

**TOWN COUNCIL MEETING #12-96  
FEBRUARY 20, 1996 - 7:00 P.M.  
TOWN HALL COUNCIL CHAMBERS**

**SUMMARY AGENDA**

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- ITEM #45-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL KELLEY, CUONG CHI LY, JAMES HENDRY, THOMAS HUDAK, RICHARD OLSEN, JENNIFER HESELTON, DEBORAH NICHOLSON. (PUBLIC HEARING).**
- ITEM #46-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CUONG LY D/B/A CHINA ROSE RESTAURANT (PUBLIC HEARING).**
- ITEM #47-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACK REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24). PUBLIC HEARING.**
- ITEM #48-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A REGULAR COUNCIL MEETING SCHEDULE FOR MARCH 1996.**
- ITEM #49-96 TO CONSIDER ACTION RELATIVE TO A SETTLEMENT AGREEMENT BY AND AMONG MCDONALDS CORPORATION, MLT INVESTMENTS, INC. AND THE TOWN OF FREEPORT.**
- ITEM #50-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES AND REGULATIONS FOR DUNNING BOAT YARD (CHAPTER 18).**
- ITEM #51-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE AND DESIGN REVIEW MAP (CHAPTER 22).**
- ITEM #52-96 TO CONSIDER ACTION RELATIVE TO MAXIMUM AWARDS FROM THE DR. GOULD TRUST FUND.**
- ITEM #53-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT.**
- ITEM #54-96 TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.**
- ITEM #55-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A WARDEN FOR THE MARCH 5, 1996 PRESIDENTIAL PRIMARY AND SPECIAL MUNICIPAL ELECTION.**
- ITEM #34-96 TABLED FEBRUARY 6, 1996. TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.**

**OTHER BUSINESS:**

**1. REQUEST FOR FUNDING FROM THE COALITION FOR EQUITABLE SCHOOL FUNDING.**

**2. PRESENTATION OF THE PROPOSED FIVE YEAR CAPITAL PLAN.**

**CHAIRPERSON AND COMMITTEE REPORTS**

**AGENDA  
COUNCIL MEETING #12-96  
COUNCIL CHAMBERS  
FEBRUARY 20, 1996 7:00P.M.**

**SPECIAL NOTE:** THIS AGENDA IS A WORKING AGENDA THAT INCLUDES BACKGROUND INFORMATION AND IS FOR DISTRIBUTION TO COUNCIL MEMBERS ONLY.

**FROM:**

**DALE C. OLMSTEAD, JR.**

**TO:**

**GLORIA DEGRANDPRE, CHAIRPERSON, WOLF NECK ROAD  
EDWARD CAMPBELL, VICE-CHAIRPERSON, GAY DRIVE  
GENIE BEAULIEU, LARUE DRIVE  
ALAN HINDLEY, WARDTOWN ROAD  
KENNETH MANN, MANN ROAD  
CHARLOTTE BISHOP, MAQUOIT DRIVE**

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #9-96 HELD ON FEBRUARY 6, 1996 , #10-96 HELD ON FEBRUARY 7, 1996, #11-96 HELD ON FEBURARY 14, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD - 30 MINUTES  
(NON-AGENDA ITEMS ONLY)

**THIRD ORDER OF BUSINESS:** TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.

COUNCIL MEETING #12-96  
FEBRUARY 20, 1996

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**ITEM #45-96** TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL KELLEY, CUONG CHI LY, JAMES HENDRY, THOMAS HUDAK, RICHARD OLSEN, JENNIFER HESELTON, DEBORAH NICHOLSON. (PUBLIC HEARING).

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**MOTION:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE.

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP  
GENIE BEAULIEU  
ALAN HINDLEY  
DALE OLMSTEAD

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
PAT GOODWIN

**MOTION:** THAT THE FOLLOWING RE-APPLICATION FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

PAUL KELLEY, D/B/A R E MANAGEMENT, 76 MAIN STREET  
CUONG CHI LY, D/B/A CHINA ROSE RESTAURANT, 10 SCHOOL STREET  
JAMES HENDRY, D/B/A HARBORSIDE BED AND BREAKFAST, 14 MAIN STREET, SOUTH FREEPORT  
THOMAS HUDAK, D/B/A MAPLE-HEDGE BED AND BREAKFAST, 22 PARK STREET  
RICHARD OLSEN, D/B/A FREEPORT COUNTRY CLUB, 7 OLD COUNTY ROAD  
JENNIFER HESELTON, D/B/A THE FREEPORT COFFEE COMPANY 5 BOW STREET  
DEBORAH NICHOLSON, D/B/A KENDALL TAVERN BED AND BREAKFAST, 213 MAIN STREET

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**BE IT ORDERED:** THAT THE APPLICATIONS AND RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED.

