

**TOWN COUNCIL MEETING #8-99  
MAY 4, 1999 - 7:00 P.M.  
TOWN COUNCIL CHAMBERS**

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**SUMMARY AGENDA**

- ITEM #107-99 To consider action relative to the approval of the May 4, 1999 Consent Agenda Items #103-99, #104-99, #105-99, and #106-99.
- ITEM #108-99 To consider action relative to the adoption of an ordinance concerning Special Amusement Permits (Chapter 50). (Public Hearing).
- ITEM #109-99 To consider action relative to the adoption of a new Street Excavation Ordinance (Chapter 15). (Public Hearing)
- ITEM #110-99 To consider action relative to adopting Fiscal Year 2000 Operating Budgets.
- ITEM #111-99 To consider action relative to the authorization of a Bond Anticipation Note for Capital Purchases.
- ITEM #112-99 To consider action relative to the proposed adoption of an emergency amendment to the Coastal Waters Ordinance concerning the issues of Licenses (Chapter 31).
- ITEM #113-99 To consider action relative to an agreement for the aerial spraying of Browntail Moths.

**OTHER BUSINESS:**

1. Request from Lisbon Emergency for a rescue mutual aid agreement in Durham.
2. Update on Browntail Moth spray program. (Councilor Soley).
3. Discussion on Browntail Moth ground spraying for Lower Flying Point. (Councilor Mann).
4. Discussion on Cumberland County's Open House and space needs issue. (Councilor Soley).
5. Presentation of proposed Fiscal Year 2000 Operating Budget.

**COMMITTEE REPORTS:**

Adjourn.



**TOWN COUNCIL  
CONSENT AGENDA  
MAY 4, 1999 - #8-99**

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**ITEM #103-99** To consider action relative to the re-issuance of a malt, spirituous and vinous license to John L. Stiles.

**BE IT ORDERED:** That a malt, spirituous and vinous license be re-issued to the following:

John L. Stiles, d/b/a Jameson Tavern, 115 Main Street

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**ITEM #104-99** To consider action relative to the approval of a request to use the Town Hall Lawn for a Plant Sale.

**BE IT ORDERED:** That the request of the High School Class of 2001 to use the Town Hall Lawn for Plant Sale on Saturday, May 22, be approved.

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**ITEM #105-99** To consider action relative to the issuance of a Municipal Quitclaim Deed.

**BE IT ORDERED:** That the Town Manager be authorized to issue a Municipal Quitclaim Deed to the following:

TO: Michael Ashby (Estate of Josephine Ashby)  
PROPERTY: 23 Cove Road (Tax Map 6, Lot 27)  
FOR: Tax Years: 1989 through 1996

**NOTE:** This property was under a payment plan and all taxes have been paid.

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**ITEM #106-99** To consider action relative to the approval of a request to use the Town Hall Parking Lot by the Freeport Elders Association.

**BE IT ORDERED:** That the Freeport Elders Association's request to use the Town Hall Parking Lot for a ribbon cutting ceremony on June 5 or June 19 be approved.



**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #8-99**  
**TOWN HALL COUNCIL CHAMBERS**  
**MAY 4, 1999 - 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:** David Soley, Chairperson, Arnold Road  
Genie Beaulieu, Vice Chairperson, Larue Drive  
Edward Campbell, Gay Drive  
Kenneth Mann, Mann Road  
Stafford Soule, Arnold Road  
Gloria Fogg DeGrandpre, Wolf Neck Road  
John Arsenault, Prout Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of #7-99, April 13, 1999 Meeting 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 #8-99  
MAY 4, 1999**

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**ITEM #107-99** To consider action relative to the approval of the May 4, 1999 Consent Agenda, Items #103-99, #104-99, #105-99 and #106-99.

**BE IT ORDERED:** That the May 4, 1999 Consent Agenda be approved.

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**ITEM #108-99** To consider action relative to the adoption of an ordinance concerning Special Amusement Permits (Chapter 50). (Public Hearing).

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public Hearing be closed.

**MOTION:** That Item #108-99 be tabled until May 18, 1999.

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**ITEM #109-99** To consider action relative to the adoption of a new Street Excavation Ordinance (Chapter 15). (Public Hearing).

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public Hearing be closed.

**MOTION:** That Item #109-99 be tabled until May 18, 1999.

---

**ITEM #110-99** To consider action relative to adopting Fiscal Year 2000 Operating Budgets.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 25, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss adopting Fiscal Year 2000 Operating Budgets.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

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**ITEM #111-99** To consider action relative to the authorization of a Bond Anticipation Note for Capital Purchases.

