

**MINUTES**  
**FREEPORT TOWN SPECIAL COUNCIL MEETING #11-12**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JUNE 5, 2012 - 6:30 P.M.**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x		
Rich DeGrandpre, Timber Ridge Road	x		
Sara Gideon, 78 Bow Street	x		
James Hendricks, 21 West Street	x (arrived at 6:36)		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x (arrived at 6:35)		

Chair Cassida called the meeting to order at 7:04 p.m. and took the roll. He announced that Councilors Hendricks and Egan would be arriving momentarily.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #09-12 held on May 15, 2012 and #10-12 held on May 17, 2012 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #09-12 held on May 15, 2012 and #10-12 held on May 17, 2012 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Egan and Hendricks)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida, on behalf of the entire Council, welcomed Boy Scout Troop #92 to tonight's meeting. They need to attend a local town meeting and form an opinion on one of the issues discussed in order to earn a Citizenship in the Community Badge. He offered to have further discussion with the Scouts after the meeting should they have any questions.

Chair Cassida announced:

- The next Council meeting will take place on June 19 in District 2 at Wolfe Neck Farm. It will start at 6:30 p.m. and will begin with an open session with the District 2 residents with the regular meeting following at 8 p.m. The recent mailer had the items listed incorrectly. The Council will take the individual District Session first. He asked residents of District 2 to spread the word that the postcard was incorrect.
- On June 12 the polls will be open from 7 a.m.- 8 p.m. at the Freeport High School Gymnasium. The RSU5 Budget Validation will be on the ballot. Also on the ballot will be the Democrat, the Green Independent and the Republican Primary Elections. The Town Clerk and voter registration will be available at Town Hall during the hours of 7:30 a.m.-6: p.m. Monday through Thursday and on Tuesday, June 5 until 7 p.m. for the purpose of voter registration and absentee voting. The Voter Registrar will also be available at the polls on Election Day.
- The Town's Annual Clean-up Days will be held on June 6, 7, 8 and 9 at the Recycling Center. A town-wide mailer was sent to residents containing a coupon that will allow them to dispose of one load of bulky waste at the Transfer Facility on anyone of those days. People with post office

boxes may not have received the postcard. For more information, or if anyone did not receive a coupon, please contact Mike at 865-3740. The Town has compost bins and rain barrels available for purchase at the Recycling Center.

- There will be a public information meeting regarding the South Street Reconstruction Project on Thursday, June 14 at 5:30 p.m. in Town Hall. The meeting is open to anyone interested.
- A public hearing will be held by the Traffic & Parking Committee on June 14 at 7 p.m. at Town Hall to discuss the removal of some Town street lights.
- Public Works successfully competed in this year's Snow Plow Rodeo. We had two teams that competed and one team placed second out of 27 teams. The winning team is eligible to compete at the State Snow Plow Rodeo scheduled in Skowhegan on June 7.
- Volunteers are needed to help with the Concord Gully Brook Water Shed Project. Training will take place on Friday, June 8 from 9 a.m-12 p.m. in the Freeport Public Safety Building and fieldwork will start that day. For more information, please call Joe Anderson at (207) 899-5957.
- Freeport Players are looking for singers for a Gilbert & Sullivan summer production to take place July 19-August 5. No auditions are necessary. Please call 865-2220 for information.

Councilor Gideon pointed out that the first Freeport Day at the Nordica will take place on June 19. Twice a year the Nordica will not charge any Freeport resident for coming to the movies and a non-profit would be able to collect donations. The Freeport Performing Arts Boosters will collect on June 19 and there will be fliers placed around town.

Councilor DeGrandpre noted that:

- The Freeport Planning Board has a meeting scheduled to discuss Village Parking requirements on June 6 at 6:30 p.m.
- The Project Review Board will meet Wednesday, June 13 at 6 p.m. in the Town Hall to discuss the Hunter Road Playing Fields. The applicant will present a conceptual plan for a Site Plan Amendment. The changes include a new 32' x 50' lodge, covered pavilions, designated areas for portable toilets and a playground.
- Regarding the lights scheduled for removal in the consultant's recommendation, the selected poles will have a large orange poster placed on them. He asked anyone interested to come and share his or her thoughts with Traffic and Parking on June 14.