**MOTION:** THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE.

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**ITEM #46-96** TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CUONG LY D/B/A CHINA ROSE RESTAURANT (PUBLIC HEARING).

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**MOTION:** THAT THE FOLLOWING APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

CUONG LY D/B/A CHINA ROSE RESTAURANT, 10 SCHOOL STREET

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**BE IT ORDERED:** THAT THE APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

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ITEM #47-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACK REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24). PUBLIC HEARING.

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT ITEM #47-96 BE TABLED UNTIL MARCH 19, 1996

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ITEM #48-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A REGULAR COUNCIL MEETING SCHEDULE FOR MARCH 1996.

---

**BE IT ORDERED:** THAT THE REGULAR COUNCIL MEETING SCHEDULE FOR MARCH, 1996 CONSIST OF ONE REGULAR MEETING TO BE HELD ON MARCH 19, 1996

Note: The Primary Election will be held on March 5, 1996.

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ITEM #49-96 TO CONSIDER ACTION RELATIVE TO A SETTLEMENT AGREEMENT BY AND AMONG MCDONALDS CORPORATION, MLT INVESTMENTS, INC. AND THE TOWN OF FREEPORT.

---

**BE IT ORDERED:** THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE CONCERNING THE ABOVE REFERENCED LITIGATION.

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ITEM #50-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES AND REGULATIONS FOR DUNNING BOAT YARD (CHAPTER 18).

---

**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED RULES AND REGULATIONS FOR THE DUNNING BOAT YARD.

**BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

COUNCIL MEETING #12-96  
FEBRUARY 20, 1996

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ITEM #51-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE CONCERNING THE BOARD OF REVIEW AND APPLICATIONS FOR DESIGN CERTIFICATES AND DESIGN REVIEW MAP (CHAPTER 22).

---

**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE AND DESIGN REVIEW MAP.

**BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

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ITEM #52-96 TO CONSIDER ACTION RELATIVE TO MAXIMUM AWARDS FROM THE DR. GOULD TRUST FUND.

---

**BE IT ORDERED:** THAT THE MAXIMUM AWARD FROM THE DR. GOULD TRUST FUND BE ESTABLISHED AT \$250.00 PER QUARTER.

---

ITEM #53-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS THE PROPOSED FIVE YEAR CAPITAL PLAN.

**BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

---

ITEM #54-96 TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.

---

**BE IT ORDERED:** THAT SPECIAL COUNCIL MEETINGS BE HELD ON FEBRUARY 21 AND 28, 1996 EACH AT 5:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT.

---

ITEM #55-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A WARDEN FOR THE MARCH 5, 1996 PRESIDENTIAL PRIMARY AND SPECIAL MUNICIPAL ELECTION.

---

**BE IT ORDERED:** THAT THE TOWN CLERK'S APPOINTMENT OF CHARLOTTE BISHOP AS WARDEN FOR THE MARCH 5, 1996 PRESIDENTIAL PRIMARY AND SPECIAL MUNICIPAL ELECTION, BE CONFIRMED.



**BE IT FURTHER ORDERED: THAT ELECTION POLLS OPEN AT 7:00 A.M. AND CLOSE AT 8:00 P.M.**

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**ITEM #34-96 TABLED FEBRUARY 6, 1996. TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.**

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**WHEREAS, THE TOWN OF FREEPORT HAS DESIGNATED THE DESERT ROAD BUSINESS AND INDUSTRIAL PARK (THE "DISTRICT") PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, BY ORDER ADOPTED ON JULY 11, 1989, AND PURSUANT TOT HE SAME ORDER ADOPTED A DEVELOPMENT PROGRAM AND FINANCIAL PLAN FOR THE DISTRICT (THE "DEVELOPMENT PROGRAM"); AND**

**WHEREAS, THE TOWN COUNCIL IS AUTHORIZED PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, TO AMEND THE DESIGNATION OF A MUNICIPAL DEVELOPMENT DISTRICT AND TO AMEND THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT; AND**

**WHEREAS, THE TOWN COUNCIL HAS HELD A PUBLIC HEARING ON THE QUESTION OF AMENDING THE DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF 30-A M.R.S.A. 5253, UPON AT LEAST TEN (10) DAYS PRIOR NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN; AND**

