 and accept the minutes as printed. (Councilors Nelson & Arsenault) (4 Ayes) (0 Nays) (1 Abstention-Veilleux)

**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 Minutes.

Peter Moulton expressed concern that notices have not been posted in a timely manner. He suggested posting notices for vacancies on Council Committees on the town bulletin board at the town office.

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

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**Item #176-93   To consider action relative to applications/reapplications for Victualer Licenses for James Roberts, John Rohner, Ryan Doherty, and Mara Frank.**

**MOVED AND SECONDED:** That the Council adjourn and the Licensing Board convene. (Councilors Veilleux & Nelson) (5 Ayes) (0 Nays)

**Item #176-93 Continued**

Roll Call of Members:

Kirk Goddard	Edward Bradley (Not present)
Andrew Arsenault	John Nelson
Cary Veilleux	Randall Bennett (Not present)
Elizabeth Ruff	Jackie Cohen

**MOVED AND SECONDED:** That the following applications/ reapplications for Victualer Licenses be subject to Public Hearing: James Roberts, d/b/a Jim's Vegetables (Peddler/ Private Property) Corner Mallett/Durham Roads; John Rohner, Jr. d/b/a The Apple Man (Peddler/Private Property) 10 Independence Drive; Ryan Doherty, d/b/a Tim's Vending (Peddler/Town Property) Main Street (Bartol Library); and Mara Frank, d/b/a Bayberry B & B, 8 Maple Avenue. (Councilors Veilleux & Nelson) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Veilleux & Arsenault) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the applications/ reapplications for Victualer Licenses issued to the above named applicants, be approved. (Councilors Veilleux & Ruff)  
**ROLL CALL VOTE** (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Licensing Board adjourn and the Council reconvene. (Councilors Veilleux & Arsenault) (5 Ayes) (0 Nays)

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**Item #177-93 To consider action relative to reapplications for a special amusement permit for dancing and entertainment for Nancy Gray, Jean Macleod and Ronald Brook.**

**MOVED AND SECONDED:** That the following reapplications for a Special Amusement Permit for Dancing and Entertainment be subject to Public Hearing: Nancy Gray, d/b/a Harraseeket Inn, 162 Main Street; Jean Macleod, d/b/a Ocean Farms Restaurant, 23 Main Street; and Ronald Brook, d/b/a Crickets Restaurant, 175 Lower Main Street. (Councilors Arsenault & Ruff) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Veilleux & Arsenault) (5 Ayes) (0 Nays)

**Item #177-93 Continued**

**MOVED AND SECONDED:** That the reapplications for a Special Amusement Permit for Dancing and Entertainment issued to the above named applicants, be approved. (Councilors Arsenault & Nelson) **ROLL CALL VOTE** (5 Ayes) (0 Nays)

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**Item #178-93 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit for Allen Range Road Used Auto Parts.**

**MOVED AND SECONDED:** That the application for an Automobile Graveyard and/or Junkyard Permit for David Bolduc, d/b/a Allen Range Road Used Auto Parts, 13 Allen Range Road (formerly Clifton Hamm-Previous Owner), be subjected to Public Hearing. (Councilors Ruff & Nelson) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Ruff & Nelson) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved. (Councilors Ruff & Nelson) **ROLL CALL VOTE** (5 Ayes) (0 Nays)

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**Item #179-93 To consider action relative to a proposed amendment to the Freeport Town Charter.**

**MOVED AND SECONDED:** That the proposed amendment to the Freeport Town Charter calling for the appointment of an Advisory Budget Committee be subject to Public Hearing. (Councilors Nelson & Veilleux) (5 Ayes) (0 Nays)

Amy Adams stated that she was responsible for the circulation of a petition to have an Advisory Committee put on the ballot in the Fall. She read a letter to the Council. A copy of the letter and other documents are attached.

Joyce Curit asked that this amendment be written in a clear manner-"Yes we want the Advisory Committee" or "No we do not."

