

FREEPORT TOWN COUNCIL MEETING #21-93

OCTOBER 5, 1993 - 7:30 P.M. - COUNCIL CHAMBERS

SUMMARY AGENDA

ITEM #192-93 TO CONSIDER ACTION RELATIVE TO PROPOSED REVISIONS
TO THE WINSLOW PARK MASTER PLAN (PUBLIC
HEARING)

ITEM #193-93 TO CONSIDER ACTION RELATIVE TO A GRANT AGREEMENT
WITH THE MAINE WASTE MANAGEMENT AGENCY FOR \$5,000
IN GRANT FUNDS

ITEM #194-93 TO CONSIDER ACTION RELATIVE TO A TRANSFER OF FUNDS
FROM THE CABLE T.V. EQUIPMENT RESERVE ACCOUNT

ITEM #185-93 TABLED SEPTEMBER 21, 1993 TO CONSIDER ACTION
RELATIVE TO THE CERTIFICATION OF FRANCHISING
AUTHORITY TO REGULATE BASIC CABLE RATES

OTHER BUSINESS:

1. DISCUSSION WITH THE CABLE T.V. REGULATORY BOARD CONCERNING
PROPOSED REVISIONS TO THE CABLE T.V. POLICIES & PROCEDURES
2. UPDATE ON YARMOUTH LUMBER COMPLIANCE WITH AN ORDER OF THE
CODES ENFORCEMENT OFFICER

ITEM #195-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE
SESSION

END OF AGENDA

**COUNCIL MEETING #21-93
FREEPORT TOWN HALL COUNCIL CHAMBERS
October 5, 1993 - 7:30 p.m.**

Chairperson's Call to Order

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

FIRST ORDER OF BUSINESS:

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #20-93 held on September 21, 1993 and accept the amended* minutes as printed. (Councilors Nelson & Veilleux) (7 Ayes) (0 Nays)

MOVED AND SECONDED: To amend* the Minutes of Meeting #20-93 to make the following changes: on page 4 change the spelling to "petition" on Item #179-93 and delete Item #174-93 on page 10. (Councilors Ruff & Nelson) (7 Ayes) (0 Nays)

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

Peter Marshall, Hunter Road, expressed concern about asbestos buried under the culvert on Hunter Road. He asked why it was buried there and how was it transported.

Mr. Olmstead said the allegation was made by an anonymous source. He said that he had been assured that there is no asbestos under the Hunter Road and has conveyed this to D.E.P.. The Town Manager said that the town was willing to dig up the culverts in order to prove there is no asbestos on Hunter Road.

Mr. Olmstead said that an \$85,000 budget was developed in 1991 for potential asbestos removal in the old fire barn. When the budget was developed, they used the worst case scenario for the asbestos removal. In 1988, the laws changed regulating asbestos. Asbestos was removed from that building prior to 1988 and after 1988. D.E.P. knows that Freeport removed 300 feet of asbestos on piping. If that material had stayed in the building, and not been removed

after 1988, the cost of disposing it would have been between \$7,000 and \$9,000. He said the town did, out of the \$85,000, spend about \$20,000 for removal of asbestos. He said if the 300 feet were still there, the town would have spent closer to \$30,000.

Mr. Goddard advised Mr. Marshall that D.E.P. would be informed on anything that the town knew and he will make sure that the public is advised as well. He said that there didn't seem to be any indication of any problem.

Mr. Bradley asked where the asbestos, that was disposed of pre-88 and post-88, went. Mr. Olmstead said that pre-88 it was buried in the land fill and post-88 part of it was buried at the town's demolition site and some went to the Regional Waste Incinerator. Mr. Bradley asked if there were records to show this. Mr. Olmstead said that the record is in the head of the Public Works Director--he supervised the removal in both cases. Mr. Bradley asked if anything was wrong in keeping it buried in either our land fill or demolition area. Mr. Olmstead said the D.E.P. felt that burying it in our land fill was the best thing that could have happened to it. However, taking some to the Regional Waste Systems--it could have become airborne when it was burned.

