

FREEPORT TOWN COUNCIL MEETING #22-93

OCTOBER 19, 1993 - 6:30 PM - COUNCIL CHAMBERS

SUMMARY AGENDA

ITEM #196-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION

ITEM #197-93 TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR VICTUALER
LICENSES FOR RONALD D. BROOK, BARBARA MCGIVAREN AND TIMOTHY BODGE
(PUBLIC HEARING)

ITEM #198-93 TO CONSIDER ACTION RELATIVE TO THE PROPOSED DISCONTINUANCE OF A
PORTION OF THE TOWN WAY COMMONLY KNOWN AS PORTERS LANDING ROAD
LOCATED NEAR PORTERS LANDING IN SOUTH FREEPORT. (PUBLIC HEARING)

ITEM #199-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ALTERNATIVE
TRANSPORTATION ADVISORY COMMITTEE

ITEM #200-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SHELLFISH
COMMISSION.

ITEM #201-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SHELLFISH
COMMISSION.

ITEM #202-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CONSERVATION
COMMISSION.

ITEM #203-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CONSERVATION
COMMISSION.

ITEM #204-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE DESIGN REVIEW
BOARD.

ITEM #205-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE DESIGN REVIEW
BOARD.

ITEM #206-93 TO CONSIDER ACTION RELATIVE TO CONFIRMING A WARDEN FOR THE
NOVEMBER 2, 1993 STATE AND LOCAL ELECTION AND HOURS FOR THE POLLS.

ITEM #207-93 TO CONSIDER ACTION RELATIVE TO THE RESCUE RULES AND REGULATIONS

ITEM #208-93 TO CONSIDER ACTION RELATIVE TO THE PURCHASE OF A BOAT TRAILER.

ITEM #93-93 TABLED MAY 18, AUGUST 3 AND SEPTEMBER 7, 1993. TO CONSIDER ACTION
RELATIVE TO THE PROPOSED DISCONTINUANCE OF A PORTION OF THE TOWN
WAY COMMONLY KNOWN AS PORTERS LANDING ROAD LOCATED NEAR PORTERS
LANDING IN SOUTH FREEPORT.

PLEASE TURN OVER

ITEM #94-93 TABLED MAY 18, AUGUST 3 & SEPTEMBER 7, 1993 TO CONSIDER ACTION
RELATIVE TO THE ACCEPTANCE OF A GIFT OF LAND

ITEM #192-93 TABLED OCTOBER 5, 1993 TO CONSIDER ACTION RELATIVE TO PROPOSED
REVISIONS TO THE WINSLOW PARK MASTER PLAN

OTHER BUSINESS:

1. MEETING WITH THE SOLID WASTE/RECYCLING COMMITTEE TO DISCUSS THE COLLECTION OF
DEMOLITION MATERIAL, AMENDMENTS TO THE SOLID WASTE ORDINANCE AND THE ROLE OF
RWS IN THE LONG RANGE PLANNING FOR THE HANDLING OF DEMOLITION MATERIALS
2. DISCUSSION ON SALVATION ARMY'S REQUEST FOR A HOLIDAY FUNDRAISER
3. UPDATE ON MAINE WATER COMPANY'S REQUEST FOR RATE INCREASES
4. UPDATE ON EDA GRANT APPLICATION

ITEM #209-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION

END OF AGENDA

COUNCIL MEETING #22-93
FREEPORT TOWN HALL COUNCIL CHAMBERS
October 19, 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	(arrived 6:34)	
Andrew Arsenault, 287A U.S. Route #1	X		
John Nelson, Church Street	X		
Cary Veilleux, Wardtown Road	X		
Randall Bennett, Park Street	X	(arrived 6:37)	
Elizabeth Ruff, Durham Road	X		

FIRST ORDER OF BUSINESS:

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #21-93 held on October 5, 1993 and accept the minutes as printed. (Councilors Veilleux & Ruff) (5 Ayes)
(0 Nays)

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

Ed Campbell said he hoped for a good meeting.