Roger Wold spoke against the idea of an Advisory Budget Committee. He said that over the past four years his wife and he had attended practically every budget workshop and hearing. He said he has come away from the meetings with two words: impressive and appalling. He said the "impressive" word



### **Item #179-93 Continued**

relates to the process itself. He also stated that anyone who takes the time to attend those meetings will realize the vast amount of energy, time, and thought that goes into this process on the part of every Town Councilor, Department Head, Town Manager, School Superintendent, School Committee, Administrators, and Teachers. He said that it is a laborious process and not approached by anyone with anything but the highest seriousness of intent. He said all of those workshops and hearings give the public ample time to come and listen, ask questions, and make suggestions. The "appalling" part of the process is that for the four years and all of those workshops and public hearings—almost every single time—the only two members of the public were he and his wife. Everyone in the town has the right to partition the Council, to come to the workshops, to come to the hearings, to question the people involved, to question the department heads, to question the Town Manager. The budget committee is every citizen of this town. He said that committee has failed to meet. The amount of time that is involved is enormous. To ask the Council to add another layer of bureaucracy, which could only lengthen the process, is foolish. The Council is accountable to the voters—and should continue to be. He also said he felt the level of apathy would increase rather than decrease if the citizens of the town felt a Budget Committee would take care of it. He urged more people to attend the budget meetings.

Dale Hudson said he would vote against the proposed amendment. He said the School Committee budget process is very thorough. He said the public can express their feelings at the many hearings. He also felt another layer of bureaucracy was unnecessary. He read from an ad in the Shopper's Notes titled No. 5 Reform: "Freeport has too many boards, commissions, and committees whose functions are often duplicated. Let's not add yet another committee on November 2nd."

Mic McGivaren reminded the Council that 1,000 people signed the petition for budget reform. He said that people are tired of business as usual. He added that the budget committee is in response to three problem areas of the budget process which are either self-serving or out of control. The first area was time—five months of the year are spent dealing with the budget. The second area is the process—does not encourage equal citizen participation. He felt the public comment has been limited to certain meetings and that a three minute speaking period had been imposed. The third area is results of the process—a nearly 9% net annual increase in taxes since 1990 which is causing a near doubling of the tax rate every six or seven years. He said he supports this move in concept although he sees a possibility of creating another tier of bureaucracy. He said a good compromise would be to combine the Advisory Budget Committee with a bi-annual budget process. He expressed his highest respect for those who spent hundreds of hours in developing their budgets.

Madeline Baker said she was in favor of an Advisory Budget Committee to work with the Council. She felt taxes were going out of sight because of over-spending by the Council. She urged people to go to the polls in November and vote for the Advisory Budget Committee.

Leon Arsenault said he served on an Advisory Budget Committee to three selectmen and the townspeople. He said the committee looked at items line by line and made recommendations. He felt this process did not interfere with town processes. He doesn't believe this committee would interfere with the Council. He urged everyone to vote in favor of the amendment.

Clayton Kyle said he was against the amendment. He thanked the Council for the work done on the budget. He feels that if he disagrees with the work done in the process, he has an equal voice with anyone in the town. He is concerned about a group that is unelected and unaccountable that may have a voice that will not be equal to his. He said he thought the budget represents the views of the majority of the town. He said he felt the system represents everyone fairly and equally.

Bill Broder said he is against this proposal. He asked what the purpose of the proposal was and if it is needed. He asked if the Council needed to be better educated. He felt the Council gets the information it needs and listens to the public. He doesn't feel the council needs more input. He recommended that people write or call their representative if they don't feel comfortable standing up in public. He expressed concern about having a body selected by the Council—could represent a certain group with a bias or particular viewpoint. He feels that an individual's views will not be as listened to as the Advisory Committee. He said if people don't like the way the town's money is being spent, he said they should vote the councilors out that are spending it.

Sally Rand said she was there to provide a historical perspective. In 1970 she was appointed to a study committee to learn what was going on in the town—people weren't attending the Town Meetings. She said the committee held open meetings and had discussions on a Budget Advisory Committee—it was overwhelmingly defeated. She feels the process works as it was set up. She said she will vote against the proposal.

Ed Bonney said the primary reason for not having a Budget Advisory Committee was the accountability of the Council. He said he felt it was the Councilors' responsibility to oversee the budget. He said in the 20 years we've had Councils, there have been a rich, diverse group of people serve on the Council. He said that type of diversity is healthy and necessary. He understands the Council reached a decision after serious consideration. He feels that people should respect a diversity of views. He said he will vote against this proposal.

Item #179-93 Continued

Hugh Phelps said he will vote against this proposal. He said people could implement changes in the budget by voting for new Town Councilors.

Edgar Leighton said he served on the Charter Commission that voted against having an Advisory Budget Committee. He feels we are looking at the first annual attack on the Charter and amending the Charter sends the wrong message. He said he will not vote for this proposal.