Leeland Arris asked why the proper procedure was not followed in 1988 for removing asbestos. Mr. Olmstead stated that he didn't feel in 1988 that the Public Works people knew that there was a change in the laws. He said that Al Thompson and the Public Works Department installed this material in the building and over the years they have maintained it as the asbestos has deteriorated and been replaced with other material such as fiber glass. Mr. Olmstead said they did what they thought was a correct thing to do. They made a mistake --something that we all do from time to time.

Mr. Arris asked what the risk was for the workers that removed it. Mr. Olmstead said that there were three public works employees involved. He said that they probably put themselves at some risk but felt they didn't do it knowingly. He said the employees put the asbestos in plastic bags in 3, 4, or 5 foot lengths. In 1992 it went to the land fill in a pick up truck and in 1993 it went to the dumpster outside the building.

John Forrest, Bow Street, expressed extreme distress with the lack of environmental knowledge of the town employees. He complimented Mr. Olmstead on admitting the mistakes. He urged the town to make a full, open, and honest investigation of the situation.

Ken Mann, Wolf's Neck Road, said a petition was turned in several months ago to the Town Council asking them to conduct an investigation of the conduct and behavior of the tax assessor. He felt the Council chose to ignore that request for an investigation. He said the Town Council should look into this matter and report to the citizens of Freeport.

Public Comment Period continued

Bob Hartnett said that rumors of the asbestos removal were around all summer. He suggested that a committee be chosen to interview all the players and report back to the Council.

The Public Comment period was closed.

Mr. Goddard announced that a special guest would make a presentation to the town.

Mike Austin, City Assessor of Bath and past president of the International Association of Assessing Officers, said he was asked to come to Freeport and present the town with an award for their public relations program and the information they put out during their revaluation. He said the International Association of Assessing Officers has 8,200 members, has a strong world-wide organization, and each year their Outreach Committee selects towns, and the assessors in those towns, that they think have done something that exemplifies their duties in those towns and particularly the public relations aspects of those duties. He read the award to the Town Council. "The Town of Freeport has been selected by the Outreach Committee of the International Association of Assessing Officers as a recipient of the Public Information Award presented to the assessment agency that has developed and implemented an effective system for the dissemination of information to taxpayers concerning the assessment process." He said to give the town an idea of the competition the town was in, one of the other recipients of the awards was the Province of British Columbia.

Chairman Goddard reported that an Awards Banquet was held a week ago at Winslow Park for all the people that have volunteered to serve on town committees. Two awards were given out—one to Reed Potter for the 15 years of service on the Board of Appeals and one to Dave McQuaid for his work on the Building Committee, and numerous other committees. Mr. Goddard said Dave's award was given to him in the hospital and hoped that Dave was doing better.

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

ITEM #192-93 To consider action relative to Proposed Revisions to the Winslow Park Master Plan. (Public Hearing)

MOTION: That the proposed revisions to the Winslow Park Master Plan be subject to Public Hearing. (Councilors Arsenault & Bennett) (7 Ayes) (0 Nays)

Item #192-93 continued

Wayne Hollingworth, Co-Chair of the Winslow Park Commission, presented an overview of the Proposed Revisions to the Winslow Park Master Plan. He stated that Winslow Park is run without tax dollars—everything is done with user fees. He said the Commission is not asking for any tax dollars. He said the Committee has talked to the D.E.P., the State, given a tour to campers, and talked to as many people as possible. He said they looked at the Comprehensive Plan and one of the important things was that everyone in Freeport wanted access to the water. He said they are proposing a two phase change to the park. In the first phase, changes are proposed to the gate house area--the proposal calls for a two lane highway coming in around the gate house and a one lane going out. He said they plan for 24 rigs to park in front of the gate (to launch boats, etc.). They propose to move the parking lot closer to the beach to make the area safer for the kids. He said they are looking at having handicapped accessible sites for picnicing. He said that the bathrooms have to be made handicapped accessible--that will also be covered in Phase 1. They are recommending a major change in the camp site area. The number of campsites will change from 100 to 75 plus three. The three campsites along the shore will remain but be called Wilderness Camp sites--you will have to hike in to them. The committee is proposing to eliminate 23 shore sites to the East of the road. By making this reduction in camp sites and changing the sites to meet current State standards, Winslow Park will be able to provide a better camping experience. He said they are not trying to eliminate camping but are making larger camp sites.