Chairman Goddard read two letters as recognition to the "Town Hall Gang" from Kuwait and Colorado. These letters will be framed and hung in the Town Hall for all the citizens to share. He said that a group from the Town Office adopted a soldier and sent letters and gifts to him. The first letter is from Mohammed S. Al-Sabah, Ambassador of Kuwait: "Dear Friends: Chief Warrant Officer Daniel Ernest George of Colorado Springs, Colorado has recently brought your good deeds to my attention. I would like to add my words of gratitude to you all for the letters and words of encouragement and cheer you brought to Chief Warrant Officer George at a time when he needed them most. Going off to war is never easy, not for the soldier and certainly not for his or her family. Many questions abound at the time, the most troubling of which is, will the soldier ever return to his or her loved ones? The war fought to liberate Kuwait was, thank God, short and victory was glorious. Only those who participated know the dark days and nights filled with uncertainty, fear, and possibly, hopelessness. You the 'Town Hall Gang,' made those days and nights a little brighter for Chief Warrant Officer George and his fellow serviceman and servicewomen with whom I am sure he shared your letters. I am also sure that knowing there were people back home who cared and who took the time to say so was a great comfort to the soldiers. Once again, 'Town Hall Gang,' thank you very much for your patriotism and friendship from the people of Kuwait." The second letter is from Dan George:

"Dear Friends, As this chapter of my life comes to an end and I retire from the military I cannot leave it without remembering my friends in Freeport. Wearing the uniform of a United States Army Officer has been an honor, bringing with it great pride and faith in our nation. From the end of Vietnam through Desert Storm the uniform has always been a reminder to me of the wonderful land and people back home. Your letters, thoughts, and concern brought me through a time of physical pain, moral confusion and the deaths of fellow soldiers and friends. I will be forever thankful to you for entering my life. I've sent you the medal I was awarded after the war. You contributed so much (more than you know) to my successful and safe homecoming that I would like you to have it. As I lay my head down at night, in whatever corner of the world I find myself, I will think of you and sleep better knowing it is in your hands. Correspondence will be difficult but please know that you are forever in my thoughts. I will return to the USA and to you someday."

Mr. Goddard said he also had an award for Al Thompson as a token for his commitment to the town. Mr. Goddard said a framed copy of the Portland Paper with the article about him has been framed and will hang in the Town Hall. He also thanked Al for all he's done for the community.

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

ITEM #197-93 TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR VICTUALER LICENSES FOR RONALD D. BROOK, BARBARA MCGIVAREN AND TIMOTHY BODGE. (**PUBLIC HEARING**)

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene. (Councilors Ruff & Nelson) (7 Ayes) (0 Nays)

Roll Call of Members:

Kirk Goddard
Andrew Arsenault
Cary Veilleux
Elizabeth Ruff

Edward Bradley
John Nelson
Randall Bennett
Dale Olmstead

MOTION: That the following re-applications for Victualer Licenses be subject to Public Hearing: Ronald D. Brook, d/b/a Crickets Restaurant, 175 Lower Main Street; Barbara McGivaren, d/b/a Maple Hill B & B, 18 Maple Avenue; Timothy Bodge, d/b/a Bodge's Sub-Shop, 15 South Street.

MOTION: That the Public Hearing be closed. (Councilors Ruff & Veilleux) (8 Ayes) (0 Nays)

Item #197-93 continued

BE IT ORDERED: That the re-applications for Victualer Licenses issued to the above named applicants, be approved. (Councilors Ruff & Arsenault) **ROLL CALL VOTE** (8 Ayes) (0 Nays)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Ruff & Nelson) (7 Ayes) (0 Nays)

ITEM #199-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ALTERNATIVE TRANSPORTATION ADVISORY COMMITTEE.

BE IT ORDERED: That Frederick Robie be appointed, effective immediately, to serve as a member of the Alternative Transportation Committee. **BE IT FURTHER ORDERED:** That Mr. Robie qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Nelson & Ruff) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #200-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SHELLFISH COMMISSION.

BE IT ORDERED: That Marjorie Schwietening be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 1996. **BE IT FURTHER ORDERED:** That Ms. Schwietening qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Bradley & Ruff) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #201-93 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SHELLFISH COMMISSION.

BE IT ORDERED: That Terry Lee Smith be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 1995. **BE IT FURTHER ORDERED:** That Mr. Smith qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Ruff & Bennett) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #202-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CONSERVATION COMMISSION.