Bob Lyman said the schools have increased the test scores and done an admirable job because they've made sure the money is well spent. He said in 1986-87 Freeport was 31st for per-pupil costs. In 1991-92 Freeport dropped to 42nd. He felt the budget process for the schools is a very thorough 5-7 month process. He said he understood the feelings of the group concerned about taxes but felt that our kids will not be able to compete in today's job market without a good education. He urged everyone to work together towards this goal.

Mary Kennedy said she heard good reasons for and against this proposal. She said she felt that 1,000 signatures should be respected and not treated as "you against me."

Fred Palmer agreed with a lot of what Mrs. Kennedy said. He said we all love Freeport and care a great deal. He said "no accountability" isn't a good idea. He urged people to vote against this proposal and to get active in the elections.

Eileen Peterson said she believes in the current form of government and will continue to support it. She said she is opposed to this proposal. She felt that the public has ample opportunity to express their views. She said she felt that the Council represents the best interests of the town and the Advisory Committee is unnecessary.

Barney Burrell said he spent one term on the School Committee and said the budget process is very difficult for people who are elected to make those decisions. He said he doesn't feel another layer would help.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Nelson & Ruff) (7 Ayes) (0 Nays) (Mr. Bradley arrived at 7:53 and Mr. Bennett arrived at 8:15)

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**Item #180-93 To consider action relative to the release of a deed restriction for property located behind the Gap Building on Main Street.**

**MOVED AND SECONDED:** That the proposed release of a deed restriction be subjected to Public Hearing. (Councilors Veilleux & Nelson) (7 Ayes) (0 Nays)



Item #180-93 Continued

Mr. Mike Marino said that he approached the Council several months ago and asked about removing the deed restrictions. He said that at that time there didn't seem to be any problem from the Council regarding removing the deed restriction. He said that the Council asked him to get approvals through the Planning Board and the Design Review Board (at least preliminary) and then come back to the Council. Mr. Marino said that he did that. He said the Planning Board addressed the question the Council had posed. He said they had to pass all the requirements, they went through public hearings, answered planning issues relating to bulk, scale, circulation, parking, green space, and pedestrian issues. He felt the feeling was that not only did it work but they gave it their endorsement to come to the Council to have the deed restriction removed. He said he still has to go back to the Planning Board for final approval.

Mr. Arsenault asked what question was asked of the Planning Board. He asked Tom Rumpf if the Planning Board addressed the issue of "is this a good idea in concept pro or con the deed restriction." Tom Rumpf said it was his understanding that they were asked to look at the plan from a design perspective, in light of the land use requirements of the ordinance, if at all workable--could be approved. The Board had concerns about the density of development of the lot and the workability of the loading area that would require circulation through the town lot to exit. He said that would require improvements to the town lot. He said the board was not asked whether the Town Council should make a change in this deed restriction. He read a paragraph from the minutes of the 1987 Planning Board Meeting: "The Planning Board recommended to the Council a zone change provided the following conditions are met: easement granted for pedestrians across the lot and restrictive covenants on the lot mandating the lot only be used as a parking lot for as long as the Middle School Lot is used as parking." He said the Council needs to make a decision.

Councilor Bradley read from the August 11, 1993 letter from the Planning Board: "The Council requested the Planning Board make a recommendation on this request, i.e., Mr. Marino's request to have this restriction removed before our action occurs." Tom Rumpf said the Planning Board was not making a recommendation relative to the Deed Restriction itself but just to the workability of the design.

Jackie Cohen said it was the Planning Board's understanding that they were to make a recommendation based on the workability of a new plan and not whether or not Council should remove the deed restriction. She said when the Board reviewed the request to make the Carvel Lot a parking lot, because it wasn't tied to a project, there was concern that the rezoning request was tied

## Item #180-93 Continued

to a site plan and if the rezoning occurred, there would be no control over what was done with the lot. She said the recommendation to put the restriction on to make it a parking lot came out of the thinking of the time that this lot should be a parking lot and not be created as a separate building lot.

Mr. Goddard said the objective was to increase the parking in that area by this project and in doing that the town needed a right-of-way through the Carvel Lot to the Municipal site. He said at the time it made sense to add the Carvel Lot into the parking scheme since the Municipal Lot was allowed outside the VC-1 District—we would have to change the Carvel Lot. By allowing that zone change they said the lot could be tied to any site plan in town and that's why the restriction was put in.

Mr. Arsenault suggested sending this issue back to the Planning Board for recommendation.