Mr. Hollingworth read from a letter of September 14, 1993 from Mr. Pitcher from the State: (second page) "In the area of the camp sites, overlooks at various points could be build using wood or just be clearing vistas where there is room to place a couple of benches on the shore side of the trail. The fencing or shrubs should not significantly reduce the size of the lots but perhaps some consideration should be given to making them tent lots instead of RV lots to minimize view blockage from across the road. At least two campsites along the shore should be sacrificed to allow for access from the back lots to the trail. These access points could be landscaped to screen adjacent lots from the pedestrian traffic. The camping area is quite large and restricts possibilities of other uses along the perimeter. It would be preferable to eliminate camping along the trails near the water along both sides and reorganize the remaining lots. It seems that the camping area was developed to maximize income at the expense of park enjoyment by local day use visitors. The new plan for camping is a better blend of uses and with minor modifications in traffic flow to reduce tight turns will result in better outdoor experience except for those who are accustomed to camping along the shore. If these and other changes previously discussed are done, the park should be more enjoyable for the vast majority of visitors."

Mr. Veilleux asked if we were in violation now regarding the size of the camp sites. Mr. Hollingsworth said no—we are grandfathered—we do not have to change the sites.

Item #192-93 continued

Mr. Bradley asked if the reduction of campsites were all on the shore. Mr. Hollingsworth said that 23 sites were removed from the East side of the road but 23 will be on the West side of the road.

Mr. Hollingsworth read from a financial statement (attached). He said the Commission has discussed raising fees at the site. He said the reason is that Winslow Park has the lowest rates around and they don't want to undercut people making their living from camp grounds.

Councilor Nelson asked what the surplus profit is each year from Winslow Park. Mr. Hollingsworth said it is \$30,000 per year now and with 78 sites it would be \$19,000 at current rates.

Councilor Arsenault asked for the occupancy rates for the shore front sites versus the back sites. The Commission said they didn't have that information. Mr. Arsenault wondered what will happen when the shore sites are eliminated.

Bill Ross said he was disappointed that the financial information was not available before the Public Hearing.

Cathy Hutchins, Westbrook, said she has camped at Winslow Park for several years. She expressed puzzlement about how the camping would be improved if shore sites were eliminated and fees were raised. She said that she and many of her friends, who camp at Winslow Park, have never been asked any questions or responded to any surveys. She feels the campers have been left out of the process. She feels that Mrs. Harb intended for people like herself to have access to the beauty of Casco Bay in a very natural setting. She said as she looks at a park who has continually depleted its campsites, will certainly have to increase its rates, and does little to maintain its natural condition—she is convinced that Freeport has not honored the wishes of this lady who bestowed this wonderful gift. She said it's a sad commentary.

Mr. McCormack, Flying Point Road, said he is not a camper and has been to Winslow Park two or three times. He expressed concern that the Trustee could take back the park if the camp sites are eliminated.

Mr. Bradley said that the Trustee, Attorney Paul Powers, felt that as long as the Council was operating in good faith and that it was carrying out its good sense of how the park was run, it would be no problem.

Item #192-93 continued

Karen DeMatos, Upper Flying Point Road, read her letter of September 30, 1993 to Paul Powers and Mr. Powers' response of October 4, 1993 to her. Copies of those letters are attached. She said she thought the deciding factor in how the Council votes is not what they individually or collectively want for Winslow Park but what is ethically, morally, and legally correct and what was intended in the donation. She said given this information, the Council had no choice but to vote against Phase II. She asked why the Council was willing to risk losing Winslow Park.

Chairman Goddard responded that the purpose of inviting Mr. Powers to meet with the Council was to find out his desire as a trustee of the park. Mr. Goddard said that Mr. Powers stated several times that evening something that is totally contrary to the document Ms. DeMatos provided. He said the Council was not interested in taking any risks and may need more information.

Mr. Nelson said he has met with Mr. Powers several times and Mr. Powers thought the plan was a good idea.