BE IT ORDERED: That Majorie Hall be re-appointed, effective immediately, to serve as a member of the Conservation Commission until September 1, 1996. **BE IT FURTHER ORDERED:** That Ms. Hall qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Nelson & Bennett) ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #196-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

MOVED AND SECONDED: That the Council enter into Executive Session with the Town's Attorney to discuss potential litigation. (Phipps-Yarmouth Lumber) (Councilors Arsenault & Nelson) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council reconvene. (Councilors Veilleux & Nelson) (7 Ayes) (0 Nays)

ITEM #198-93 TO CONSIDER ACTION RELATIVE TO THE PROPOSED DISCONTINUANCE OF A PORTION OF THE TOWN WAY COMMONLY KNOWN AS PORTERS LANDING ROAD LOCATED NEAR PORTERS LANDING IN SOUTH FREEPORT. (PUBLIC HEARING)

MOVED AND SECONDED: That the proposed discontinuance of a portion of the Town Way commonly known as Porters Landing Road be subject to Public Hearing. (Councilors Veilleux & Ruff) (7 Ayes) (0 Nays)

Norma Phelps made a presentation on the exchange of their lot on Cove Road for part of the town's deeded right-of-way at Porter's Landing. She said that Mrs. Keegan signed a deed which allows access--dimensions are 16.5 ft. and 140 ft. long. Mr. Long, she feels, intends to sign. Mrs. Phelps said Mrs. Keegan put three restrictions on her easement--no street lights, no overnight parking--sun-set to sun-light, and on her part of the easement she would like no parking. Mrs. Phelps said Mrs. Keegan felt the restriction of sun-rise to sun set applied to parking but would not prevent the clammers from coming earlier or staying later.

Item #198-93 continued

Jackie Cohen, Town Planner, said if the easement was only 16.5 ft. wide, it would need widening and a DEP permit would be required. Attorney Hole said a 33 ft. wide road is planned.

Councilor Bennett asked what the turning radius was for the access road at Cove Road in the proposed plan. He asked if a boat trailer could be brought in. Mrs. Phelps said it would be tight but it could be done.

Mr. Arsenault asked about parking on the Porter's Landing Road property. Mrs. Phelps said there is room for three cars. The town currently plows to the end of the gravel. The Phelps agreed to plow the road from now on.

Mrs. Ruff asked about the frequency of use of the Porter's Landing right-of-way. Mrs. Phelps said that three neighbors use it routinely.

Jackie Cohen said the permitted uses on Cove Road are excavation, filling, earth moving, pier or dock, a drive to the shore, and public and private recreational areas. She said to develop a road or a pier, the town must meet certain requirements. She said if the proposal to seed a gravel area was done, an Army Corps permit would not be needed but if the road was widened, a DEP permit would be needed. For the Porter's Landing site, a road would require a full Army Corps permit--very discouraging because of the salt marsh and would have to show a real need. For adding a graveled pedestrian way, an Army Corps permit would be needed but would be easier to get. It was suggested to use planking if not just mowing.

Ms. Cohen said that piers or floats would require an Army Corps permit for either site. She said there is more salt marsh at Porter's Landing than at Cove Road. For an Army Corps permit, you must show need--show there are no alternatives.

John Arsenault, Coastal Waters Commission Chairman, said the Commission was asked to look at Cove Road and determine what the usage could be. He said they would like to see a parking lot. He said he felt there wasn't a good turning radius there for launching a boat. The Shellfish Commission said if a boat couldn't be launched at Cove Road, retaining access at both sites would be the best choice. Mr. Bradley said the Shellfish Commission felt that the access for clamming was better at Cove Road.

Bob Ormsby, Real Estate Agent for 20 years, said he was asked to determine the fair market value--what people would pay for property on the open market--of both the Cove Road Property and the Porter's Landing piece of property. He could only find three lots to compare the Cove Road property to and they ranged in price from \$10,000 to \$15,000. He thought a fair market value for the Cove Road property would be between \$10-15,000. He said Hugh and Norma Phelps bought the property for \$10,000 a year ago.

