

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #32-96**  
**October 15, 1996 - 7:00 P.M.**

**CHAIRPERSON'S CALL TO ORDER:**

	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		
Stafford Soule Arnold Road	X		

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #31-96 HELD ON OCTOBER 1, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #31-96 HELD ON OCTOBER 1, 1996 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Beaulieu) (7 Ayes) (0 Nays)

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD - 30 MINUTES.

1. Amy Adams raised concerns re: Rescue budget, including the volunteers' payroll, use of County for transport and fees for services. She questioned the need for the Freeport Rescue.
2. Bob Lowell stated he had had a similar experience regarding a rescue call.
3. Councilor Mann stated he would like to see a report on the policy of billing residents for rescue calls, the rate schedule and number of responses.

**MOVED AND SECONDED:** THAT THE PUBLIC COMMENT PERIOD BE CLOSED. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

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

**ITEM #224-96** TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS, AND VINOUS LICENSE FOR JACK CRAWFORD (PUBLIC HEARING).

COUNCIL MEETING #32-96  
OCTOBER 15, 1996

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

JACK CRAWFORD, D/B/A, **FREEPORT CAFE**, 335 US ROUTE 1 SOUTH, FREEPORT.

(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. **ROLL CALL VOTE** (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

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ITEM #225-96 TO CONSIDER ACTION RELATIVE TO APPLICATION FOR VICTUALER LICENSES FOR RONALD BROOK, DANIEL BODGE, ERIC BRADEN, J. SEAN RILEY, MICHAEL DOHERTY, JOSEPH A. YILMAZ, AND PERRY WILLIAMS (PUBLIC HEARING).

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**MOVED AND SECONDED:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

**ROLL CALL OF MEMBERS:** (ALL PRESENT)

CHARLOTTE BISHOP  
GENIE BEAULIEU  
ALAN HINDLEY  
STAFFORD SOULE  
PAT GOODWIN

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
DALE OLMSTEAD

**MOTION:** THAT THE FOLLOWING APPLICATIONS FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

RONALD BROOK, D/B/A **CRICKET'S RESTAURANT**, 175 LOWER MAIN STREET, FREEPORT

DANIEL BODGE, D/B/A **BODGE'S SUB-SHOP**, 15 SOUTH STREET, FREEPORT

ERIC BRADEN, D/B/A **CHEZ FAX**, 44 DURHAM ROAD, FREEPORT

J. SEAN RILEY, D/B/A **FREEPORT CAFE**, 335 US ROUTE 1 SOUTH, FREEPORT

MICHAEL DOHERTY, D/B/A **DOHERTY'S NORTH FREEPORT STORE**, 130 WARDTOWN ROAD, FREEPORT

JOSEPH A. YILMAZ, D/B/A **JAY ENT INC.**, PEDDLER/PRIVATE PROPERTY, 42 MAIN STREET, FREEPORT

PERRY WILLIAMS, D/B/A LONG WATER VENTURES, PEDDLER/PRIVATE  
PROPERTY, 57 MAIN STREET, FREEPORT

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Soule & Campbell) (9 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE APPLICATIONS ISSUED TO THE ABOVE  
NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE (Councilors Soule  
& Campbell) (9 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE LICENSING BOARD ADJOURN AND  
THE COUNCIL RECONVENE. (Councilors Soule & Campbell) (9 Ayes) (0 Nays)

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ITEM #226-96 TO CONSIDER ACTION RELATIVE TO A PUBLIC REFERENDUM QUESTION  
ON THE NOVEMBER 5, 1996 BALLOT CONCERNING AN APPROPRIATION  
ORDINANCE FOR UP TO \$450,000 FOR THE PURCHASE AND  
DEVELOPMENT OF LAND TO PROVIDE FOR AN OUTDOOR RECREATION  
FACILITY (PUBLIC HEARING).