Bob Hartnett expressed concern about the manner that the public is questioned by the Council. He said the Council should listen to the public with respect. He complimented Karen DeMatos for her presentation. He said he was a member of the Council in 1985-86 that created the Winslow Park Commission. The Commission was created when it was felt the park was being sadly neglected because no one was in charge to oversee it. The new Commission made capital improvements and took over the running of the park. He said the money came from the park—more than 50% of the money came from the campers. He feels that the Winslow Park budget is the easiest one for the Council to approve because it does not ask for money from the town. He said he is proud of Winslow Park. He expressed concern that elimination of campsites would be risky. He asked to see the financial figures to show that we can eliminate the sites and still generate the income to support the park. Winslow Park had value to us when it was granted to the town. He asked if we decrease camping sites will we decrease its value.

Marlene Porter, Peru, Maine, said she has camped at Winslow Park with her husband, children, and grandchildren for 15 years and loves it. She said although they have camped at lakes and ponds, they decided to try Winslow Park. She said, "To view the ocean, watch the different birds, see the lobster boats haul traps, to see all of the different changes that occur each day with the tides, is something that many of us dream about all winter long. Over our many years of camping at the park, there have been many changes. The view isn't quite as beautiful as it used to be because tree limbs, brush, and sumac bushes have been allowed to grow across the front and between the camp sites obstructing the view of beautiful Casco Bay. We still don't

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have water hook-ups, or electricity, or a place where campers could go to get together when it's cold or raining, but most of us were willing to come back year after year." She said it is not true that the campers don't get along with the people that picnic there. The Campers have never had a problem with the day people who use the park. She said she has made friends with people who camp or come for the day from all over the United States and Canada. She said that most of the people that come to the Park prefer the front sites—they are the first areas to be filled. She said that if the seasonal campers are moved farther back again and the fees are raised, they will have to consider finding another park where they would get more for their money. She wondered why the Commission didn't set up a meeting, this past summer, with all the campers. She asked the Commission to reconsider taking away the shore front sites.

Mr. Louis Marstaller, U.S. Route 1 North, said he was a Selectman when the board received this wonderful gift. He said that the donor wanted this park used for camping where people could be on the ocean. He feels it would be a serious mistake to eliminate camp sites on the shore. He said if we change it, we can never put it back (to the way it is now) with all the shore line zoning—he feels it would be a serious error.

Leon Arsenault, resident of Freeport, said he camped at Winslow Park on the shore front. He felt that the trailers camping on the shore lots did less damage than the shore trail with railroad ties which hasn't been maintained.

Barney Burrall, Spruce Road, said that 96% of the campers are not from Freeport. He said he feels this plan makes the park more enjoyable for campers and also gives Freeport citizens a path for walking along the water. He said he felt this plan will enhance Mrs. Harb's gift for the future generations.

Bob Ayer, Falmouth, said that he was speaking for a number of campers that use Winslow Park. Some of them have been camping there for a number of years—the total, of seven campers, is 109 years. He said they have all enjoyed the beauty, serenity, and tranquility of Winslow Park. He said they were happy with the present set up at Winslow Park. They are afraid that the burden of supporting the Park will fall on the campers with the elimination of the water front lots. He said they fear the rates will go too high and they will have to choose another place to camp. He expressed concern that none of the campers he knows of were asked to participate in the survey. He asked the Council to consider only Phase 1 and leave the shore front lots.

Item #192-93 continued

Mick McGivern, Lower Flying Point, said he was interested in compromise. In May when the plan was presented, it called for a reduction in camp sites from 100 down to 56. Now the reduction is 100 to 78. Fifteen years ago the campsites were reduced from 140 down to 100. The decision was made to reduce the camp sites then because of septic tank problems. The camp sites have been set at 100 for the past 15 years and that is a compromise of 40% which has worked quite well over the years. He said the camping area is not broken—so why fix it. The scenic trail was created at considerable expense. He felt a compromise has already been made to both campers and day users over the years. He feels that the day users and walkers could use the entire park eight months of the year and could forego the use of 1000 feet of the trail on the shore for the short camping season so the campers could have full use of it. He said it was very important for everyone to realize that Mr. Powers was at the workshop as the only Trustee. If he had been presented with a plan which called for the complete elimination of all camp sites and the installation of honkey tonk bars, his reply, as the Trustee, would have been the same—"I think this is a nice plan." He said that Mr. Powers, during the workshop, was very very careful to differentiate between the word "plan" and the term "rules and regulations." It is very important for everyone to know that as a Trustee he is not concerned one wit about any plan adopted by the Council. It is when any plan gets implemented via the Park's rules and regulations, that the Trustee exercises his authority and if he believes that trust to be violated, the result could be the complete reversion of the park to Mrs. Harb's estate. He urged the Council to reject the Phase II portion of the Plan.