**MOTION:** That the Town Manager report on bids received.

**BE IT ORDERED:** (1) That under and pursuant to Title 30-A, Section 5772 of the Maine Revised Statutes, as amended and supplemented, there by and hereby is authorized the issuance of \$600,000 principal amount of Bond Anticipation Notes of the Town to temporarily fund the costs of a series of public improvement projects and equipment purchases previously approved, all in anticipation of the receipt permanent bond proceeds.

(2) The Notes shall be dated May 12, 1999, shall mature on December 15, 1999, shall be signed by the Treasurer and countersigned by the Chairman of the Town Council, shall bear interest at the rate of 3.38% per annum,

**COUNCIL MEETING #8-99  
MAY 4, 1999**

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shall be payable at Peoples Heritage, and shall otherwise be in such form and bear such details as the signers may determine.

(3) That said Notes are hereby sold and awarded to Peoples Heritage.

(4) Said Notes are hereby designated qualified tax exempt obligations of the Town for the 1999 calendar year pursuant to the Internal Revenue Code of 1986.

(5) That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Notes are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Notes against payment therefore.

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**ITEM #112-99** To consider action relative to the proposed adoption of an emergency amendment to the Coastal Waters Ordinance concerning the issues of Licenses (Chapter 31).

**BE IT ORDERED:** That in accordance with the Freeport Town Charter Section 2.13 Emergency Ordinances, the following amendment be made to the Coastal Waters Ordinance.

**ARTICLE XV, Section 14.**

**INTERIM PROVISIONS FOR ISSUANCE OF LICENSES:**

Notwithstanding any language to the contrary in the Coastal Waters Ordinance approved February 2, 1999, Article 15, Section 14, the following provisions shall apply for the summer period (May through October) of the year 1999:

Applications shall be received by the Town Clerk on or before the close of business on Wednesday, May 12, 1999.

At its meeting on May 12, 1999, the Coastal Waters Commission shall award the licenses to qualified applicants in each capacity category, first to Freeport Applicants and then to Non-Resident Applicants.

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**ITEM #113-99** To consider action relative to an agreement for the aerial spraying of Browntail Moths.

**BE IT ORDERED:** That the agreement between the Town of Freeport and M.S. Lavoie Air Applicator to provide for the spraying of Browntail Moths be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign the agreement.

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**COUNCIL MEETING #8-99**  
**MAY 4, 1999**

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**OTHER BUSINESS:**

1. Request from Lisbon Emergency for a rescue mutual aid agreement in Durham.
2. Update on Browntail Moth spray program. (Councilor Soley).
3. Discussion on Browntail Moth ground spraying for Lower Flying Point.  
(Councilor Mann).
4. Discussion on Cumberland County's Open House and space needs issue.  
(Councilor Soley).
5. Presentation of proposed Fiscal Year 2000 Operating Budget.

**COMMITTEE REPORTS:**

Adjourn.



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #8-99**  
**May 4, 1999 – 7 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER:</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
Genie Beaulieu, Vice Chair Larue Drive	X		
David Soley, Chairperson Arnold Road	X		
Edward Campbell Gay Drive	X		
John Arsenault Prout Road			X
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Stafford Soule Arnold Road	X		

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**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #7-99 HELD ON APRIL 6, 1999 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #7-99 HELD ON APRIL 6, 1999 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Beaulieu) (6 Ayes) (1-Excused-Arsenault)

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**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD.

Jim Hughes of 26 Spar Cove Road shared his views on the foreclosure of Thornton Ring's property. He apologized for not being able to attend an earlier Council meeting. He also provided a copy of a letter he wrote to Mr. Olmstead. Chair Soley asked the recorder to include it with the Minutes.

**MOVED AND SECONDED:** To close the public comment period. (Councilors Campbell & Beaulieu) (6 Ayes) (1-Excused-Arsenault)

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

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**COUNCIL MEETING #8-99**  
**MAY 4, 1999**

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**ITEM #107-99** To consider action relative to the approval of the May 4, 1999 Consent Agenda, Items #103-99, #104-99, #105-99 and #106-99.