**WHEREAS, THE TOWN COUNCIL DESIRES TO AMEND THE DISTRICT AND TO AMEND THE DEVELOPMENT PROGRAM FOR THE DISTRICT; AND**

**WHEREAS, IT IS EXPECTED THAT APPROVAL WILL BE SOUGHT AND OBTAINED FROM THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT, APPROVING THE AMENDMENT OF THE DESIGNATION OF THE DISTRICT AND THE AMENDMENT OF THE DEVELOPMENT PROGRAM FOR THE DISTRICT;**

**NOW, THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT, MAINE, AS FOLLOWS:**

**1. PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, THE TOWN COUNCIL HEREBY AMENDS AND RESTATES THE DESIGNATION OF THE AREA OF THE DISTRICT TO THE AREA MORE PARTICULARLY SET FORTH ON THE TAX MAPS ATTACHED HERETO AS EXHIBITS A AND B AND INCORPORATED HEREIN BY REFERENCE.**

**2. PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, THE TOWN COUNCIL HEREBY AMENDS AND RESTATES THE DEVELOPMENT PROGRAM TO THE FORM PRESENTED TO**

THIS MEETING OF THE TOWN COUNCIL, WHICH FORM IS ENTITLED "PHASE II DESERT ROAD BUSINESS AND INDUSTRIAL PARK/DOWNTOWN FREEPORT TAX INCREMENT FINANCING DISTRICTS" DATED JANUARY 26, 1996 AND WHICH FORM IS ATTACHED HERETO AS EXHIBIT C AND SUCH DEVELOPMENT PROGRAM AS AMENDED, IS HEREBY INCORPORATED BY REFERENCE INTO THIS ORDER AS THE AMENDED DEVELOPMENT PROGRAM FOR THE DISTRICT.

3. THE TOWN COUNCIL HEREBY FINDS AND DETERMINES THAT:

(A) AT 25%, BY AREA, OF THE REAL PROPERTY WITHIN THE DISTRICT, AS HEREIN AMENDED, IS SUITABLE FOR THE INDUSTRIAL SITES AND IN NEED OF REHABILITATION, REDEVELOPMENT OR CONSERVATION WORK; AND

(B) THE TOTAL AREA OF THE DISTRICT, AS AMENDED, DOES NOT EXCEED 2% OF THE TOTAL ACREAGE OF THE TOWN OF FREEPORT AND THE TOWN OF FREEPORT HAS NOT DESIGNATED ANY OTHER MUNICIPAL DEVELOPMENT DISTRICTS PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, OR PURSUANT TO CHAPTER 239, SUBCHAPTER III-B OF FORMER TITLE 30 OF THE MAINE REVISED STATUTES, AS AMENDED; AND

(C) THE AGGREGATE VALUE OF EQUALIZED TAXABLE PROPERTY OF THE DISTRICT, AS AMENDED, DOES NOT EXCEED 5% OF THE TOTAL VALUE OF EQUALIZED TAXABLE PROPERTY WITHIN THE TOWN; AND

(D) THE AGGREGATE VALUE OF INDEBTEDNESS FINANCED BY THE PROCEEDS FROM TAX INCREMENT FINANCING DISTRICTS WITHIN CUMBERLAND COUNTY, INCLUDING THE PROPOSED DISTRICT, DOES NOT EXCEED \$50 MILLION.

4. PURSUANT TO THE PROVISIONS OF 30-A M.R.S.A. 5254 (1), THE TOWN HEREBY ADOPTS AS ITS STATEMENT OF THE PERCENTAGE OF CAPTURED ASSESSED VALUE TO BE RETAINED FOR PURPOSES OF FUNDING THE DEVELOPMENT PROGRAM, THE PROVISIONS OF THE AMENDED FINANCIAL PLAN FOR THE DISTRICT SET FORTH UNDER THE HEADING "FINANCIAL PLAN - FINANCING PLAN" IN EXHIBIT C ATTACHED HERETO AND AS THOUGH MORE FULLY SET FORTH HEREIN.

5. THE TOWN MANAGER IS AUTHORIZED, EMPOWERED AND DIRECTED TO SUBMIT THE PROPOSED AMENDMENT TO THE DESIGNATION OF THE DISTRICT AND THE PROPOSED AMENDMENT TO THE DEVELOPMENT PROGRAM FOR THE DISTRICT TO THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR APPROVAL PURSUANT TO THE REQUIREMENTS OF 30-A M.R.S.A. 5253 (1) (F).