Joe Coleman, resident of Freeport, said he has been coming to Winslow Park for 31 years. He said he remembers when George Soule went around the park collecting 50 cents from each camper. He said he doesn't feel that 23 campers should get the best view. He said he feels the sites should be moved across the road and urged the Council to support the Plan.

Gordon Glover, who has lived on property he owns in Winslow Park for 30 years, urged the Council to approve the Winslow Park Plan.

Charles Goud, Lambert Road, said he was impressed by the testimony about Winslow Park. He said that the goal of the Commission is to continue the park with quality. He said he also believes that 23 people should not have special views.

Roger Wold, Staples Point Road, said that the Council should get a legal opinion on the Trust Document and once and for all put to rest what the legal ramifications are.

Item #192-93 continued

Bill Ross, Spar Cove, said he is against losing the shore sites. He said he has camped for more than 40 years. He said he doesn't understand how moving the camp sites back creates a quality camping experience. He stated, in regard to the 1988 survey of 82 campers and 49 day users, the majority were overwhelmingly against moving the camp sites.

Madeline Baker stated that although she does not camp at Winslow Park, she would like to be able to have a shore front lot when she does camp.

Carol Burrall stated that the Winslow Park Commission was looking for a concept approval of these plans.

Councilor Veilleux thanked the Winslow Park Commission for a very thorough presentation and complimented them on drawing a large crowd. He also thanked the people who traveled so far to attend the meeting.

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

MOVED AND SECONDED: That the proposed revisions to the Winslow Park Master Plan be tabled until October 19, 1993.
(Councilors Arsenault & Bennett) (7 Ayes) (0 Nays)

ITEM #193-93 To consider action relative to a grant agreement with the Maine Waste Management Agency for \$5,000 in grant funds.

BE IT ORDERED: That the Town Manager be authorized to enter into a Grant Agreement with the Maine Waste Management Agency for \$5,000 in grant funds to provide for technical assistance in a regional effort to develop a management system for the handling of bulky waste. (Councilors Ruff & Veilleux)
ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #194-93 To consider action relative to a transfer of funds from the Cable TV Equipment Reserve Account.

BE IT ORDERED: That up to \$400 be transferred from the Cable T.V. Reserve Account to provide for the purchase of camera head sets. (Councilors Veilleux & Ruff) **ROLL CALL VOTE**
(7 Ayes) (0 Nays)

ITEM #185-93 Tabled September 21, 1993. To consider action relative to the certification of franchising authority to regulate basic cable rates.

MOVED AND SECONDED: To indefinitely table Item #185-93.
(Councilors Veilleux & Bradley) (6 Ayes) (1 Nay - Arsenault)

OTHER BUSINESS:

1. Update on Yarmouth Lumber compliance with an order of the Codes Enforcement Officer.

Mr. Olmstead reported that Fred Reeder feels that Yarmouth Lumber has complied with his order that deals with boarding off a portion of the building that was built without permits and the other things that they were required to do. The only thing left to do is the issuance of a permit for the space that was built on the main building without a permit. Yarmouth Lumber has cordoned off with barriers that excess space. According to the Codes Enforcement Officer, as long as that space is not used for business purpose--that space can exist with an after-the-fact permit. Our attorney feels that if the town fails to issue the permit, we couldn't win in court. The ordinance does not require the owner to obtain permits for the portable buildings on the premises. However, the owner is willing to move the portable structures if the Council wants them to.

It was the concensus of the Council to ask the owner to remove the portable structures. It was also the concensus of the Council to review the ordinance that says we have to issue permits after-the-fact.