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Beaulieu & Hindley) (7 Ayes) (0 Nays)

1. Chris Pinkham, Recreation Committee, stated that the Committee was pleased with the Town Council's acceptance of the Committee's proposal. He reviewed the efforts to date, including the evaluation process, etc. He referenced a letter from Superintendent Lyman supporting the proposal. He stated that the process to do has been quite sound and the financing proposal is sound as well. He described the model envisioned for the space.
2. Sarah Marshall, Harvey Brook Drive, landscape architect, stated that the Committee has been very persistent, careful, in its pursuit. She added that the \$450,000 is a realistic figure to do the project.
3. Horace Gower, Recreation Committee and Little League, described the need for this project; he encouraged support for the referendum.
4. Joan Samuelson, Recreation Committee, added her support for approval on this referendum.
5. Mary Kennedy, Recreation Committee, Senior Citizen, stated that there is a need for recreation facilities to serve the citizens; she urged that voters approve the referendum.
6. Ms. Patterson, resident, RN and health care educator, stated that she had brought copies of a summary report from the Surgeon General, encouraging exercise; she urged the Freeport community to support the referendum.
7. Kevin Murray, resident, stated that the current fields are overused; more fields would alleviate this; he urged support of the referendum.
8. Darrell Houy, student, stated that he plays many sports and described constraints for use of the current fields; he added that he hopes the citizens will "yes" on the referendum.
9. John Houy, Recreation Committee, coach, stated that there is a real need for additional recreational space, adding that he is looking forward to the response of citizens on the referendum vote.

COUNCIL MEETING #32-96  
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10. Bob Lowell, resident, stated that there is a need for additional ball fields; he raised concerns re: size of proposed fields, impact on the neighborhood, costs, non-specifics of this referendum. He does not favor passing this referendum without a specific piece of property in mind.

11. Joyce Kittredge, resident, raised concern re: additional costs, i.e., maintenance, etc., if the project is approved.

Miscellaneous discussion followed re: potential maintenance costs, clarification of cost of land, wording of the referendum etc.

12. Chairperson DeGrandpre read the referendum.

13. Councilor Mann stated that he would prefer if the referendum concerned a specific piece of land.

14. Councilor Bishop stated that the Recreation Committee has done a thorough study on this project; she stated that we have to have confidence in the Committee to pursue the best location to meet the citizens' needs.

15. Councilor Campbell stated that the Committee has worked diligently on this; he urged voters to look at the referendum favorably.

16. Councilor Hindley stated that no one is denying the need for recreation. He feels that local contractors can give sound evaluations of what could be done with parcels, etc.

17. Chairperson DeGrandpre stated that the referendum process is a good one that is used; she urged voters to read and support this.

18. Debra Dillon, Merrill Road, asked what this would add to the property taxes.

Mr. Pinkham stated that it would be \$8.59 per \$100,000 per year.

Ms. Dillon stated she feels that the Town does not need to take on this burden at this time.

19. Amy Adams stated that she does not favor the referendum.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Beaulieu & Hindley) (7 Ayes) (0 Nays)

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ITEM #227-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE  
T.V. REGULATORY BOARD.

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**BE IT ORDERED:** THAT DANA HARDWICK BE APPOINTED, EFFECTIVE  
IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V.  
REGULATORY BOARD UNTIL OCTOBER 1, 1997. BALLOT VOTE (Councilors  
Campbell & Bishop) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. HARDWICK QUALIFY BY  
SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER  
25, 1996. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

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ITEM #228-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE  
T.V. REGULATORY BOARD.

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**BE IT ORDERED:** THAT JOHN CANTWELL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V. REGULATORY BOARD UNTIL OCTOBER 1, 1997. **BALLOT VOTE** (Councilors Mann & Bishop) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. CANTWELL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996. **ROLL CALL VOTE** (Councilors Mann & Bishop) (7 Ayes) (0 Nays)

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ITEM #229-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE T.V. REGULATORY BOARD.

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**BE IT ORDERED:** THAT LOLA LEA BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V. REGULATORY BOARD UNTIL OCTOBER 1, 1999. **BALLOT VOTE** (Councilors Hindley & Beaulieu) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MS. LEA QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996. **ROLL CALL VOTE** (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

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ITEM #230-96 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CABLE T.V. REGULATORY BOARD.

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**BE IT ORDERED:** THAT JOHN ARSENAULT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V. REGULATORY BOARD UNTIL OCTOBER 1, 1999. **BALLOT VOTE** (Councilors Bishop & Beaulieu) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. ARSENAULT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996. **ROLL CALL VOTE** (Councilors Bishop & Beaulieu) (7 Ayes) (0 Nays)

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ITEM #231-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ZONING BOARD OF APPEALS.