6. THE FOREGOING AMENDMENT TO THE DESIGNATION OF THE DISTRICT AND THE DEVELOPMENT PROGRAM FOR THE DISTRICT SHALL AUTOMATICALLY BECOME FINAL AND SHALL TAKE FULL FORCE AND EFFECT UPON RECEIPT BY THE TOWN OF APPROVAL OF SUCH



**AMENDMENT BY THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT, WITHOUT REQUIREMENT OF FURTHER ACTION BY THIS TOWN COUNCIL, THE TOWN OR ANY OF ITS MUNICIPAL OFFICERS OR OFFICIALS.**

**OTHER BUSINESS:**

- 1. REQUEST FOR FUNDING FROM THE COALITION FOR EQUITABLE SCHOOL FUNDING.**
- 2. PRESENTATION OF THE PROPOSED FIVE YEAR CAPITAL PLAN.**

**CHAIRPERSON AND COMMITTEE REPORTS**

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #12-96  
FEBRUARY 20, 1996 - 7:00 P.M.**

**CHAIRPERSON'S CALL TO ORDER:**

Gloria DeGrandpre, Chairperson  
Wolf Neck Road

Present	Absent	Excused
X		

Edward Campbell, Vice-Chairperson  
Gay Drive

X

Genie Beaulieu  
Larue Drive

X

Alan Hindley  
Wardtown Road

X

Charlotte Bishop  
Maquoit Drive

X

Kenneth Mann  
Mann Road

X

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETINGS #9-96 HELD ON FEBRUARY 6, 1996, #10-96 HELD ON FEBRUARY 7, 1996, #11-96 HELD ON FEBRUARY 14, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETINGS #9-96 HELD ON FEBRUARY 6, 1996, #10-96 HELD ON FEBRUARY 7, 1996, #11-96 HELD ON FEBRUARY 14, 1996 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Bishop) (6 Ayes) (0 Nays)

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD - 30 MINUTES.  
(There were no public comments this evening.)

**MOVED AND SECONDED:** TO CLOSE THE PUBLIC COMMENT PERIOD.  
(Councilors Campbell & Bishop) (6 Ayes) (0 Nays)

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**ITEM #45-96** TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL KELLEY, CUONG CHI LY, JAMES HENDRY, THOMAS HUDAK, RICHARD OLSEN, JENNIFER HESELTON, DEBORAH NICHOLSON. (PUBLIC HEARING).

---

**MOVED AND SECONDED:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Campbell & Mann) (6 Ayes) (0 Nays)

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP-Present  
GENIE BEAULIEU-Present  
ALAN HINDLEY-Present  
DALE OLMSTEAD-Present

GLORIA FOGG DEGRANDPRE-Present  
KENNETH MANN-Present  
EDWARD CAMPBELL-Present  
PAT GOODWIN-Present



**MOVED AND SECONDED:** THAT THE FOLLOWING RE-APPLICATION FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

PAUL KELLEY, D/B/A R E MANAGEMENT, 76 MAIN STREET  
CUONG CHI LY, D/B/A CHINA ROSE RESTAURANT, 10 SCHOOL STREET  
JAMES HENDRY, D/B/A HARBORSIDE BED AND BREAKFAST, 14 MAIN STREET, SOUTH FREEPORT  
THOMAS HUDAK, D/B/A MAPLE-HEDGE BED AND BREAKFAST, 22 PARK STREET  
RICHARD OLSEN, D/B/A FREEPORT COUNTRY CLUB, 7 OLD COUNTY ROAD  
JENNIFER HESELTON, D/B/A THE FREEPORT COFFEE COMPANY 5 BOW STREET  
DEBORAH NICHOLSON, D/B/A KENDALL TAVERN BED AND BREAKFAST, 213 MAIN STREET

(Councilors Campbell & Beaulieu) (8 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Campbell & Beaulieu) (8 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE APPLICATIONS AND RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE  
(Councilors Campbell & Bishop) (8 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors Campbell & Mann) (8 Ayes) (0 Nays)

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ITEM #46-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CUONG LY D/B/A CHINA ROSE RESTAURANT (PUBLIC HEARING).

---

**MOVED AND SECONDED:** THAT THE FOLLOWING APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

CUONG LY D/B/A CHINA ROSE RESTAURANT, 10 SCHOOL STREET

(Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays)

---

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Bishop & Campbell) (6 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays)



COUNCIL MEETING #12-96  
FEBRUARY 20, 1996

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**ITEM #47-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACK REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24). PUBLIC HEARING.**

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**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.**  
(Councilors Beaulieu & Bishop) (6 Ayes) (0 Nays)

David Thompson, Planning Board, reviewed the proposed amendment.