### **Citizen of the Year Award for 2011**

Councilor Bishop recognized long time Freeport resident, Vicki Lowe as the 2011 Citizen of the Year and presented her with an award and floral bouquet. She itemized Mrs. Lowe's accomplishments. Beth Edmonds and Christina White also spoke about their relationships with Mrs. Lowe. Mrs. Lowe accepted the award.

Chair Cassida suggested taking a recess and refreshments were available.

**7:07 p.m. The Council reconvened.**

**THIRD ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)  
(Non-Agenda Items Only)

There were no members of the public interested in speaking during this period.

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

ITEM #88-12 To consider action relative to adopting the June 5, 2012 Consent Agenda.

**BE IT ORDERED:** That the June 5, 2012 Consent Agenda be adopted.  
(DeGrandpre & Bishop)

Chair Cassida explained the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:**

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Councilor Egan apologized for arriving late and mentioned that she had a revision to the Minutes of May 15 and May 17. Since they had already been approved, she asked about Council Rules. Mr. Olmstead explained that anyone who voted in the affirmative can ask for reconsideration at the meeting.

**MOVED AND SECONDED:** To reconsider the May 15 And May 17 Minutes  
(Arno and Gideon) **VOTE:** (7 Ayes)

Councilor Egan referred to page 8 of the May 15 Minutes under Item #75-12 and suggested changing the sentence in the third paragraph to read: They haven't done anything about developing ~~the land-trails~~ other than exploring possibilities. In the May 17 Minutes, Councilor Egan referred to the 5<sup>th</sup> paragraph on the second to last page where the sentence reads: It would not be good for the Town. She suggested adding the words: **and goes against the recently adopted Town policy to hold one and a half months worth of expenditures in fund balance.** There was consensus to accept the amendments.

**MOVED AND SECONDED:** To amend the May 15 and May 17 Minutes as amended. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

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ITEM #89-12 To consider action relative to proposed amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks. (Chapter 9) **PUBLIC HEARING**

**MOVED AND SECONDED:** That the public hearing be opened. (Egan & Hendricks) **VOTE:** (7 Ayes)

Gary Profenno, Chair of Traffic & Parking provided an explanation and displayed maps encompassing the area. Going forward, all of the contractors involved will be notified when the equipment will be coming onto the street to actually remove the snow in the parking area so they can get the snow off the curb and into the street so that it can be picked up.

**MOVED AND SECONDED:** That the public hearing be closed. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed Ordinance amendments to the Sidewalk Maintenance Ordinance concerning the removal of snow and ice from sidewalks be approved. (Egan & DeGrandpre)

Councilor DeGrandpre noted that they wanted to clarify what they are doing now. They still need to figure out how to have Public Works not push snow and ice back onto sidewalks. Councilor Arno noted she is happy to see that this is being taken care of before the next snow season. Chair Cassida asked if there is a plan to notify everyone in the district that a change has occurred. Mr. Profenno is confident that Traffic and Parking and the Town Engineer can make that happen.

Tom Wilbur sent an E-mail to Chair Cassida asking about the cost involved to a business owner if the Ordinance goes through. The three contractors in attendance did not have a specific cost to share. J. P. Wallace of Walbow's noted that unless there is a contract, the cost is negotiable from customer to customer.

Councilor DeGrandpre mentioned that he spoke to Public Works and the Town Engineer and noted if we figure out how to pick up snow, there are opportunities because of the space available. A lot of the contractors could move the snow that is at the curb and the Town could pick it up during the day at straight time rather than at overtime.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #90-12                      To consider action relative to proposed amendments to the Policies and Procedures for Freeport Cable Television concerning political programming.

**BE IT ORDERED:** That the proposed amendments to the Policies and Procedures for Freeport Cable Television concerning political programming be approved. (Hendricks & Bishop)

Edward Bonney, Board member, provided an explanation of the proposed amendments using seven points.

Councilor Bishop noted that there is no fee for using the equipment but asked who would be responsible should the equipment become damaged. Mr. Bonney replied that it is his opinion that the Town would be responsible but it would not use that same operator again. Chair Cassida asked if the committee has given any thought to coming up with a contract that would make the user responsible for returning the equipment in the same condition that he or she took it. Mr. Bonney replied that the answer is "no" but it is a point well taken.