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**BE IT ORDERED:** THAT PENNY BACKMAN BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ZONING BOARD OF APPEALS UNTIL JULY 1, 1999. **BALLOT VOTE** (Councilors Soule & Beaulieu) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MS. BACKMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996. **ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

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ITEM #232-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A HOUSE TO BE USED FOR FIRE TRAINING PURPOSES.

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**BE IT ORDERED:** THAT THE DONATION OF A HOUSE FROM STEPHEN YOUR (TAX MAP 2, LOT 16) BE ACCEPTED FOR FIRE DEPARTMENT TRAINING PURPOSES. (Councilors Beaulieu & Campbell)

Ray Smith, Fire Department, explained the procedure, neighbors being notified, costs incurred to property owner, liability, etc.

**ROLL CALL VOTE (7 Ayes) (0 Nays)**

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ITEM #233-96 TO CONSIDER ACTION RELATIVE TO THE EXTENSION OF THE LEASE FOR THE FORMER SOULE SCHOOL PROPERTY IN SOUTH FREEPORT.

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**BE IT ORDERED:** THAT THE LEASE BETWEEN THE TOWN OF FREEPORT AND THE MERRICONEAG WALDORF SCHOOL FOR THE FORMER SOULE SCHOOL PROPERTY BE EXTENDED TO SEPTEMBER 1998. (Councilors Campbell & Hindley)

**MOVED AND SECONDED:** TO TABLE ITEM #233-96 INDEFINITELY AND REFERRED TO MUNICIPAL FACILITIES COMMITTEE. (Councilors DeGrandpre & Mann)

Discussion followed re: 5 year lease, a second party interested in using this property, time table for renegotiating of the lease, etc.

**VOTE (7 Ayes) (0 Nays)**

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ITEM #234-96 TO CONSIDER ACTION RELATIVE TO THE LEASING OF THE DUNNING BOAT YARD BUILDING.

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**BE IT ORDERED:** THAT THE LEASE AGREEMENT DATED OCTOBER 9, 1996 BETWEEN THE TOWN OF FREEPORT AND THOMAS R. BENNETT FOR THE LEASING OF THE DUNNING BOAT YARD BUILDING, BE APPROVED. **ROLL CALL VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

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ITEM #235-96 TO CONSIDER ACTION RELATIVE TO ACCEPTING A BID FOR THE PARTIAL CLOSURE OF THE TOWN'S DEMOLITION MATERIALS DISPOSAL AREA.

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**MOVED AND SECONDED:** THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED. (Councilors Hindley & Beaulieu) (7 Ayes) (0 Nays)

Manager Olmstead reviewed the bids received: Shaw Brothers \$82,746; Harry Crooker and Sons \$72,275; and A. H. Grover Inc. \$61,434. He stated that the Town will be responsible for 15% of the cost of the closure.

Discussion followed re: eligibility for 75% reimbursement from the State, money appropriated by the voters in 1986, time table to complete the project, etc.

**BE IT FURTHER ORDERED:** THAT THE BID FROM A.H. GROVER IN THE AMOUNT OF \$61,434 FOR THE PARTIAL CLOSURE OF THE TOWN'S DEMOLITION MATERIALS DISPOSAL AREA, BE APPROVED. **ROLL CALL VOTE** (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

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**ITEM #236-96 TO CONSIDER ACTION RELATIVE TO ACCEPTING A BID ON IMPROVEMENTS TO THE DUNNING BOAT YARD AND TOWN PROPERTY AT THE END OF COVE ROAD.**

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**MOVED AND SECONDED:** THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED. (Councilors Bishop & Beaulieu) (7 Ayes) (0 Nays)  
Manager Olmstead stated that there were four bids received on the improvements to the Cove Road and the Dunning Boat Yard; there is a State match involved of 50%. The bids were as follows: A. H. Grover Inc. \$37,176; Pratt & Sons \$51,910; CPM \$49,500; Harry Crooker and Sons \$35,185. He stated that the budget for the project was \$35,000; we are \$185 over budget, which he recommends funding out of Miscellaneous Contingency.