Miscellaneous discussion followed.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.**  
(Councilors Beaulieu & Hindley) (6 Ayes) (0 Nays)

**MOVED AND SECONDED: THAT ITEM #47-96 BE TABLED UNTIL MARCH 19, 1996.** (Councilors Beaulieu & Bishop) (6 Ayes) (0 Nays)

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**ITEM #48-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A REGULAR COUNCIL MEETING SCHEDULE FOR MARCH 1996.**

---

**BE IT ORDERED: THAT THE REGULAR COUNCIL MEETING SCHEDULE FOR MARCH, 1996 CONSIST OF ONE REGULAR MEETING TO BE HELD ON MARCH 19, 1996. ROLL CALL VOTE** (Councilors Hindley & Campbell) (6 Ayes) (0 Nays)

Note: The Primary Election will be held on March 5, 1996.

---

**ITEM #49-96 TO CONSIDER ACTION RELATIVE TO A SETTLEMENT AGREEMENT BY AND AMONG MCDONALDS CORPORATION, MLT INVESTMENTS, INC. AND THE TOWN OF FREEPORT.**

---

**BE IT ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE CONCERNING THE ABOVE REFERENCED LITIGATION. ROLL CALL VOTE** (Councilors Mann & Campbell) (6 Ayes) (0 Nays)

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**ITEM #50-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES AND REGULATIONS FOR DUNNING BOAT YARD (CHAPTER 18).**

---

**BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED RULES AND REGULATIONS FOR THE DUNNING BOAT YARD. ROLL CALL VOTE** (Councilors Campbell & Beaulieu) (6 Ayes) (0 Nays)

**BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE** (Councilors



**COUNCIL MEETING #12-96**

**FEBRUARY 20, 1996**

**(Councilors Campbell & Beaulieu) (6 Ayes) (0 Nays)**

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**ITEM #51-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE CONCERNING THE BOARD OF REVIEW AND APPLICATIONS FOR DESIGN CERTIFICATES AND DESIGN REVIEW MAP (CHAPTER 22).**

---

**BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE AND DESIGN REVIEW MAP.**

**BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Bishop & Campbell)**

**MOVED AND SECONDED: TO DIVIDE ORDER #51-96 SO AS TO CONSIDER SEPARATELY THE SCHEDULING OF A PUBLIC HEARING TO DISCUSS THE PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE FROM THE PUBLIC HEARING ON THE DESIGN REVIEW MAP. (Councilors Beaulieu & Campbell) MOTION AND SECOND WITHDRAWN.**

**MOVED AND SECONDED: TO AMEND ORDER #51-96 TO ELIMINATE "AND DESIGN REVIEW MAP". (Councilors Beaulieu & Mann) (5 Ayes) (1 Abstain - Mann)**

**ROLL CALL VOTE ON ORDER #51-96 AS AMENDED (6 Ayes) (0 Nays)**

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**ITEM #52-96 TO CONSIDER ACTION RELATIVE TO MAXIMUM AWARDS FROM THE DR. GOULD TRUST FUND.**

---

**BE IT ORDERED: THAT THE MAXIMUM AWARD FROM THE DR. GOULD TRUST FUND BE ESTABLISHED AT \$250.00 PER QUARTER. ROLL CALL VOTE (Councilors Beaulieu & Campbell) (6 Ayes) (0 Nays)**

---

**ITEM #53-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT.**

---

**BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR MARCH 19, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS THE PROPOSED FIVE YEAR CAPITAL PLAN.**

**BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Mann & Campbell) (6 Ayes) (0 Nays)**



COUNCIL MEETING #12-96  
FEBRUARY 20, 1996

---

ITEM #54-96 TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.

---

**BE IT ORDERED:** THAT SPECIAL COUNCIL MEETINGS BE HELD ON FEBRUARY 21 AND 28, 1996 EACH AT 5:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT. ROLL CALL VOTE (Councilors Hindley & Beaulieu) (6 Ayes) (0 Nays)

---

ITEM #55-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A WARDEN FOR THE MARCH 5, 1996 PRESIDENTIAL PRIMARY AND SPECIAL MUNICIPAL ELECTION.

---

**BE IT ORDERED:** THAT THE TOWN CLERK'S APPOINTMENT OF CHARLOTTE BISHOP AS WARDEN FOR THE MARCH 5, 1996 PRESIDENTIAL PRIMARY AND SPECIAL MUNICIPAL ELECTION, BE CONFIRMED.