Item #198-93 continued

Mr. Ormsby reported that after extensive researching, he was unable to find any property to compare the lot on Porter's Landing to and consequently did not have a value for it. Mr. Bradley asked why there couldn't be a square foot value for the property. Mr. Ormsby stated that square foot value is only done by tax assessors and not by Real Estate Appraisers for market value. Mr. Ormsby said he couldn't find a comparison in the market.

Mrs. Ruff said she felt it was better to look at the value, to the public, of the swap and not the dollar value of the property.

Rod Regier stated that he feels the swap is a good idea as the town gets two access points to the water.

Bob Stevens, abutter of the Phelps, said this is a good proposal and he supports it.

Ken Mann said the town would be getting less, if we give up ownership of the property for an easement.

Ginny Keegan said we should work together and keep the Cove Road property as it is today except for the late night use. She said it was a great spot for canoe and kayak use. She agreed to amend her deed "just for commercial fishing" as an exception to the "sun-set and sun-rise" portion of the deed.

Dick Doucette felt that the rights shouldn't be limited to just the clambers but to all users.

Ginny Hilton, Porter's Landing, urged the Council to leave the Cove Road property as it is.

Steve Peters urged the Council to look again at the turning radius at Cove Road. He said he thinks the Porter's Landing property could be developed.

Dick Hilton suggested that the town keep the deed to the shore (at Porter's Landing) and maintain an easement to it instead of giving up the deed and only having an easement to get to it.

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

ITEM #93-93

**TABLED MAY 18, AUGUST 3 AND SEPTEMBER 7, 1993.
TO CONSIDER ACTION RELATIVE TO THE PROPOSED
DISCONTINUANCE OF A PORTION OF THE TOWN WAY
COMMONLY KNOWN AS PORTERS LANDING ROAD
LOCATED NEAR PORTERS LANDING IN SOUTH
FREEPORT.**

MOVED AND SECONDED: To amend* Item #93-93 to delete "for pedestrian use" so it reads that a public easement is retained...and in the third sentence that the word "motorized" be added between the words "all" and "vehicles" so that it would read ...a ten foot wide foot path widening at the shore, and with all motorized vehicles other than municipal maintenance vehicles excluded. It was also moved to delete "pedestrian" on the second page of Exhibit A. (Councilors Bradley & Arsenault) (7 Ayes) (0 Nays)

BE IT ORDERED: *That pursuant to provisions of Title 23, Section 3026 of the Maine Revised Statutes and after notice and hearing, that portion of the town way accepted on June 4, 1832 commonly known as Porter's Landing Road, in the Town of Freeport, County of Cumberland, State of Maine, lying southeasterly of that line that runs S 43 degrees 25' W a distance of 49.50 feet from the northerly sideline of said Porter's Landing Road and being also the most southerly corner of land conveyed to Robert E. Stevens and Kathleen E. Sullivan by deed recorded in the Cumberland Country Registry of Deeds, Book 3680, Page 295, is hereby discontinued effective that date the Town Manager receives and accepts in writing deeds from Charles P. Long, Mary V. Keegan, and Hugh Phelps, providing access to and ownership of that parcel of land acquired by Hugh Phelps from Triple L. Company, Inc. by deed dated September 25, 1992, and receives and accepts in writing waivers of discontinuance damages from Norma Phelps, Robert E. Stevens and Kathleen E. Stevens. The location of the town way is described in the June 4, 1832 records of the Town of Freeport, and redefined by the Commissioners of Cumberland County dated September 25, 1958.

BE IT FURTHER ORDERED: That a public easement for pedestrian use is retained, said easement consisting of a ten foot wide foot path widening at the shore, and with all vehicles other than municipal maintenance vehicles excluded.

Item #93-93 continued

The metes and bounds of said easement are described on Exhibit A attached to and made a part of this Order. Reference is made to a Standard Boundary Survey prepared by Owen Haskell, Inc. entitled "Standard Boundary Survey on South Freeport Road, Porters Landing Road, in Freeport, Maine for Hugh M. Phelps" dated June 6, 1989, and last revised October 19, 1993, to be recorded.