Lorraine Myshrall said she doesn't feel that Yarmouth Lumber has complied with the order. She said that they haven't revegetated the area--she felt they should be planting trees to prevent further erosion. She agreed to meet with the neighbors and put in writing their requests for trees and a border and give to Mr. Olmstead. She also expressed concern that we have ordinances that we can't enforce.

2. Discussion with the Cable T.V. Regulatory Board concerning proposed revisions to the Cable T.V. policies and procedures.

It was the concensus of the Council that a disclaimer should be on the screen.

3. Maine Water Company Rate Increase Request.

It was the consensus of the Council to intervene if we feel the rate increase is unfair.

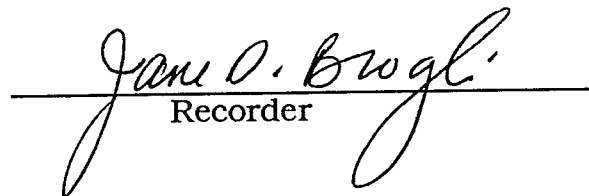
ITEM #195-93 To consider action relative to an Executive Session.

MOVED AND SECONDED: That the Council enter into Executive Session to discuss litigation. (Town of Freeport v T.Y. Lin) and a personnel matter. (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED: To reconvene. (Councilors Veilleux & Nelson) (7 ayes) (0 Nays)

MOVED AND SECONDED: To adjourn at 12:16 a.m. (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

The foregoing was recorded by: Jane D. Brogli


Recorder

September 30, 1993

Mr. Paul L. Powers
Powers & French, P.A.
209 Main Street
Freeport, Maine 04032

RE: WINSLOW PARK

Dear Mr. Powers:

As you know there has been much debate and dissention over the Winslow Park Master Plan. There are many people individually as well as collectively who seem to feel they know what Winslow Park is best suited for in the future. I have no stated interest for or against the Winslow Park master plan, however, I do have a very strong concern and I feel a well founded concern over the legal issue of Phase II of the plan which eliminates approximately 44% of the campsites, and how if Phase II is implemented that elimination of campsites would be in violation of the trust. There are those who disagree, feeling that elimination of the campsites would not be a violation of the trust and therefore are trying to move forward with the master plan. My concern is that if elimination of 44% or any portion of the campsites is indeed implemented, and if that is indeed in violation of the Trust drawn up by you and Mrs. Harb and dated October 16, 1950, that the Town of Freeport would be in grave jeopardy of losing Winslow Park.

Mr. Powers, as you are the trustee and have been the one and only trustee since the conception of the Winslow Park Trust, I hoped to attain some clarification from you, so as to eliminate any doubts that the powers that be might have as to 1) Mrs. Harb's first priority in the use of the Winslow Park and 2) Your understanding of what could happen should the town of Freeport take any action that might be in violation of the trust.

One more issue I would appreciate your help on. I feel it is important for the public and interested parties to know that you as trustee have always maintained the same position in representing Mrs. Harb's interest regarding Winslow Park.

I have enclosed some excerpts from correspondence for your quick reference (the completed documents are enclosed as well). Could you please read them and tell me if they in fact accurately reflect the position you've held throughout the years, and still hold currently regarding Winslow Park.

1) Trust agreement dated July 24, 1987, recorded at the registry of deeds on July 28, 1987. "She especially directed me to see to it that tents and other camping equipment should have the first priority in the use of said park."

Same document paragraph #5 "on every occasion of receiving such complaints, I have made it especially clear to said complainants that the primary purpose of said park land is for camping and camp sites."

2) Letter written by you to Mr. John Skillin dated November 17, 1988. Paragraph #4 "It is apparent that most of these people would object to eliminating the campsites around the waterfront, and I must express as clearly as I can my opinion that eliminating or reducing campsites along the waterfront is absolutely contrary to the intention and desires of the benefactor who made this park available."

Same document, paragraph #6 "I am convinced that Adelaide Winslow Harb performed a great public service, and her desires must not be curtailed or infringed upon."

3) A letter written by you to Mr. John Nelson dated September 15, 1989. "It has also been brought to my attention that there are people, both within the town and outside, who object to the sight of tents, RV vehicles and camping equipment of all types which can be seen from Casco Bay. For that reason, they feel that all these camping sites and facilities should be eliminated, or moved back, so that they could not be seen from the water."