Councilor Ruff expressed concern about how the Council had handled the issue. She said Mr. Marino had done what the Council asked him to do. She asked the Council to make a decision and not delay.

Councilor Nelson said he also supported making a decision at this meeting. He said he was prepared to vote affirmatively and was not in favor of adding two more meetings to the process.

Mr. Goddard asked Mr. Marino if he would pave the Municipal Lot every 20 years. Mr. Marino said he would do a top coat at the time of the completion of the project.

**MOVED AND SECONDED:** That the Public Hearing be closed.  
(Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To amend\* Item #180-93 to include top coating that is adequate for truck traffic be provided by Campo Marino and Company prior to occupancy permit pending the weather. (Councilors Goddard & Arsenault) (7 Ayes)(0 Nays)

**MOVED AND SECONDED:** That the proposed release of a deed restriction for property located behind the GAP building on Main Street (Tax Map 11, Lot 23) be approved as amended\*. (Councilors Veilleux & Bennett) **ROLL CALL VOTE** (4 Ayes) (2 Nays-Bennett & Arsenault) (Bradley abstained)

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**Item #181-93 To consider action relative to awards from the Dr. Gould Trust Fund.**

**MOVED AND SECONDED:** That thirteen (13) applicants receive a total of \$1,900.39 in awards from the Dr. Gould Trust Fund for payment of medical expenses. (Councilors Ruff & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

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**ITEM #182-93 To consider action relative to an award from the Davis Trust Fund.**

**MOVED AND SECONDED:** That one applicant receive a total of \$250 in awards from the Davis Trust Fund for the payment of medical expenses. (Councilors Arsenault & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

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**Item #183-93 To consider action relative to awarding bids on surplus property.**

**MOVED AND SECONDED:** That the Acting Town Manager report on the bid results. (Councilors Nelson & Arsenault) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the following bids be accepted for surplus property:

<u>Item</u>	<u>Bid</u>	<u>From</u>
Boat, Motor & Trailer	\$2,169	James Fiske
Float	351	Steve Peters
Sony 3/4 VTR	76	Mike Leonard
Wireless Mike	11	Mike Leonard
Heavy Duty Tripod	36	Mike Leonard
Video Camera	102	Mike Leonard
Tandy Computer	35	Jacky Storer
Commodore Computer	35	Mike Leonard
Color TV	66	Cynthia Sanborn
Portable Fire Pumps	100	Steven Peters
Roto Phase Converter	180	D&D Talbot, Inc.
Roto Phase Converter#2	50	Teri Welch
Downstroke Baler	\$1,500	Timothy Mahoney
Card Catalog	150	Sandy Williams
Glass Crusher	500	Tad Hunter

**Note:** Recommended that the smaller items for which no bids were received, be donated to some public organization (such as Lions or Rotary) to auction with the money to be used for some municipal or school purpose. Larger items should be sold through a negotiated sale. Cynthia be given authority to negotiate bids for recycling items. These negotiated sales should be brought back to Council for approval. (Councilors Nelson & Ruff) **ROLL CALL VOTE** (6 Ayes) (0 Nays) (Bennett abstained)



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**ITEM #174-93 TO CONSIDER ACTION RELATIVE TO A RELEASE OF JUDGEMENT. (TOWN OF FREEPORT V. BRICKYARD COVE)**

**MOVED AND SECONDED:** To table Item #174-93 until September 21, 1993. (Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

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**Item #184-93 To consider action relative to the proposed reduction of the Porter's Landing right-of-way in return for a gift of land at the end of Cove Road.**

**MOVED AND SECONDED:** To amend\* Item #184-93 to hold the Public Hearing on October 19, 1993 instead of October 5, 1993. (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That a Public Hearing be scheduled for October 5, 1993 at 7:30 p.m. in the Town Hall Council Chambers to discuss the proposed reduction of the Porter's Landing right-of-way in return for a gift of land at the end of Cove Road as amended\*. **BE IT FURTHER ORDERED:** That public notice of the hearing be placed in a newspaper of general circulation and that residents on Cove Road receive written notification. (Councilors Veilleux & Nelson) ROLL CALL VOTE (7 Ayes) (0 Nays)

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**Item #185-93 To consider action relative to the certification of franchising authority to regulate basic cable rates.**

**MOVED AND SECONDED:** To table Item #185-93 until October 5, 1993. (Councilors Ruff & Nelson) (7 Ayes) (0 Nays)

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**Item #186-93 To consider action relative to an appointment to the Winslow Park Commission.**