Councilor Arno mentioned that regarding loaning the equipment, the equipment is really the responsibility of the Town and the Town should have insurance on it. Mr. Bonney explained the editing process for Councilors. He went on to mention that as soon as the Candidates List has been certified by the Town Clerk, the Cable Director must notify the candidates of their ability to use the channel. Councilor Arno asked for a definition of "appropriate" programs. Mr. Bonney could not define "appropriate" tonight. Councilor Arno suggested that Mr. Bonney consider adding a little more clarification. Mr. Bonney agreed that he could get rid of "appropriate" if he was going to rewrite the amendment and rephrase it somehow. Mr. Bonney mentioned there is time since nothing will kick in on this until after filing for the November Election. He explained that the Council could adopt this and let him come back with amendments or he could proceed in rewriting them and run them by the committee.

There was Council consensus to have Mr. Bonney rewrite the language.

Mr. Bonney asked the Council Secretary to send him an E-mail reminding him of two points—contracts for equipment use and rewriting “appropriate”.

**MOVED AND SECONDED:** To table to July 10. (DeGrandpre & Egan)

**VOTE:** (7 Ayes)

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ITEM #91-12

To consider action relative to proposed amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits (Chapter 46).

**MOVED AND SECONDED:** To change the location of the public hearings scheduled on June 19 to Wolfe’s Neck Farm. (Arno & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at the Wolfe’s Neck Farm ~~Town Hall Council Chambers~~ to discuss proposed amendments to the General Assistance Ordinance concerning Overall Assistance Maximums and Housing Assistance limits (Chapter 46).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk’s Office, the Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. Arno & Bishop)

Mr. Olmstead provided background information for Councilors.

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

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ITEM #92-12

To consider action relative to proposed amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D), and the minimum lot size if residential and commercial uses are on the same property (Section 601.F). (Chapter 21)

**BE IT ORDERED:** That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe’s Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Zoning Ordinance concerning the definition of a Municipal Facility (Section 104), building permits and the Maine Uniform Building and Energy Code (Section 601.D), and the minimum lot size if residential and commercial uses are on the same property (Section 601.F).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk’s Office, the Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. (DeGrandpre & Bishop)

Fred Reeder, Codes Officer, provided an explanation of the amendments.

**ROLL CALL VOTE:** (7 Ayes)

Councilor Egan asked if this change would negatively impact any RSU5 facilities. Mr. Reeder did not know the answer. Chair Cassida asked Mr. Reeder to check with the Town Planner and have her be prepared to discuss this at the June 19<sup>th</sup> meeting.

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ITEM #93-12 To consider action relative to proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code (Chapter 2).

**BE IT ORDERED:** That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Town of Freeport Administrative Code concerning Inspections and the Maine Uniform Building and Energy Code (Chapter 2).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Bishop & DeGrandpre)

Fred Reeder, Codes Officer, explained the proposed amendments.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #94-12 To consider action relative to proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code (Chapter 11).

**BE IT ORDERED:** That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Building Code Ordinance for the Town of Freeport, Maine to repeal the existing Ordinance and replace with language regarding the adoption of the Maine Uniform Building and Energy Code (Chapter 11).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Hendricks & DeGrandpre)

Fred Reeder, Codes Officer, explained the proposed amendments.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #95-12 To consider action relative to proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail (Chapter 23).

**BE IT ORDERED:** That a Public Hearing be scheduled for June 19, 2012 at 6:30 p.m. at Wolfe's Neck Farm ~~in the Town Hall Council Chambers~~ to discuss proposed amendments to the Freeport Sign Ordinance to omit references to temporary signs on the town rail (Chapter 23).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gideon & DeGrandpre)

Fred Reeder, Codes Officer, explained the proposed amendments.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #96-12 To consider action relative to the approval of a maintenance contract between the Town of Freeport and Regional School Unit #5 (RSU#5) for maintenance of the Hunter Road Recreation Fields.

**BE IT ORDERED:** That the maintenance contract between the Town of Freeport and Regional School Unit #5 (RSU#5) for maintenance of the Hunter Road Recreation Fields be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign the maintenance contract on behalf of the Town of Freeport. (Egan & DeGrandpre)

Mr. Olmstead explained the five-year contract. He feels it is the best price that can be achieved. Chair Cassida asked about the delivery of equipment and Dennis Ouellette pointed out that there is a six-week lead-time.