BE IT FURTHER ORDERED: That all abutters having waived any claim for damages and because none of the abutting properties depends on Porter's Landing Road for road access, no damages shall be paid to any abutting property owners, the names of whom, as determined from the assessment records of the Town of Freeport are as follows: Norma J. Phelps, Robert E. Stevens, and Kathleen E. Stevens. (Councilors Bennett & Veilleux) (5 Ayes) (2 Nays - Arsenault & Bennett)

ITEM #94-93 TABLED MAY 18, AUGUST 3 & SEPTEMBER 7, 1993. TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A GIFT OF LAND.

Be It Ordered: That a gift of land at the end of Cove Road (Map 6, Lot 31) donated to the Town of Freeport by Hugh Phelps, be accepted, effective that date the Town Manager receives and accepts in writing deeds from Charles P. Long, Mary V. Keegan, and Hugh Phelps, providing access to and ownership of that parcel of land acquired by Hugh Phelps from Triple L. Company, Inc. by deed dated September 25, 1992, and receives and accepts in writing waivers of discontinuance damages from Hugh Phelps and Robert E. Stevens and Kathleen E. Stevens, for the Porters Landing Road. (Councilors Bradley & Ruff) **ROLL CALL VOTE** (6 Ayes) (1 Nay - Bennett)

ITEM #203-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CONSERVATION COMMISSION.

BE IT ORDERED: That Ted Myers be re-appointed, effective immediately, to serve as a member of the Conservation Commission until September 1, 1996. **BE IT FURTHER ORDERED:** That Mr. Myers qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Ruff & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #204-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE DESIGN REVIEW BOARD. .

BE IT ORDERED: That Barry Saxe be re-appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 1996. **BE IT FURTHER ORDERED:** That Mr. Saxe qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Nelson & Arsenault)
ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #205-93 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE DESIGN REVIEW BOARD.

BE IT ORDERED: That Brian Haddock be re-appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 1996. **BE IT FURTHER ORDERED:** That Mr. Haddock qualify by swearing an oath of office before the Town Clerk by October 29, 1993. (Councilors Arsenault & Nelson) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #206-93 TO CONSIDER ACTION RELATIVE TO CONFIRMING A WARDEN FOR THE NOVEMBER 2, 1993 STATE AND LOCAL ELECTION AND HOURS FOR THE POLLS.

BE IT ORDERED: That the Town Clerk's appointment of Kirk Goddard as Warden for the November 2, 1993 State and Local Election, be confirmed. **BE IT FURTHER ORDERED:** That the Polls be open from 7:00 a.m. to 8:00 p.m. (Councilors Veilleux & Ruff) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

ITEM #207-93 TO CONSIDER ACTION RELATIVE TO THE RESCUE RULES AND REGULATIONS.

MOVED AND SECONDED: To table Item #207-93 for further study and consideration. (Councilors Bradley & Bennett) (4 Ayes) (3 Nays - Ruff, Nelson, and Goddard)

Chairman Goddard said that this item is on the agenda at the request of the Town Manager to revise an administrative change that was made in August 1992. He said the discussion this evening will be limited to the administrative changes that are taking place--the personnel issues will not be open to discussion.

Item #207-93 continued

John Forrest said he considers this a serious matter. He said he is Deborah Libby's attorney. He said he opposes any motion to eliminate the position as Head of Rescue.

Chairman Goddard said that there have been administrative changes made in the Department prior to this evening. At that time a new Deputy Chief was appointed effective on that date. He said that Mrs. Libby maintains her current post but reports to that position (Deputy Chief) in an administrative way. The new Deputy Chief reports to Duncan Daly, the Fire Chief. Tonight's discussion is about rescinding August 20, 1992 rule change that was made dividing the department into two distinct areas having independent responsibility and authority reporting to Dale Olmstead. He again stated that the public cannot speak about personnel issues.

MOVED AND SECONDED: To appeal the order and allow Jack Forrest to speak. (Councilors Arsenault & Bennett) (2 Ayes)
(5 Nays - Goddard, Nelson, Bradley, Veilleux, & Ruff)

Councilor Ruff said she is in support of the change because she feels the Fire and Rescue in a town like Freeport should be under one administrative responsibility. She said that is the issue here tonight. She said that although she was not on the Council when the rules were made in August of 1992, if she had been she would not have voted for them. Any personnel issues that are a result of that restructuring are the Town Manager's prerogative and personnel issues are not appropriate to discuss in public. She will oppose any attempt to do so. She said people could comment on the restructuring and the changing/rescinding of the regulations--that was appropriate and the Council would like to hear from them. She said it is not the time nor the place to talk about personnel involved.