**BE IT FURTHER ORDERED:** THAT THE BID FROM HARRY CROOKER AND SONS IN THE AMOUNT OF \$35,185 FOR IMPROVEMENT TO THE DUNNING BOAT YARD AND PROPERTY AT THE END OF COVE ROAD, BE APPROVED.  
ROLL CALL VOTE (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

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**OTHER BUSINESS:**

- 1) **ENGINEER'S REPORT ON THE HARRASEEKET ROAD AREA DRAINAGE.**  
Peter Tubbs reviewed the report done by Squaw Bay Corp.

Discussion followed re: details of the proposed improvements, time frame for completion, curbing materials, etc. It was the consensus of the Council to proceed with the project.

- 2) **COUNCILOR SOULE:** DISCUSSION ON ZONING FOR FORMER FREEPORT CAR WASH PROPERTY (TAX MAP 23, LOT 56A).

Councilor Soule reviewed the letter from the owners of the Main Street Freeport Car Wash, requesting an expansion of uses regarding the zoning. He requested consensus from the Council to direct the Planning Board to place this on its priority list to review.

(Two motions by Councilors Mann, seconded by Councilor Hindley, were withdrawn, regarding this issue.)

**MOVED AND SECONDED:** THAT THE COUNCIL DIRECT THE PLANNING BOARD LOOK AT THE C-3 ZONE AND COME BACK TO THE COUNCIL WITH A RECOMMENDATION FOR ADDITIONAL USES OF PROPERTIES WITHIN THAT ZONE. (Councilors Mann & Hindley) (6 Ayes) (1 Abstain-DeGrandpre)

3. **MOVED AND SECONDED:** TO INTRODUCE AN ITEM NOT ON THE PRINTED AGENDA. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO WAIVE THE COUNCIL RULES AND PROCEDURES AND ESTABLISH THE COUNCIL MEETING SCHEDULE FOR NOVEMBER 1996 AS FOLLOWS:

NOVEMBER 19 - ORGANIZATIONAL MEETING WHICH WILL CONSIST OF THE SWEARING IN OF NEW COUNCILORS, ELECT OFFICERS FOR THE COMING YEAR AND HONOR OUTGOING COUNCIL MEMBERS. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

4. Councilor Hindley requested scheduling a meeting with RWS.

Discussion followed re: workshop VS. Council meeting, etc.

5. Councilor Mann requested that when the workshop is held with the Town Attorney, citizens be allowed to ask questions.

Manager Olmstead recommended that any questions be submitted by the end of the month to submit to the Town Attorney prior to the workshop.

6. Councilor Beaulieu questioned the schedule for the administrative hearing re: Frontiervision.

Manager Olmstead stated that perhaps it can be scheduled during the month of December.

7. Councilor Hindley thanked the Manager for the information requested from RWS. He added that there was additional information he would like.

Discussion followed re: proposed VS. approved RWS budgets, access to information, RWS policy on people getting information, etc.

**MOVED AND SECONDED:** TO INTRODUCE AN ITEM NOT ON THE PRINTED AGENDA. (Councilors Mann & Soule) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO DIRECT THE TOWN MANAGER TO BRING BACK TO THE COUNCIL MEMBERS AND INCLUDE IN THEIR PACKETS COPIES OF THE LATEST ADOPTED BUDGET AND BUDGETS FROM THE LAST TWO YEARS FROM RWS. (Councilors Mann & Hindley) (6 Ayes) (1 Nay-Campbell)

**MOVED AND SECONDED:** TO ADJOURN THE MEETING AT 10:37 P.M. (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary



**AGENDA  
COUNCIL MEETING #32-96  
COUNCIL CHAMBERS  
OCTOBER 15, 1996 - 7:00 P.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  
STAFFORD SOULE, ARNOLD ROAD

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #31-96 HELD ON OCTOBER 1, 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.

---

ITEM #224-96 TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS, AND VINOUS LICENSE FOR JACK CRAWFORD (PUBLIC HEARING).

---

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

JACK CRAWFORD, D/B/A, FREEPORT CAFE, 335 US ROUTE 1 SOUTH, FREEPORT.