Marie Gunning of Telos Road asked about the contract and Mr. Olmstead provided an explanation. She mentioned that she would like to get an update on this project. It would help a lot of people understand where the project stands. Lucy Lloyd of Maquoit Drive noted that people want to know what the big picture is and where we stand. As taxpayers, she noted they are funding it and want to be informed. It is difficult to follow it. Councilor DeGrandpre proposed getting a budget summary of this whole project for the next meeting in District 2. He encouraged people to follow up on the Project Review Board meeting scheduled on the 13<sup>th</sup> in the Council Chambers. Chair Cassida advised that the Council now knows what the cost of the maintenance will be for five years and will put it together and have it available on the 19<sup>th</sup>. He stated that the regular Council meeting on the 19<sup>th</sup> would begin at 8 p.m. The information on the postcard was incorrect. The District 2 meeting starts at 6:30 p.m. Councilor DeGrandpre would like the time change advertised on public access.

Getting back to the contract, Councilor Gideon mentioned that originally \$60,000 was set aside as an estimate for three years of maintenance. In looking at realistic costs, the Council then learned that it would be looking at \$140,000 to \$150,000 per year. The Town Manager negotiated with the RSU regarding the purchase of the machinery by the Town. We got down to a reasonable number, which includes organics so she feels this is ultimately a good partnership. We are also creating a stronger relationship between the Town and the RSU, which will benefit everybody. She pointed out that there

would be discussions in future meetings but the Council has to determine how to deal with the DEP issue. More discussion followed. Councilor DeGrandpre noted that he will support this and thanked everybody for their hard work. Councilor Hendricks also thanked everyone for all the work that was done to get to this point.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #97-12 To consider action relative to approving funds for field maintenance equipment.

**BE IT ORDERED:** That up to \$90,000.00 be appropriated from revenue derived from the sale of tax-acquired property to purchase equipment to maintain the Town's recreation facilities.

*Note: The proceeds in the tax-acquired property account total \$692,000. (Arno & DeGrandpre)*

Mr. Olmstead explained that five pieces of equipment would be purchased. The actual cost is \$89,335.33. He will attach a list to the contract.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #98-12 To consider action relative to approving the Shellfish Stock Restoration Project and approving the expenditure of funds through August 1, 2012.

**BE IT ORDERED:** That the proposed Shellfish Stock Restoration Project be approved and that up to \$47,080 be approved through August 1, 2012. (DeGrandpre & Bishop)

Chad Coffin, of the Freeport Shellfish Conservation Commission, provided handouts to the Council. He explained that Phase One is collecting and interpreting data for a baseline on the population of clams and green crabs. Their goal is to increase shellfish production. Once the baseline is established in Phase One, there will be a benchmark for Phase Two.

Chair Cassida pointed out that while there is no doubt that enhancing the clam flats will be of benefit to people that derive their living from fishing those flats, there is also the benefit to restore the native population of a fishery irrespective of whether or not it is fished or not. Everybody in Freeport, not just the clammers will benefit if the Town is successful.

Councilor DeGrandpre noted that this is where new money comes from. It comes to the clammers and they spend it in the community and then it gets spent a couple more times before it goes away. There is a great benefit in creating a larger resource here. It is a great opportunity to be able to learn everything possible in the first phase. He is happy that they will be documenting so much of this along the way.

Mr. Coffin answered questions for Councilors. He advised that the field data will be processed by a Scientist. Dr. Beal will be doing the training. He noted that boats and labor for deep-water traps is still in progress. They have had to extend the bid process for another week. Town Planner, Donna Larson, explained that they have to work through the unknowns. She plans to handle the billing and will keep an eye on the budget. She also plans to give periodic reports to the Council.

Councilor Egan asked if they plan to pursue any grant opportunities. Mr. Coffin explained that they did pursue some but it became clear how important it is for them to maintain the science aspect of this



project. The grant opportunities they have found are small but they are being used as stepping-stones. If they can pull it off and communicate and deliver the science, they will find that a lot more opportunities will open up. They have looked at the Sea Grant Program, the Maine Technology Institute, the Coastal Harbors Improvement Program, etc.

Chair Cassida called for public comment. Lucy Lloyd of Maquoit Drive noted that this project is great. She mentioned the flats that are currently closed because of water quality issues and asked if any portion of this study will be done on how to improve water quality. Mr. Coffin noted that the answer is no because this project is separate but they have a special funds account to do some validation testing and identifying the DNA source of pollution.