**BE IT ORDERED:** That the May 4, 1999 Consent Agenda be approved.(Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:** (6 ayes) (1 Excused-Arsenault)

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**ITEM #108-99** To consider action relative to the adoption of an ordinance concerning Special Amusement Permits (Chapter 50). (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened.(Councilors Mann & Campbell) (6 Ayes) (1 Excused-Arsenault)

Mr. Olmstead gave a brief description of the need for this new ordinance.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Mann & Campbell) (6 Ayes) (1 Excused-Arsenault)

**MOVED AND SECONDED:** That Item #108-99 be tabled until May 18, 1999. (Councilors Mann & Campbell) (6 Ayes) (1 Excused-Arsenault)

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**ITEM #109-99** To consider action relative to the adoption of a new Street Excavation Ordinance (Chapter 15). (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened.(Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault)

Mr. Olmstead explained this ordinance. Councilor Mann had some concerns and indicated that he may come up with some new language and asked the Town Manager for help. Mr. Olmstead agreed to look into it.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault)

**MOVED AND SECONDED:** That Item #109-99 be tabled until May 18, 1999. (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault)

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**ITEM #110-99** To consider action relative to adopting Fiscal Year 2000 Operating Budgets.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 25, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss adopting Fiscal Year 2000 Operating Budgets.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Soule & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arsenault)

**COUNCIL MEETING #8-99  
MAY 4, 1999**

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**ITEM #111-99** To consider action relative to the authorization of a Bond Anticipation Note for Capital Purchases.

**MOVED AND SECONDED:** That the Town Manager report on bids received.(Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault)

Mr. Olmstead reported on the five bids received.

**BE IT ORDERED:** (1) That under and pursuant to Title 30-A, Section 5772 of the Maine Revised Statutes, as amended and supplemented, there by and hereby is authorized the issuance of \$600,000 principal amount of Bond Anticipation Notes of the Town to temporarily fund the costs of a series of public improvement projects and equipment purchases previously approved, all in anticipation of the receipt permanent bond proceeds.

(2) The Notes shall be dated May 12, 1999, shall mature on December 15, 1999, shall be signed by the Treasurer and countersigned by the Chairman of the Town Council, shall bear interest at the rate of 3.38% per annum, shall be payable at Peoples Heritage, and shall otherwise be in such form and bear such details as the signers may determine.

(3) That said Notes are hereby sold and awarded to Peoples Heritage.

(4) Said Notes are hereby designated qualified tax exempt obligations of the Town for the 1999 calendar year pursuant to the Internal Revenue Code of 1986.

(5) That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Notes are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Notes against payment therefore.(Councilors Campbell & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arsenault).

---

**ITEM #112-99** To consider action relative to the proposed adoption of an emergency amendment to the Coastal Waters Ordinance concerning the issues of Licenses (Chapter 31).

**BE IT ORDERED:** That in accordance with the Freeport Town Charter Section 2.13 Emergency Ordinances, the following amendment be made to the Coastal Waters Ordinance.

**ARTICLE XV, Section 14.**

**INTERIM PROVISIONS FOR ISSUANCE OF LICENSES:**

Notwithstanding any language to the contrary in the Coastal Waters Ordinance approved February 2, 1999, Article 15, Section 14, the following provisions shall apply for the summer period (May through October) of the year 1999:

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Applications shall be received by the Town Clerk on or before the close of business on Wednesday, May 12, 1999.

At its meeting on May 12, 1999, the Coastal Waters Commission shall award the licenses to qualified applicants in each capacity category, first to Freeport Applicants and then to Non-Resident Applicants. (Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arsenault)

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**ITEM #113-99** To consider action relative to an agreement for the aerial spraying of Browntail Moths.

Edith Curtis of Williams Island asked if the Town could determine whether this island will be sprayed since the State has indicated that there may be eagles there and they do not want to disturb them in any way. Mrs. Curtis noted that the eagles left a month ago.

**BE IT ORDERED:** That the agreement between the Town of Freeport and M.S. Lavoie Air Applicator to provide for the spraying of Browntail Moths be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign the agreement. (Councilors Mann & Soule) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arsenault).

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**OTHER BUSINESS:**

1. **Update on Browntail Moth spray program.** (Councilor Soley).
2. **Discussion on Browntail Moth ground spraying for Lower Flying Point.** (Councilor Mann)

Chair Soley advised that he put together a list of facts to share with the State and they suggested making 40-50 changes to his facts and it is now hard to read but he advised that the Town Council has unanimously voted to do an aerial spray program and to spray the areas the State has recommended. \$30,000 has been put aside to cover it. State law gives landowners the right to opt not to spray. The State does not feel ground spraying is as effective as aerial spraying.

Mr. Olmstead advised that Mr. Bradbury came to Freeport yesterday and has expanded some of the spray blocks. Residents, Charlotte Bishop, Elizabeth Andrews, Edith Curtis, Ed Abrahams, Ms. Backman, Jeff Ladner and Steve Breyer shared their views with the Council. Cindy Berliner asked that everyone be notified when the spraying will take place. Ed Abrahams volunteered to be part of the phone tree. A discussion followed on ground spraying, costs, opposition, etc. Councilor Mann pointed out that the Flying Point area is unique and these residents are faced with a serious health risk.