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

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

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ITEM #225-96 TO CONSIDER ACTION RELATIVE TO APPLICATION FOR VICTUALER LICENSES FOR RONALD BROOK, DANIEL BODGE, ERIC BRAGDEN, J. SEAN RILEY, MICHAEL DOHERTY, ~~ROBIN WADE~~, JOSEPH A. YILMAZ, AND PERRY WILLIAMS (PUBLIC HEARING). ~~WITHDRAWN~~

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

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP  
GENIE BEAULIEU  
ALAN HINDLEY  
STAFFORD SOULE  
PAT GOODWIN

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
DALE OLMSTEAD

**MOTION:** THAT THE FOLLOWING APPLICATIONS FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

RONALD BROOK, D/B/A CRICKET'S RESTAURANT, 175 LOWER MAIN STREET, FREEPORT

DANIEL BODGE, D/B/A BODGE'S SUB-SHOP, 15 SOUTH STREET, FREEPORT

ERIC BRAGDEN, D/B/A CHEZ FAX, 44 DURHAM ROAD, FREEPORT

J. SEAN RILEY, D/B/A FREEPORT CAFE, 335 US ROUTE 1 SOUTH, FREEPORT

MICHAEL DOHERTY, D/B/A DOHERTY'S NORTH FREEPORT STORE, 130 WARDTOWN ROAD, FREEPORT

~~ROBIN WADE, D/B/A THE VILLAGE STORE, 97 SOUTH FREEPORT ROAD, FREEPORT~~

JOSEPH A. YILMAZ, D/B/A JAY ENT INC., PEDDLER/PRIVATE PROPERTY,  
42 MAIN STREET, FREEPORT

PERRY WILLIAMS, D/B/A LONG WATER VENTURES, PEDDLER/PRIVATE  
PROPERTY, 57 MAIN STREET, FREEPORT

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

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

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

---

ITEM #226-96 TO CONSIDER ACTION RELATIVE TO A PUBLIC REFERENDUM QUESTION  
ON THE NOVEMBER 5, 1996 BALLOT CONCERNING AN APPROPRIATION  
ORDINANCE FOR UP TO \$450,000 FOR THE PURCHASE AND  
DEVELOPMENT OF LAND TO PROVIDE FOR AN OUTDOOR RECREATION  
FACILITY (PUBLIC HEARING).

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

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

---

ITEM #227-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE  
T.V. REGULATORY BOARD.

---

**BE IT ORDERED:** THAT DANA HARDWICK BE APPOINTED, EFFECTIVE  
IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V.  
REGULATORY BOARD UNTIL OCTOBER 1, 1997.

**BE IT FURTHER ORDERED:** THAT MR. HARDWICK QUALIFY BY  
SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER  
25, 1996.

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ITEM #228-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE  
T.V. REGULATORY BOARD.

---

**BE IT ORDERED:** THAT JOHN CANTWELL BE APPOINTED, EFFECTIVE  
IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V.  
REGULATORY BOARD UNTIL OCTOBER 1, 1997.

**BE IT FURTHER ORDERED:** THAT MR. CANTWELL QUALIFY BY  
SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER  
25, 1996.

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ITEM #229-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE T.V. REGULATORY BOARD.

---

**BE IT ORDERED:** THAT LOLA LEA BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V. REGULATORY BOARD UNTIL OCTOBER 1, 1999.

**BE IT FURTHER ORDERED:** THAT MS. LEA QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996.

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ITEM #230-96 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE CABLE T.V. REGULATORY BOARD.

---

**BE IT ORDERED:** THAT JOHN ARSENAULT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CABLE T.V. REGULATORY BOARD UNTIL OCTOBER 1, 1999.

**BE IT FURTHER ORDERED:** THAT MR. ARSENAULT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996.

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ITEM #231-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ZONING BOARD OF APPEALS.

---

**BE IT ORDERED:** THAT PENNY BACKMAN BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ZONING BOARD OF APPEALS UNTIL JULY 1, 1999.

**BE IT FURTHER ORDERED:** THAT MS. BACKMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY OCTOBER 25, 1996.

---

ITEM #232-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A HOUSE TO BE USED FOR FIRE TRAINING PURPOSES.

---

**BE IT ORDERED:** THAT THE DONATION OF A HOUSE FROM STEPHEN YORK (TAX MAP 2, LOT 16) BE ACCEPTED FOR FIRE DEPARTMENT TRAINING PURPOSES.