**BE IT FURTHER ORDERED:** THAT ELECTION POLLS OPEN AT 7:00 A.M. AND CLOSE AT 8:00 P.M. ROLL CALL VOTE (Councilors Campbell & Beaulieu) (6 Ayes) (0 Nays)

---

ITEM #34-96 TABLED FEBRUARY 6, 1996. TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.

---

WHEREAS, THE TOWN OF FREEPORT HAS DESIGNATED THE DESERT ROAD BUSINESS AND INDUSTRIAL PARK (THE "DISTRICT") PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, BY ORDER ADOPTED ON JULY 11, 1989, AND PURSUANT TOT HE SAME ORDER ADOPTED A DEVELOPMENT PROGRAM AND FINANCIAL PLAN FOR THE DISTRICT (THE "DEVELOPMENT PROGRAM"); AND

WHEREAS, THE TOWN COUNCIL IS AUTHORIZED PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED STATUTES, AS AMENDED, TO AMEND THE DESIGNATION OF A MUNICIPAL DEVELOPMENT DISTRICT AND TO AMEND THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT; AND

WHEREAS, THE TOWN COUNCIL HAS HELD A PUBLIC HEARING ON THE QUESTION OF AMENDING THE DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF 30-A M.R.S.A. 5253. UPON AT LEAST TEN (10) DAYS PRIOR NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN; AND

WHEREAS, THE TOWN COUNCIL DESIRES TO AMEND THE DISTRICT AND TO AMEND THE DEVELOPMENT PROGRAM FOR THE DISTRICT; AND

WHEREAS, IT IS EXPECTED THAT APPROVAL WILL BE SOUGHT AND OBTAINED FROM THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT, APPROVING THE AMENDMENT OF THE DESIGNATION OF



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**THE DISTRICT AND THE AMENDMENT OF THE DEVELOPMENT PROGRAM  
FOR THE DISTRICT;**

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**NOW, THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE  
TOWN OF FREEPORT, MAINE, AS FOLLOWS:**

**1. PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED  
STATUTES, AS AMENDED, THE TOWN COUNCIL HEREBY AMENDS AND  
RESTATES THE DESIGNATION OF THE AREA OF THE DISTRICT TO THE  
AREA MORE PARTICULARLY SET FORTH ON THE TAX MAPS ATTACHED  
HERETO AS EXHIBITS A AND B AND INCORPORATED HEREIN BY  
REFERENCE.**

**2. PURSUANT TO CHAPTER 207 OF TITLE 30-A OF THE MAINE REVISED  
STATUTES, AS AMENDED, THE TOWN COUNCIL HEREBY AMENDS AND  
RESTATES THE DEVELOPMENT PROGRAM TO THE FORM PRESENTED TO  
THIS MEETING OF THE TOWN COUNCIL, WHICH FORM IS ENTITLED "PHASE  
II DESERT ROAD BUSINESS AND INDUSTRIAL PARK/DOWNTOWN FREEPORT  
TAX INCREMENT FINANCING DISTRICTS" DATED JANUARY 26, 1996 AND  
WHICH FORM IS ATTACHED HERETO AS EXHIBIT C AND SUCH  
DEVELOPMENT PROGRAM AS AMENDED, IS HEREBY INCORPORATED BY  
REFERENCE INTO THIS ORDER AS THE AMENDED DEVELOPMENT  
PROGRAM FOR THE DISTRICT.**

**3. THE TOWN COUNCIL HEREBY FINDS AND DETERMINES THAT:**

**(A) AT 25%, BY AREA, OF THE REAL PROPERTY WITHIN THE DISTRICT, AS  
HEREIN AMENDED, IS SUITABLE FOR THE INDUSTRIAL SITES AND IN NEED  
OF REHABILITATION, REDEVELOPMENT OR CONSERVATION WORK; AND**

**(B) THE TOTAL AREA OF THE DISTRICT, AS AMENDED, DOES NOT EXCEED  
2% OF THE TOTAL ACREAGE OF THE TOWN OF FREEPORT AND THE TOWN  
OF FREEPORT HAS NOT DESIGNATED ANY OTHER MUNICIPAL  
DEVELOPMENT DISTRICTS PURSUANT TO CHAPTER 207 OF TITLE 30-A OF  
THE MAINE REVISED STATUTES, AS AMENDED, OR PURSUANT TO  
CHAPTER 239, SUBCHAPTER III-B OF FORMER TITLE 30 OF THE MAINE  
REVISED STATUTES, AS AMENDED; AND**