**MOVED AND SECONDED:** To take up an item not on the printed agenda. (Councilors Mann & DeGrandpre) (6 Ayes) (1 Excused-Arsenault).

**MOVED AND SECONDED:** That the Town reimburse the property owners that work together as a group to get their properties sprayed using one applicator with an amount not to exceed \$3,500 in a time frame that will be most effective for the three spray areas outlined on the map. (Councilors Mann & DeGrandpre) (4 Ayes) (2 Nays-Beaulieu & Soley) (1 Excused-Arsenault).

**3. Request from Lisbon Emergency for a rescue mutual aid agreement in Durham..**

Mr. Olmstead updated everyone with the situation with Durham that occurred last year. He recommended that the Council indicate that it would be willing to assist Lisbon in Durham but would expect to be fully reimbursed by Lisbon for any costs incurred in responding to Durham. If this is not acceptable, Freeport should decline providing any mutual aid. Councilors concurred that this message should be communicated to Lisbon. Rescue Chief Connelly advised that he would provide this message to Lisbon.

**4. Discussion on Cumberland County's Open House and space needs issue. (Councilor Soley).**

Chair Soley pointed out that county government is out of room and they are looking to build a new building or lease tremendous quantities of space. They are already proceeding to convert the attic of the Court House to storage space. They will be looking to towns to help fund the costs. Chair Soley expressed his concerns that Freeport does not get anything for its money. Mr. Olmstead advised that inmates will be willing to paint Town Hall. He is also looking into having some cemetery projects done by inmates.

**5. Presentation of proposed Fiscal Year 2000 Operating Budget.**

Mr. Olmstead explained the FY 2000 Budget numbers to Councilors. This budget is based upon the assumption that the school will not incur any loss to State Funding to Education.

**6. Home Occupation**

Councilor Campbell indicated that a resident contacted him advising that her home occupation of baking is taking up more square footage of her home than is permitted by the Ordinance. She wants to be in compliance with the Ordinance. Mr. Reeder suggested sending this to the Planning Board and having the numbers changed. Councilor Mann agreed that this was important.

**MOVED AND SECONDED:** To take up an item not on the printed agenda. (Councilors Campbell & Mann) (6 Ayes) (1 Excused-Arsenault).

**MOVED AND SECONDED:** To send to the Planning Board for their review and recommendation, the percentage of a home that can be used for a home occupation. (Councilors Campbell & Mann) (6 Ayes) (1 Excused-Arsenault).

**7. Spray Program**

**MOVED AND SECONDED:** To take up an item not on the printed agenda. (Councilors Soley & Beaulieu) (6 Ayes) (1 Excused-Arsenault).

**MOVED AND SECONDED:** That the Town send a letter to all residents that opted out of the spray program in Lower Flying Point as shown on Tax Grid 23 informing them by certified registered mail and regular mail that if they continue to opt out, the Town has the authority to apply all of its rights and remedies pursuant to 22MRSA, Section 1444, Subsection 3, including assessing them for the costs of ground spraying their neighbors. A decision will be made at the next Council meeting. (Councilors Soley & Beaulieu).

Councilor Soule disagreed, noting that he does not feel someone with a legitimate fear of the chemical should not be assessed for the cost of spraying their abutters. Councilors Mann & DeGrandpre indicated that they did not want to be responsible for demanding anyone that doesn't want to be sprayed, pay for someone that does want to be sprayed. If this item were on the agenda, they feel people would be in attendance. Councilor DeGrandpre feels that the Town will be doing a lot of work to reduce the cost of spraying from \$3,000 to \$2,500.

**VOTE:** (3 Ayes-Soley, Beaulieu & Campbell) (3 Nays-Mann, DeGrandpre & Soule) (1 Excused-Arsenault). Motion failed.

**Next Meeting**—Chair Soley mentioned that there are a bunch of kids that won the OM competition and are headed for Knoxville. He asked if they could be invited in and given \$1,000. Councilors concurred that this would be fine since there still appears to be money available. Councilor Beaulieu noted that she thought the school was asked to put this in their budget. Mr. Olmstead offered to put this on the next agenda.

**Adjournment:**

**MOVED AND SECONDED:** To adjourn at 10 p.m. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Arsenault).

Respectfully submitted,

*Sharon Coffin*

Sharon Coffin  
Recorder

May 2, 1999

Freeport Town Hall  
30 Main Street  
Freeport, Maine 04032

Attn.: Town Manager, Mr. Dale Olmstead

Re: Freeport's Seizure of 2 Main Street for Back Taxes

Dear Dale,

Thank you for meeting with me concerning Thornton Ring's property at 2 Main Street. Thank you also for sending me a copy of the lawyers report that explained the situation. As I stated in our meeting, it sounds like what the town is doing is legal, but I rely on you and the council to do what is right and not just meet the letter of the law.