---

ITEM #233-96 TO CONSIDER ACTION RELATIVE TO THE EXTENSION OF THE LEASE FOR THE FORMER SOULE SCHOOL PROPERTY IN SOUTH FREEPORT.

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**BE IT ORDERED:** THAT THE LEASE BETWEEN THE TOWN OF FREEPORT AND THE MERRICONEAG WALDORF SCHOOL FOR THE FORMER SOULE SCHOOL PROPERTY BE EXTENDED TO SEPTEMBER 1998.

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**ITEM #234-96** TO CONSIDER ACTION RELATIVE TO THE LEASING OF THE DUNNING BOAT YARD BUILDING.

---

**BE IT ORDERED:** THAT THE LEASE AGREEMENT DATED OCTOBER 9, 1996 BETWEEN THE TOWN OF FREEPORT AND THOMAS R. BENNETT FOR THE LEASING OF THE DUNNING BOAT YARD BUILDING, BE APPROVED.

---

**ITEM #235-96** TO CONSIDER ACTION RELATIVE TO ACCEPTING A BID FOR THE PARTIAL CLOSURE OF THE TOWN'S DEMOLITION MATERIALS DISPOSAL AREA.

---

**MOTION:** THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED.

**BE IT FURTHER ORDERED:** THAT THE BID FROM A.H. GROVER IN THE AMOUNT OF \$61,434 FOR THE PARTIAL CLOSURE OF THE TOWN'S DEMOLITION MATERIALS DISPOSAL AREA, BE APPROVED.

---

**ITEM #236-96** TO CONSIDER ACTION RELATIVE TO ACCEPTING A BID ON IMPROVEMENTS TO THE DUNNING BOAT YARD AND TOWN PROPERTY AT THE END OF COVE ROAD.

---

**MOTION:** THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED.

**BE IT FURTHER ORDERED:** THAT THE BID FROM \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_ FOR IMPROVEMENT TO THE DUNNING BOAT YARD AND PROPERTY AT THE END OF COVE ROAD, BE APPROVED.

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**OTHER BUSINESS:**

- 1) ENGINEER'S REPORT ON THE HARRASEKET ROAD AREA DRAINAGE.
  - 2) **COUNCILOR SOULE:** DISCUSSION ON ZONING FOR FORMER FREEPORT CAR WASH PROPERTY (TAX MAP 23, LOT 56A).
- 

ADJOURN.

## LEASE AGREEMENT

This document represents a Lease Agreement made on the 9<sup>th</sup> day of October, 1996 between the TOWN OF FREEPORT, Freeport, Maine (hereinafter referred to as "Landlord"), and the Thomas R. Bennett (hereinafter referred to as "Tenant").

1. Premises: Landlord leases to Tenant, and Tenant hereby accepts from Landlord, the entire building and lot north of the boat ramp located at 3 South Freeport Road in the Town of Freeport, county of Cumberland, and State of Maine.
2. Term: The term of this lease shall be three (3) years, beginning no later than January 1, 1997.
3. Rent: Tenant agrees to pay to Landlord as rent the sum of Four Hundred Dollars (\$400.00) per month, payable on the first day of each month of occupancy to Landlord.
4. Utilities: Tenant agrees to pay the following: all utilities.
5. Tenant's Alterations/Improvements: During the term of this lease, Tenant shall have no right to make any alterations, additions or improvements to the premises without first obtaining written permission from Landlord. Should Tenant receive permission to make any such alterations, additions or improvements, Tenant agrees that all work will be done in a good and workmanlike manner, and in accordance with all applicable governmental laws, ordinances, rules, and regulations. Any such alterations, additions or improvements shall be done at the sole cost to Tenant, unless Landlord and Tenant agree in writing to another payment method.
6. Condition of Building: Landlord and Tenant agree that the premises are being rented on an "as is" basis. By taking occupancy Tenant acknowledges that Tenant will have inspected the premises and found them to be in satisfactory condition. Tenant agrees that in consideration of the rent paid under this Lease, Tenant will not seek to enforce any express or implied warranties as to the condition of the building.
7. Insurance: Tenant shall keep the building and real estate insured against fire and other casualties in an amount sufficient to protect Landlord's interest in the real estate. All personal property of Tenant on the premises shall be kept at Tenant's own risk, and Landlord shall in no way be responsible for Tenant's personal property or any damages thereto. Tenant shall obtain a comprehensive liability policy in an amount and form satisfactory to Landlord.
8. Use of Premises: Tenant agrees that the Tenant shall follow the conditions of the Freeport Zoning Ordinance, and may use the premises for any lawful purpose. Tenant further agrees that Tenant shall not use the premises in any manner that will cause waste, nuisance, or unreasonable annoyance to the owners or occupants of adjacent properties.
9. Assignment - Sublet: Tenant shall have no right to assign or sublet without the express written consent of Landlord.