**MOVED AND SECONDED:** That Elizabeth Hardin be appointed, effective immediately, to serve as a member of the Winslow Park Commission until March 21, 1994. **BE IT FURTHER ORDERED:** That Ms. Hardin qualify by swearing an oath of office before the Town Clerk by October 1, 1993. (Councilors Bennett & Veilleux) ROLL CALL VOTE (7 Ayes)

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**Item # 187-93 To consider action relative to an appointment to the Design Review Board.**

**MOVED AND SECONDED:** That Rita Oliverio be appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 1994. **BE IT FURTHER ORDERED:** That Ms. Oliverio qualify by swearing an oath of office before the Town Clerk by October 1, 1993. (Councilors Ruff & Veilleux) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

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**Item #188-93 To consider action relative to an appointment to the Planning Board.**

**MOVED AND SECONDED:** That Cynthia Doten be appointed, effective immediately, to serve as a member of the Planning Board until May 1, 1995. **BE IT FURTHER ORDERED:** That Ms. Doten qualify by swearing an oath before the Town Clerk by October 1, 1993. (Councilors Nelson & Veilleux) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

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**Item #189-93 To consider action relative to an appointment to the Coastal Waters Commission.**

**MOVED AND SECONDED:** That Susan Miller be appointed, effective immediately, to serve as a member of the Coastal Waters Commission until April 1, 1996. **BE IT FURTHER ORDERED:** That Ms. Miller qualify by swearing an oath of office before the Town Clerk by October 1, 1993. (Councilors Bradley & Veilleux) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

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**Item #190-93 To consider action relative to proposed revisions to the Winslow Park Master Plan.**

**MOVED AND SECONDED:** That a Public Hearing be scheduled for October 5, 1993 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed revisions to the Winslow Park Master Plan. **BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the B. H. Bartol Library for inspection by citizens. (Councilors Arsenault & Ruff) **ROLL CALL VOTE** (6 Ayes) (1 Nay-Arsenault)

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**Item # 174-93 Tabled September 7, 1993. To consider action relative to a release of judgement. (Town of Freeport vs. Brickyard Cove)**

**MOVED AND SECONDED:** That a Release of Judgement releasing claims of the Town of Freeport in connection with proceedings pending in the Cumberland County Court entitled the Town of Freeport vs. Brickyard Cove Associates, be approved. (Councilors Veilleux & Arsenault) (6 Ayes) **ROLL CALL VOTE** (1 Nay-Goddard)

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**OTHER BUSINESS:**

**1. Discussion on request by Morse Street School for the use of the Town Hall Parking Lot. (Withdrawn.)**

**2. Discussion on recycling agreement with the Town of North Yarmouth.**

It was the consensus of the Council to enter into the agreement.

**3. Discussion on funding a metal roof for the new Public Safety Facility.**

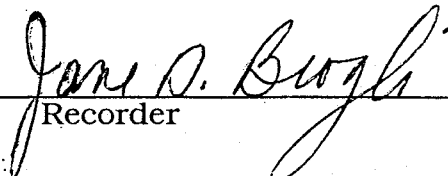
**MOVED AND SECONDED:** To take an item not on the agenda. (Councilors Veilleux & Bradley) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Council instruct the Building Committee to sign a Change Order with the general contractor to provide for the installation of a metal roof on the new Public Safety Building and **BE IT FURTHER ORDERED:** That the Council authorize the expenditure of up to \$58,255 from the proceeds of the Capital Bond for the project. (Councilors Ruff & Goddard) **ROLL CALL VOTE** (4 Ayes) (3 Nays-Bradley, Arsenault, & Bennett)

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**MOVED AND SECONDED:** To adjourn at 11:30. (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

The foregoing was recorded by: Jane D. Brogli

  
Recorder



Freeport Town Council  
Freeport , Maine 04032

Councilors :

The purpose of an Advisory Budget Committee is to review the Capital and Operating Budgets of both Municipal and school department budgets ; making line item recommendations .

We the petition committee and signers of said petition , ask for a commitment from the council to have the purpose of the proposed Advisory Budget Committee printed on the ballot as stated on the original petition(paragraph #1 above ) with the added charter statute that the law requires .

To wit :

"Shall the municipality approve the charter amendment reprinted below :-(with a straight yes or no vote ; meaning just that and not split infinitives ).