**(C) THE AGGREGATE VALUE OF EQUALIZED TAXABLE PROPERTY OF THE  
DISTRICT, AS AMENDED, DOES NOT EXCEED 5% OF THE TOTAL VALUE OF  
EQUALIZED TAXABLE PROPERTY WITHIN THE TOWN; AND**

**(D) THE AGGREGATE VALUE OF INDEBTEDNESS FINANCED BY THE  
PROCEEDS FROM TAX INCREMENT FINANCING DISTRICTS WITHIN  
CUMBERLAND COUNTY, INCLUDING THE PROPOSED DISTRICT, DOES NOT  
EXCEED \$50 MILLION.**

**4. PURSUANT TO THE PROVISIONS OF 30-A M.R.S.A. 5254 (1), THE TOWN  
HEREBY ADOPTS AS ITS STATEMENT OF THE PERCENTAGE OF CAPTURED  
ASSESSED VALUE TO BE RETAINED FOR PURPOSES OF FUNDING THE  
DEVELOPMENT PROGRAM, THE PROVISIONS OF THE AMENDED FINANCIAL  
PLAN FOR THE DISTRICT SET FORTH UNDER THE HEADING "FINANCIAL**



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PLAN - FINANCING PLAN" IN EXHIBIT C ATTACHED HERETO AND AS  
THOUGH MORE FULLY SET FORTH HEREIN.

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5. THE TOWN MANAGER IS AUTHORIZED, EMPOWERED AND DIRECTED TO SUBMIT THE PROPOSED AMENDMENT TO THE DESIGNATION OF THE DISTRICT AND THE PROPOSED AMENDMENT TO THE DEVELOPMENT PROGRAM FOR THE DISTRICT TO THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR APPROVAL PURSUANT TO THE REQUIREMENTS OF 30-A M.R.S.A. 5253 (1) (F).

6. THE FOREGOING AMENDMENT TO THE DESIGNATION OF THE DISTRICT AND THE DEVELOPMENT PROGRAM FOR THE DISTRICT SHALL AUTOMATICALLY BECOME FINAL AND SHALL TAKE FULL FORCE AND EFFECT UPON RECEIPT BY THE TOWN OF APPROVAL OF SUCH AMENDMENT BY THE COMMISSIONER OF ECONOMIC AND COMMUNITY DEVELOPMENT, WITHOUT REQUIREMENT OF FURTHER ACTION BY THIS TOWN COUNCIL, THE TOWN OR ANY OF ITS MUNICIPAL OFFICERS OR OFFICIALS.

**ROLL CALL VOTE (Councilors Bishop & Campbell)**

Chairperson DeGrandpre invited the public and Council to comment on this order at this time.

1. Larry DiPietro, Wardtown Road, raised concern re: possible conflict of interest.
2. John Forest, Bow Street, stated that he does not favor this.
3. Allie McCormick raised concern re: voting on the T.I.F. now and Credit Enhancement Agreement later.
4. Richard DeGrandpre raised concern on the property on West Street.
5. Andrew Arsenault raised concern re: tax rolls, attitude of citizens.
6. Shawn Riley stated he supports the T.I.F.
7. Barbara McGivaren stated further workshops would be beneficial.
8. Betsy Ruff offered her support for the T.I.F.
9. Mary Kennedy asked what would happen if the (new) library referendum fails - will it affect the T.I.F.

Manager Olmstead stated that the Town has 5 years to bring forth an eligible project under the T.I.F. guidelines; if the tax money in the debt service account is not expended on the debt service, that money could be held for that purpose, at the Council discretion.

F. Paul Frinsko, Town Attorney, stated that the library is one portion contemplated by the T.I.F. District; should that fail to receive voter approval, recognizing that voter approval is necessary only if bonds are issued to fund the library. The library project could be put on hold in terms of construction until the voters have another opportunity to consider it or the Council would have to address the reasons why



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voters reject the library. The funds would be allocated to the Reserve Fund to support that potential debt service. As a reserve fund, once the object of the reserve funds is accomplished or abandoned, the Council could transfer the proceeds to another reserve fund or to the General Fund.

Re: Credit Enhancement Agreement language coming after the T.I.F.: If it is the will of the Council, it can be done. In order to capture the valuation created by the new Desert Road facility, we need to get the Commissioner's approval prior to the end of the tax year, March 31. The development program as proposed contemplates a series of potential enhancement agreements, one with L. L. Bean to meet the immediate goals set forth in the program. It also contemplates the potential for further credit enhancement agreements with new developers on the Desert Road facility. If there is no new retail facility, there will be no return to L. L. Bean on the downtown project. This is the traditional way to approach this two-fold process.