10. Repairs: Tenant agrees to make all repairs necessary to keep the interior of the premises in the same condition it was in at the beginning of the term of this Lease.

11. Damage: All damage done to the property by Tenant or its agents, servants, employees, guests, or customers, shall be the sole responsibility of Tenant, who agrees not to seek reimbursement from Landlord for any such damage.

12. Inspection: Landlord and his agents shall have reasonable access to the leased premises for the purpose of examining the same and for making any repairs or reconstruction or maintenance deemed necessary by Landlord or its agents, provided, however, that Landlord or his agent shall give Tenant reasonable notice of any such inspection which will be conducted only at a reasonable time to be worked out with Tenant.

13. Maintenance: Tenant shall clean, maintain, and repair the premises in as good condition, reasonable wear and tear excepted, as they were in at the beginning of the term of this Lease. Furthermore, Tenant shall be responsible for all plowing and clearing of the parking area north of the Boat Ramp and walkways, rubbish removal and for maintenance of the grass and other landscaping improvements.

14. Indemnification: Tenant will indemnify and hold harmless Landlord for any loss, damage, claim, demand, suit, judgment, or liability which Landlord may incur for any injury or death to persons or property or any claim on account thereof, resulting from Tenant's use of the premises or Tenant's failure in not removing snow, ice, and/or other dangerous obstructions.

15. Default: Should Tenant violate any term or condition of this lease, Tenant agrees to pay to Landlord all his reasonable attorney's fees in connection with correcting any default on the part of Tenant. Should any default by Tenant not be cured within fifteen (15) days receipt of written notice by Tenant, then Tenant's right to possession shall terminate, and Tenant agrees that Landlord may keep the entire security deposit as damages, which sum shall not prevent Landlord from seeking other damages incurred, including rental payments until Landlord or Tenant can find a suitable new Tenant at the same rent.

16. Trade Fixtures: Tenant shall be entitled to remove all trade fixtures prior to the end of the term, provided the premises are restored to their original condition.

17. Rental Option: As long as the Tenant is present and operating a facility in a portion of the premises, then Tenant shall have an option to renew this lease on the same terms and conditions (except rent) for one (1) additional one (1) year term or a five (5) year term by sending written notice to Landlord more than ninety (90) days prior to the end of the term. If Landlord and Tenant cannot agree on a rent for this second term, within thirty (30) days of tenant's notice, then three (3) appraisers shall, prior to the beginning of the second term, determine the fair market rent to be paid during this second term. Landlord and Tenant shall each select one appraiser, who in turn shall both select a third appraiser, and Landlord and Tenant shall split the cost of all three appraisals.

18. Notices: All notices shall be sent to Landlord at 30 Main Street, Freeport, Maine 04032 and all notices to Tenant shall be sent to 15 Pine St, Freeport, Me. 04032, unless Landlord or Tenant shall specify a different address in writing.

19. Consent: Where consent or approval is required by Landlord or Tenant pursuant to any portion of this lease, such consent or approval shall not be unreasonably withheld.

20. Memorandum: This lease shall not be recorded, but both parties have executed a memorandum of this lease for recording purposes.

21. Execution: This Lease shall be binding on and for the benefit of the respective successors, assignors, heirs, or personal representatives of both Landlord and Tenant. This Lease shall be governed by Maine Law. All words in this Lease shall be considered in the appropriate masculine or feminine gender, and in the appropriate singular or plural form. Tenant and Landlord agree that there have been Two (2) Leases signed that are identical, and that Tenant has received a copy, and that Landlord has received a copy.

WITNESS:

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Dale C. Olmstead, Jr., Town Manager

Heidi M. Penell

Thomas A. Bennett