2.03 appointments :The following officials and boards shall be appointed by ballot by a majority vote of the members of the town council :town manager ; board of assessment review; ADVISORY BUDGET COMMITTEE ; planning board ; board of appeals and other board when such appointments is required by State Statute or municipal ordinance . The council may where appropriate and where not prohibited by law , vest in the town manager all or part of the duties of that office .

Once this is put into place by the will of the people , then the Advisory Budget Committee should be put in place as prescribed by the existing laws of the Town of Freeport

There are a couple things which should be adhered to very stringently , in appointing this committee .

..No member of this committee shall be in the employ of the Town of Freeport( accepting payment or token payment in any way or be serving on the town council ) .

The budget process right now , although the people do have token input ; is lacking in that the employees through department heads , speak to the council all year long . The taxpayers are seldom heard during this crucial time ; in this very limited process and are financially left out in the cold !

Consequently this is one of the biggest reasons for this proposal and one must realize from the large number of signatures on the petition ; that in a longer time frame many more would have signed . Spending is a horror , taxes are atrocious and administration lacks expertise .

As we head toward the year 2000 , the council should realize , as working people , they do not have proper time , energies or experience to handle millions efficiently in a few short weeks . Extra help should be to their advantage and pride should not get in the way of expertly and economically helping our people . NOW is time for change !

We respectfully submit this to you in writing as an official request along with the submission of our legal statement from an attorney as required

CC:  
ABA/

*Amy B. Adams* *Chairman*  
Amy B. Adams *Petitioners Com.*

POWERS & FRENCH, P. A.  
ATTORNEYS AT LAW  
209 MAIN STREET  
FREEPORT, MAINE 04032

FAX NUMBER  
207-865-0459

AREA CODE 207  
865-3135

September 20, 1993

Mary Westcott, Town Clerk  
Town of Freeport  
Municipal Building  
Main Street  
Freeport, ME 04032

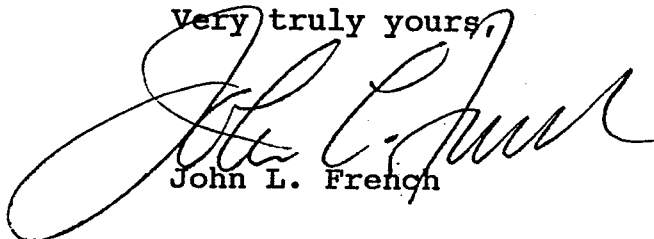
Dear Ms. Westcott:

My name is John L. French and I am admitted to the Bar of the State of Maine.

I have reviewed the proposed Amendment to the Municipal Charter, a copy of which I enclose herewith as Exhibit A.

It is my opinion that the proposed Amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of the State of Maine.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. French", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "F".

John L. French

JLF:nb  
enclosure

the amendment of section 2.03 of the municipal charter as set out below ( in bold italics )  
requiring appointment of an advisory budget committee to make recommendations to the  
Town Council on all aspects of the budget .

ARTICLE II TOWN COUNCIL

2.03 Appointments The following officials and boards shall be appointed by ballot by a  
majority vote of the members of the town council : town manager , town attorney , board of  
assessment review , ADVISORY BUDGET COMMITTEE , planning board , board of appeals and other  
boards when such appointment is required by State Statute or municipal ordinance , the  
the council may , where appropriate and not prohibited by law , vest in the town manager  
all or part of the duties of any office .

##### PURPOSE #####

The purpose of an Advisory Budget Committee is to review the Capital  
and Operating Budgets of both Municipal and School Department Budgets ;  
and making line item recommendations .

#####

We the undersigned , being duly sworn , do hereby depose and say the following :

1.) That :

Dorothy M. Coffin

Carlton E. Adams Jr.

Robert T. Thorschell

Leon F. Orsenaux

Amy B. Adams

2 Old West Landway <sup>Freeport</sup>

337 U.S. R. 1 NORTH

131 Wandtown Rd

287 Route 1 So

337 U.S. #1 North

are residents of the Town of Freeport and are presently registered voters in Freeport .

2.) That the above named voters shall be constituted as the petitioner's committee .

3.) That the mailing address of which all notices to the committee are to be sent is :

Amy B. Adams , 337 U.S. #1 North , Freeport , Maine 04032 .

State of Maine

County of Cumberland

before me , Mary D. Wescott a notary public in

Cumberland County , came :

Dorothy M. Coffin  
Carlton E. Adams Jr.  
Robert T. Thorschell

Leon F. Orsenaux  
Amy B. Adams

All being known to me have ascribed and sworn to before me

on this 26th day of April 1993 .

EXHIBIT A