Robin Hadlock Seeley, former resident of Freeport and a biologist, pointed out that she has been doing research on Maine green crabs since 2004. She was invited by the Director of Maine Sea Grant to comment on the Shellfish Commission's plan, in particular the green crab control project. She applied her analytical eye to the rest of the project. She viewed the one on the web. The goal and mechanism is a really great idea but she feels the essential pieces of the plan are missing with the result that the town may not be getting the best and wisest use of funds devoted to this project. She feels the proposal is not yet at the scientific level where it could be submitted to other agencies like Sea Grant to obtain external funding. Doing an experiment like green crab trapping before having baseline data is putting the cart before the horse. In the Recompense area, green crabs may be a problem affecting the clam resource whereas in the Harraseeket, it may be water quality but it would be good to lay it all out. She noted that the green crabs have been in Freeport for 110 years so they are abundant and established. In this part of the coast, she feels you cannot control green crabs by trapping. It was determined in the 50s that a fencing and trapping combination may be more successful. She recommends hiring a biologist as a partner for every aspect of the project, from design, analysis and evaluation.

Mr. Coffin pointed out that through the Municipal Shellfish Program, a full-time DMR biologist is available at their disposal any time one is needed. Dr. Beal has been working with the DMR to design the project. He will be playing an important role in this project.

Councilor Egan requested that Dr. Beal provide a letter outlining his role and what he is committed to doing. He is needed to oversee the project design, oversee the data collection, analyze the data, and provide the Council with a report. In his letter, she would like him to provide his outline on what the project is measuring and what the metrics are that are being used to measure that success.

Mr. Coffin explained that in talking with Dr. Beal he learned that he felt he already sent a letter indicating that he will consult on the project. Mr. Coffin does not feel that Dr. Beal should assume oversight of the project. The Shellfish Commission is the group that should determine the direction the project should be going in but they will use consultants to make good decisions. The letter from Dr. Beal was in the original packet given to the Council. Chair Cassida asked Mr. Coffin to make sure everyone has a copy of it.

Councilor Gideon requested that an update be provided to the Council regularly, perhaps at every other Council meeting. Mr. Coffin is confident that they will have some information to report by September 30.

Councilor Bishop asked if the buyer is prepared to take in a half million crabs. Mr. Coffin indicated that the buyer is prepared to take them in because he needs to fill 20,000 lb. containers.

**MOVED AND SECONDED:** To amend the dollar figure from \$47,080 to \$58,825 and the date to September 30, 2012. (Bishop & Hendricks) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

ITEM #99-12 To consider action relative to a resolution regarding an Amendment to the United States Constitution to overturn *Citizens United v. Federal Election Commission*.

**WHEREAS**, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

**WHEREAS**, the First Amendment to the United States Constitution was designed to protect the free speech of persons; and

**WHEREAS**, Corporations are not people but instead are artificial entities created by the law of states and nations; and

**WHEREAS**, corporations are not mentioned in the Constitution; and

**WHEREAS**, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations and extremely wealthy individuals seeking to evade democratically-enacted reforms; and

**WHEREAS**, corporate misuse of the First Amendment and the Constitution reached an extreme conclusion in *Citizens United v. Federal Election Commission* (2010); and

**WHEREAS**, the ruling in *Citizens United* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

**WHEREAS**, the majority in *Citizens United* rejected the common sense that has guided over 100 years of state and federal efforts to prevent electoral spending from becoming a form of influence buying; and

**WHEREAS**, the majority in *Citizens United* erroneously presumed that disclosure of corporate expenditures to shareholders and to the public sufficiently exist and can alone sufficiently protect democracy from the purchasing of preferred access to elected officials; and

**WHEREAS**, *Citizens United* erroneously equated the desire of large corporations to influence political decision-making through massive electoral expenditures with the speech of disadvantaged individuals and groups seeking to make their voices heard; and

**WHEREAS**, Justice John Paul Stevens' opinion for the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

**WHEREAS**, the *Citizens United* dissent correctly observed that money spent on behalf of candidates is a means of amplifying speech and not a form of political speech itself, and

**WHEREAS**, as a result of the decision in *Citizens United*, the political spending of corporations and wealthy individuals receives a constitutional presumption of protected status; and

**WHEREAS**, *Citizens United* has in fact unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

**WHEREAS**, contrary to the *Citizens United* court's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by secretive political committees not required to disclose their donors; and

**WHEREAS**, independent expenditures, including those made by corporations, have played a dominant and deleterious role in shaping the 2012 presidential election thus far; and

**WHEREAS**, *Citizens United* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections, many of them over 100 years old; and