Dave Thompson said he didn't like the timing of this vote--at the end of the old Council and before the new Council. He felt it was timed poorly--it doesn't look good. He said he is not in favor of this change.

Ken Mann said he felt the Rescue personnel should be able to choose their own leader. He said he is against this measure.

Amy Adams says she listens to three scanners. She urged the Council not to wreck something good.

Lee Goodine, life member of Rescue, said the Town Manager has the right to hire and fire.

Item #207-93 continued

Dick Doucette, Lower Mast Landing Road, said he depends on the Rescue and hopes that tomorrow there will be a Rescue Squad if this change takes place.

Tom Gould, Lieutenant of Rescue, assured the town that the Rescue will be there tomorrow.

Rose Donagan, Lieutenant of Freeport Rescue, said she has been on the unit for 12 years. She said that things are getting better. She said the unit has received three awards in the past year--they've developed the Good Heart unit. She said the current Director has increased the membership from 12 to 45.

Chris Chaney, Captain of Rescue and Lieutenant of the Fire Department, said the restructuring was done a year ago because of problems. He said there still are the same problems but they are worse. He felt it was time to go back.

George St. Pierre, new member of Rescue, said he's only been on the Rescue Unit for one year. He said he's had a lot of problems and feels it should go back to the way it was before.

Louie Corliss said he was upset that Mr. Forrest was not allowed to speak but the Rescue members were allowed to complain. He felt no more personal remarks should be allowed. He feels the dismissal of personnel should have been done after the new Council was elected.

Mr. Olmstead said there has been no dismissal at this point. A year and a half ago, things reached such a point with the Fire & Rescue that the Council Chairman stepped in and made an administrative decision to split the two departments. The Council then formalized that by adopting rules and regulations to see if that split administration would be effective. There are two documents that would have had to be amended in order to complete the circle. One of the documents is the Administrative Code and the other is the Fire Rules and Regulations which are both now inconsistent with the Rescue Rules and Regulations. This Council asked me to bring this issue back to the Council--the Council leadership and individual Councilors. He said he was asked to make an assessment of the effectiveness of the change and bring the issue back to the Council. He said he went through a two month process and brought a recommendation to the Council. His recommendation is that this system is worse than the system before and that we need to revert back to the system that is currently supported by the Administrative Code.

Mr. Bradley said that no Councilor asked to have this on the agenda. He said he wouldn't have chosen to consider this issue in this way. He asked for clarification of the two-month process the Town Manager went through to help understand the issues.

Item #207-93 continued

Mr. Olmstead said there were Councilors that discussed this issue with him months ago (present at the table) -- who expressed concern about the situation within Rescue, expressed concern about the current administration, asked him for history of what had occurred, and when he explained the history and explained the decision the former Council Chairman had made, and the subsequent Council had supported, he brought the issue, at the encouragement of a Councilor or two, to this Council for discussion. He said he had a series of discussions which included a private meeting with Rescue, a private meeting with Fire, meetings with both Chief of EMS and the Fire Chief, discussions on what the problems were, how they could be addressed, and we still have the issue of both the Administrative Code and the Fire Rules that are inconsistent with the Rescue Rules the Council adopted in August of 1992. The circle still needed to be closed and it was the opinion of the Councilors talking with me that that circle should be closed before this Council leaves office. He said he did his investigation--about two months in duration--and has brought the recommendation forward. The specific recommendations are: (1.) having an EMS Chief that is part-time has created a problem--particularly to himself as far as accessibility, (2.) since there is no accountability to the Fire Chief there has been a breakdown of communications between Fire and Rescue which has rolled over to a breakdown in relationships between members of Rescue and the Fire Department.