Same document, paragraph #4 "It is my opinion that such a restriction upon the use of this land would be a violation of the purpose and intent of Adelaide Harb, who created this park as a gift to the public for camping purposes, including other recreational purposes. I have on several occasions made it known, very clearly, to anyone who has ever come to me with the question, that any action to prohibit or to limit any area of the land now comprising Winslow Park from camping purposes, that I am of the opinion that any such change could very well upset the condition of the conveyance of the use of this land to the park."

Same document paragraph #7 "I do know that this has been your view for some time that the use of the land adjoining the bay should be curtailed and restricted so the campsites would not be used on that portion of the land, and as I have said before, such action in my opinion could very well upset the conveyance of this land, or its use, to the Town of Freeport."

WINSLOW PARK

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4) Letter written by you to the Winslow Park Commission dated May 4, 1993. Paragraph #2 "I acted as Attorney for Adelaide Winslow Harb for many years and she spent a great deal of time with me discussing her ideas for use of all the land as a public park and camping site. I am very familiar with her thoughts and desires for the use of this land and it was foremost in her mind and plans that all the land facing the ocean be available for campers. Any plan which could eliminate any part of the land facing the ocean as campsites is directly opposed to her wishes and desires. When she appointed me as her Trustee, she knew that as long as I served in that capacity, I would do my best to preserve and protect her wishes."

Same document, paragraph #3 "I shall, as long as I am trustee, to the best of my ability, oppose any plan which tends to eliminate or limit any part of the land, especially the land facing the ocean as campsites."

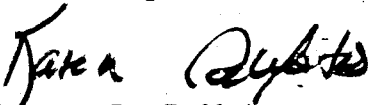
And finally your most recent letter dated September 9, 1993, addressed to Kirk Goddard and carbon copied to the Town Council, Dale Olmstead, and Wayne Hollingsworth, Chariman, Winslow Park commission.

5) Paragraph # 6 "My position on the use of the park remains the same as it has since the park's inception which is consistent with my affidavit of July 24, 1987." (Please refer to item #1 of this letter).

After reading these numerous documents, I have no doubt in my mind that you were not only consistent but adamant about your position regarding the Winslow Park campsites, however, there are those on the Town Council that are still unclear. As this Town Council holds the future of Winslow Park in its' hands, if you would please clarify one more time, for the Town Council what, as trustee for Winslow Park, your position is regarding elimination or lessening of the campsites, and how it could relate to the conveyance of this land to the Town of Freeport.

Thank you for your time and efforts.

Sincerely,


Karen G. DeMatos

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

AREA CODE 207
865-3135

FAX NUMBER
207-865-0459

October 4, 1993

Ms. Karen G. Dematos
173 Flying Point Road
Freeport, ME 04032

RE: WINSLOW PARK

Dear Karen:

Thank you for your letter of September 30, 1993 concerning the above referenced matter.

As you so aptly set forth in your letter, I have stated and restated my position on the use of land occupied by Winslow Park in many letters and in the affidavit recorded in the Registry of Deeds.

In summary, that position is as follows:

1. Adelaide Winslow Harb directed that tenters and campers should have priority in the use of the land described in the Deed of Trust (Winslow Park).

2. Any voluntary reduction in the number of campsites would be contrary to the desires and interest of Adelaide Winslow Harb.

3. Any action by the Town Council or Park Commission which would reduce the number of or change the location of any campsites could be grounds for an action for reversion of the Winslow Park Real property to the heirs of Adelaide Winslow Harb.

I hope that this letter clarifies any confusion which you may have felt.

With kindest personal regards, I remain,

Very truly yours,

Paul L. Powers Klr

Paul L. Powers

PLP/klr

PROJECTED RATES
FOR CAMPSITES

100 Sites (Current)

\$13./night (70/40 % occupancy)

\$64,000.

\$725. season (19 sites)

13,775.

TOTAL:

\$77,775.

78 Sites

\$13./night (85/50% occupancy)

\$53,820.

\$725. season (18 sites)

\$13,050.

TOTAL:

\$66,870.

\$16./night (85/50% occupancy)

\$66,240.

\$750. season (18 sites)

\$13,500.

TOTAL:

\$79,740.