**WHEREAS**, the opinion of the Montana Supreme Court in *Western Tradition Partnership v Attorney General* demonstrated the continued compelling state interest in preventing corruption that motivates reasonable restrictions on corporate campaign spending; and

**WHEREAS**, *Citizens United* represents a serious and direct threat to our democracy; and

**WHEREAS**, the general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and

**WHEREAS**, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

**WHEREAS**, Notwithstanding the decision in *Citizens United*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections;

**NOW THEREFORE**, in light of the United States Supreme Court's *Citizens United* decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, the Council of the Town of Freeport, Maine voted on June 5, 2012, to urge the Maine Congressional Delegation and the U.S. Congress to propose an amendment to the U.S.

Constitution for the States' consideration which provides that **money is not speech**, and that **corporations are not persons** under the U.S. Constitution; to urge the Legislature of the State of Maine pass a similar resolution; and to direct the Town to send its resolution to Maine State and Federal representatives within thirty days of passage of this measure.

*Note: This resolution is being recommended by Councilor Gideon*

Councilor Gideon explained the resolution and asked the Council to make this bold statement. Councilor DeGrandpre explained his concerns and noted that he won't support this because he feels it is a half measure. Councilor Arno thanked Councilor Gideon for bringing it forward. She hadn't paid much attention to this issue and has not had time to research this. Chair Cassida feels that all parties are taking advantage of the loopholes.

Ed Bradley, resident, thanked Councilor Gideon for bringing this issue forward. He feels that Citizens United has made a substantial change in the way politics are conducted in the U.S. It has to do with a fundamental difference between what motivates companies and what motivates people in the political process. We are all good people and differ. He stated that profit motivates corporations. Money is playing such a huge role in the conduct of politics on the national and state levels. He asked the Council to make a symbolic vote tonight. This is a serious issue.

Councilor Egan pointed out that this is not typical town business but it is a big threat to how America has done business for a long time. It's bigger than Freeport but she feels the Council should take a stand.

Chair Cassida polled the Council, asking for a show of hands and there were (6 Ayes) and (1 Nay—DeGrandpre)

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#### **OTHER BUSINESS:**

##### 1. Informational Exchange / Committee Report

Councilor Gideon advised that she and Councilor Egan have been working with a group of people on pedestrian and bike access in Freeport. They were not able to move it forward the way they hoped. They would like to create a plan that lays out where we have pedestrian and bike lanes now and definitively lays out how we should move forward in the future to expand access through town. They would like to create a committee. They will schedule a meeting and ask anyone interested in the public to come to this first meeting to help them. Their proposed charge is to make it easier and safer to hike, bike, walk and ski in Freeport. The first meeting will take place on June 20 at 9 a.m. at Town Hall. For more information, residents can call Councilors Gideon or Egan.

Councilor Egan mentioned that they are looking forward to working with the Traffic and Parking Committee who has been looking at some of the recommendations that came from students earlier this year.

Mr. Olmstead suggested adding to the charge to require the committee to bring forward recommendations for costs and potential funding sources. Chair Cassida had conversations with Councilors Gideon and Egan and he would be comfortable having come out of this June 20 meeting to have all the interested parties get together and brainstorm how to proceed. He would like this group to come up with a slate of committee members and decide who will lead the charge. When it returns to the Council on July 10 some of the details will all be ironed out and presented to the Council for authorization and then they can move forward with doing that work. He clarified that this is not a town committee until the Council appoints one.

Councilor DeGrandpre pointed out that the Fields Committee will meet Thursday morning at 7:30 a.m. in Council Chambers.

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ITEM #100-12 To consider action relative to an executive session with the Town Attorney to discuss the Town's rights and responsibilities concerning Cable T.V. Franchise Negotiations (1 M.R.S.A. § 405(6)(E)) and a real estate transaction (1 M.R.S.A. § 405(6)(C)).

**MOVED AND SECONDED:** That the Council enter into Executive Session. (Gideon & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Council reconvene into Public Session.(DeGrandpre & Hendricks) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To take an item off the printed agenda. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To authorize the Town Manager to enter into signing the franchise agreement for Cable Television with Comcast with regards to the two memos dated June 4, 2012 and June 5, 2012. (Bishop & Egan) **ROLL CALL VOTE:** (7 Ayes)

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**MOVED AND SECONDED:** To adjourn at 10:46 p.m. (Bishop & Hendricks) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council secretary