Councilor Ruff stated that she is one of the Councilors that felt this issue should get attention from the Town Manager. She feels very strongly that the Council needs to look at how the two departments are structured and does not feel uncomfortable that she asked that this issue be brought forward. She said she had concerns about the Rescue Unit operating efficiently and being workable to everyone. She said she's not sure it's always true. She said the Rescue members do a great job but feels there are a lot of glitches. She said she also has a scanner and she said she wanted to take responsibility that this very important item come forward.

Bruce Libby said he was an officer in the company since 1967 and Deputy Chief from 1984 until a year ago. He feels there is a need for the split. He was very dedicated as a fireman and lived by the structure. He felt it was time for everyone to grow up and live by the structure. He feels the Rescue needs to stay separate--that there should be two department heads. He said it is time to work together.

Shirley DeGrandpre, Lieutenant of Rescue, said she was opposed to the split a year ago and is still opposed to the split. She said she wouldn't quit serving the town as an EMT. She said she feels that the Fire Department and Rescue should work together and one way is under one person. She feels there needs to be joint activities.

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Everest Bernier, regular member for two years--previous Deputy Chief, said he doesn't understand what is going on. Departments everywhere seem to have these problems--in-fighting and bickering. He feels the Fire Department and the Rescue are two separate functions. Morale is a problem on the Rescue Squad--there is a sense of "getting the leftovers" when the Rescue Unit was part of the Fire Department. He said the "medical" side doesn't have a lot to do with the "fire" side.

Renee Brunelle, EMT at the Advanced Life Support Level of Intermediate, said she is the Safety Coordinator of the Unit. She said that the two departments need to be cross-trained. There needs to be coordination between the two groups for the best patient care. She said she supports this measure. She feels the two groups need to work together. She urged the Council to put the Fire and Rescue Departments back together so there can be training together. She said her commitment is to the town and her patients.

Kim, EMT and new member, said she opposes the separation of the two departments. She said the structure needs to change.

Rose Donagan said she felt the two departments work together all the time.

Diane, Rescue Unit, said the Police, Fire, and Rescue are all positions of responsibility. She supports keeping the Fire Department and Rescue Unit separate.

James Brown, Paramedic with Rescue and employed full time as a Paramedic outside the unit, said they need a change. He urged the public to come out and ride with the volunteers. He feels in the future the departments will all be together.

Mary Smith, full-time Dispatcher, said she is a very strong supporter of this measure. She said she is also a member of Rescue. She said they are not there to support an individual but were there to support a town. She asked the Council to help solve the problems in the Rescue Unit.

^{Pellerin}
~~Tim Power~~ said he is a member of Rescue and the Fire Department and is a career Fire Fighter and EMT. He feels some people have lost their perspective. He said the Rescue needs help in organizing and asked the Council for their best possible judgement on this issue.

Ed Lane, serves on Fire and Rescue, feels the system is not working and we are going back to a system that wasn't working a year ago. He said there are many departments across the country that are cross-trained. He suggested tabling the item and doing more research to set up a system that will work.

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Jeremy Keith, Rescue EMT for three years, feels that personal and professional differences should be kept separate.

Louie Corliss said he felt there should be a public hearing on this issue if the Council is changing the regulations.

**ITEM #192-93 TABLED OCTOBER 5, 1993. TO CONSIDER ACTION
RELATIVE TO PROPOSED REVISIONS TO THE WINSLOW
PARK MASTER PLAN.**

MOVED AND SECONDED: To amend* the Winslow Park Master Plan, Phase II, as submitted to the Council to change the 23 sites located on the shore to 11 on the shorefront and left up to the Commission to determine where they are located on the shore. (Councilors Veilleux & Nelson) (4 Ayes) (3 Nays - Ruff, Arsenault, & Bennett)

MOVED AND SECONDED: To approve Phase I of the Winslow Park Master Plan. (Councilors Nelson & Ruff)
ROLL CALL VOTE (7 Ayes) (0 Nays)

MOVED AND SECONDED: To approve Phase II of the Winslow Park Master Plan as amended*. (Councilors Nelson & Ruff) (5 Ayes) (2 Nays - Bennett & Arsenault)

**ITEM #208-93 TO CONSIDER ACTION RELATIVE TO THE PURCHASE OF
A BOAT TRAILER.**

MOVED AND SECONDED: To table Item #208-93.
(Councilors Nelson & Veilleux) (7 Ayes) (0 Nays)

OTHER BUSINESS:

1. Chairman Goddard announced that David McQuaid passed away a week and a half ago and it is a great loss to the town. Mr. Olmstead said he had an incredible spirit. Mr. Nelson said that although David did not live to see the Public Safety Building completed, he feels sure that David's spirit will be there to see it completed.
2. DISCUSSION ON SALVATION ARMY'S REQUEST FOR A HOLIDAY FUNDRAISER. It was the consensus of the Council to approve the request.