Mr. McCormick asked if there would be a public hearing on the Credit Enhancement Agreement.

Mr. Frinsko stated that based upon the way this Council conducts its business, there will be significant public debate, because the draft will be presented to the Council in advance of a council meeting and it will be available for public inspection.

10. Chairperson DeGrandpre read a letter from Edgar Leighton, Flying Point Road, which supports the T.I.F.

11. Councilor Mann asked the status of language to be prepared by the Town Attorney which will protect the school funding formula and the cap on the money L. L. Bean would get under the T.I.F. due to inflation.

Mr. Frinsko has sent the Manager a typical credit enhancement agreement. He requested direction from the Council as a whole before attempting to speak for the Council in drafting language, as he did not take away from the previous meeting with the Council any direction from the Council to specify or submit to L. L. Bean any specific language, but will do so with that direction.

Councilor Mann asked what can be changed after this vote tonight.

Mr. Frinsko stated that if (the Council) wants to put in place language which would adjust payments in the event of changes, it could be done without amending the development program. If changes are desired, the Council would go back through the same public hearing process, including resubmission to the State. However, the typical State letter allows flexibility in making adjustments.

Councilor Mann questioned amending the amount of money at this time.

Mr. Frinsko stated that the only that can be fixed is the percentages of allocation of whatever is received.

12. Councilor Hindley asked for clarification of the 5 year time frame; could a T.I.F. be used for schools.

Mr. Frinsko stated that it is his understanding that no school has been funded by a T.I.F., but would request clarification.

Alan Brigham stated that currently, no schools are benefiting from a T.I.F. district.

13. Councilor Hindley questioned potential liability re: conflict of interest.

14. Councilor Campbell stated he plans to vote on this tonight, as he has an obligation to this town.

15. Councilor Mann questioned the advantage(s) to the Town and possibility of giving L. L. Bean a lesser tax break.



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16. Councilor Beaulieu stated she is concerned with the half truths circulated regarding the T.I.F. She clarified the net return to the Town. She prefers to keep the tax dollars in Freeport and stated she supports the T.I.F.

17. Councilor Bishop added her concerns with the misinformation circulated; she clarified the reasons for the changes in numbers and formulas. She stated she will support the T.I.F.

18. Councilor Campbell stated why he supports the T.I.F. - it will create favorable conditions for businesses, will free up revenues, demonstrates Town support in the business community, etc.

19. Chairperson DeGrandpre stated that she views the T.I.F. as a positive benefit to the Town.

**MOVED AND SECONDED:** TO MOVE THE QUESTION. (Councilors Campbell & Beaulieu) (4 Ayes) (2 Nays - Mann, Hindley)

**ITEM #34-96 ROLL CALL VOTE** (Councilors Bishop & Campbell) (4 Ayes) (2 Nays - Mann, Hindley)

**OTHER BUSINESS:**

**1. REQUEST FOR FUNDING FROM THE COALITION FOR EQUITABLE SCHOOL FUNDING.**

Manager Olmstead reviewed the request from the Coalition for the 1996 calendar year; the cost would be \$2,400, half from the Municipal budget and half from the School budget.

Councilor Mann raised his opposition to this request.

Miscellaneous discussion followed, income-based approach, lobbying directly, etc.

**MOVED AND SECONDED:** TO EXPEND \$1,200 FOR PURPOSED OF FUNDING THE COALITION FOR EQUITABLE SCHOOL FUNDING, TAKEN FROM THE MISCELLANEOUS CONTINGENCY FUND. (Councilors Campbell & Beaulieu) (4 Ayes) (2 Nays - Mann, Hindley)

**2. PRESENTATION OF THE PROPOSED FIVE YEAR CAPITAL PLAN.**

Manager Olmstead reviewed the requests proposed for Council consideration.

Miscellaneous discussion followed.

There will be a public hearing on March 19, 1996.

Manager Olmstead stated that the next workshop with the Town Attorney would include: Enhancement Agreement and meetings with Land Bank, Conservation, Winslow Park, starting at 6:00 P.M. The meeting with the Housing Trust will be held on March 12, 1996.



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**CHAIRPERSON AND COMMITTEE REPORTS**

Chairperson DeGrandpre stated that she will develop a schedule of all of the sub-committees.

**MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT  
10:05 P.M. (Councilors Mann & Bishop) (6 Ayes) (0 Nays)**

Respectfully submitted,  
Pat Goodwin, Recording Secretary