3. UPDATE ON MAINE WATER COMPANY'S REQUEST FOR RATE INCREASES.

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

MOVED AND SECONDED: To authorize the town to spend up to \$4,000 of our revenue sharing to be taken out of the Miscellaneous & Contingency Account for the consultant. (Councilors Bradley & Bennett) (7 Ayes) (0 Nays)

4. UPDATE ON EDA GRANT APPLICATION. Mr. Olmstead said there has been no word so far on the Grant.
5. Kirk said DEP is investigating, at the town's request, the asbestos disposal. He said he hoped it would be as soon as possible. He hopes to have a workshop to provide the results to the townspeople. Mr. Olmstead noted that because the asbestos removal became such a political issue, the town requested the investigation.
6. Mr. Olmstead announced that there will be a Cable TV Workshop in Yarmouth on November 3rd regarding regulation of rates. Mr. Bradley said he would try to attend.
7. Councilor Ruff suggested that the Council meet the week after the election on November 9 and have a short meeting with the new Councilors and then hold a reception for the outgoing Councilors and the new Councilors.

MOVED AND SECONDED: To adjourn at 12:34 a.m. (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

Respectfully submitted,

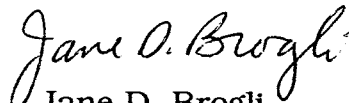

Jane D. Brogli
Council Recorder

EXHIBIT A

A certain strip or parcel of land situated within Porter's Landing Road in the Town of Freeport, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a point on the southerly side of Porter's Landing Road marking the beginning of the proposed discontinuance of a portion of Porter's Landing Road by the Town of Freeport, said point of beginning being located on a course of S 43° 25' W a distance of 49.50 feet from the northerly sideline of the said Porter's Landing Road and being also the most southerly corner of land conveyed to Robert E. Stevens and Kathleen E. Sullivan by deed recorded in the Cumberland County Registry of Deeds in Book 3680, Page 295, said point also being located on a course of S 46° 35' E a distance of 41.47 feet from a granite monument on the southerly line of said Porter's Landing Road;

Thence, from said point of beginning by the southerly line of said Porter's Landing Road on the following courses:

S 46° 35' E a distance of 274.66 feet to a granite monument;
S 46° 35' E a distance of 98.01 feet to a granite monument;
S 43° 25' W a distance of 16.50 feet to a granite monument;
S 46° 35' E a distance of 66.48 feet to a granite monument
on the approximate northwesterly water mark of the
Harraseeket River;

Thence, continuing S 46° 35' E by the southerly line of said Porter's Landing Road, as extended, to the low water line of said river;

Thence, northeasterly by the low water line of said river a distance of 66 feet plus or minus to a point on the northerly line of said Porter's Landing Road, as extended southeasterly;

Thence, by the extended northerly line of said Porter's Landing Road N 46° 35' W to the approximate high water line of said river;

Thence, continuing by the northerly line of said Porter's Landing Road N 46° 35' W a distance of 95 feet plus or minus to a point;

Thence, across said Porter's Landing Road on a course of S 43° 25' W a distance of 39.50 feet to a point, said point being N 43° 25' E a distance of 10.00 feet from the granite monument at the terminus of the second course described above;

Thence, through said Porter's Landing Road on a course of N 46° 35' W a distance of 372.67 feet to a point marking the northwesterly terminus of the proposed discontinuance of a portion of said Porter's Landing Road;

Thence, by the terminus of said discontinuance across said Porter's Landing Road on a course of S 43° 25' W a distance of 10.00 feet to the point of beginning.

Above courses are magnetic 1958.

Meaning and intending to retain a public pedestrian easement within the proposed discontinuance of a portion of Porter's Landing Road.