I have known Thornton for 15 years. Once, as I stood helpless in my neighbor's driveway with their house going up in flames, Thornton was the first fireman to respond. When you need him, he is there. Thornton does all the work on my sail boat, and I work with him in the Ski School at Sugarloaf. We don't go back forever, but far enough for me to know him, his personality, his honesty and his work ethic and enough for me to take a special interest in how our town treats him.

Since our meeting, I have spoken with councilors David Soley and Stafford Soule. I expressed my opinion and listened to their reasoning. Although their reasons seem to make sense at first glance, upon reflection, one by one the reasons came up flawed. Later in this letter, I list the reasons that they gave and my responses as to why they are not valid.

First, let me get the facts straight. While discussing this, I have heard several different numbers and would appreciate if you could give me the correct ones. I have heard that the property is worth \$130,000 and also \$180,000. What is the value on the tax rolls? Do you know what it is appraised for at fair market value?

I read that Thornton originally owed \$11,000 in back taxes, and I was told that with additional years taxes, interest and penalties, the town is currently owed about \$30,000. I also was told that with sewer and other liens added in, the total owed by Thornton is about \$50,000. Are these numbers correct? I have been told there are no penalties for overdue taxes and I have also been told that there is a penalty. Which is correct?

I was also told that the town's legal fees on this case are now at about \$60,000. That seems high, but is it accurate?





## **THE HONEST WAY**

The honest way to treat any citizen when taxes are overdue, is for the town to do everything within reason to collect the taxes, and when that fails, place liens and eventually seize the property. Once seized, the property should be sold on the open market. The town should take from the proceeds all the taxes that it is owed, interest on those taxes from the day they were due, all expenses (including legal fees) involved with collecting the taxes and selling the property, and a reasonable consistent penalty. All other liens and mortgages on the property should then be settled. If after that, there is any money remaining, it should go back to the original property owner. That is the way banks handle foreclosures and it is the honest and business like way of dealing with tax foreclosures.

How it should be properly handled seems so obvious that I had a hard time believing that we would be doing anything different. I now see what the town is doing and think that it is unethical and dishonest. Eventually, other voters will also realize what is happening and they will not be happy about it.

## **CONFLICTS OF INTEREST**

First, David Soley is the lead negotiator trying to resolve this with Thornton and put an end to the litigation. David also works for the town's law firm which benefits if the litigation continues. This is a definite conflict of interest. David should remove himself from issues where his firm is involved. Incidentally, I think David and Thornton approach life totally differently and their totally different personalities seem to have entered the negotiations.

Second, the fact that the town has a use for the property and is not planning on selling it on the open market is also troublesome. What impact does that have on the negotiations and in determining the true market value?

## **ARGUMENT AND RESPONSES TO THEM**

The arguments that I have heard and my responses to them are as follows:

### **1. THE STATE LAW TIES OUR HANDS**

The first rational for the town taking the property without compensating Thornton is that the state law only gives the town a few options and this is the one that the councilors have chosen. There is also a state law against theft and if two state laws are in conflict then we have to follow our conscience and do the right thing.

Usually, in a property seizures, the equity is less or roughly equal to what is owed and the state law was obviously written with those cases in mind. It does not take into account the rare case where the equity is significantly higher than what is owed. We are now following the letter of the law but we are not following the spirit of the law.



**2. WE MUST TAKE THORNTON'S PROPERTY WITHOUT COMPENSATION BECAUSE WE HAVE DONE THAT TO OTHERS ALSO.**

This argument says that since we stole from other people, we also have to steal from Thornton in order to be consistent. The obvious answer is that if we took other property where the equity was more than what was owed, then we should reimburse those people also. We should not be stealing from anyone.

It is not clear that we have actually taken other property where the equity was significantly more than what was owed. I was told we have, but the councilor could not state any specifics and didn't have answers to some probing questions. If we have done this in the past, could you give me the specifics on one or two examples?

**3. BY SEIZING PROPERTY WITHOUT COMPENSATION WE ARE TREATING ALL DELINQUENT TAX PAYERS THE SAME.**

If one person has \$100,000 in equity over what is owed and another person has \$50 in equity over what is owed, they are not being treated the same. We are using the same method but it has totally different impact and it is not the same treatment. It is arbitrary, unethical and not equal treatment.

**4. BY STRICTLY ENFORCING THE SEIZURE LAW, WE HAVE REDUCED THE DELINQUENT TAX ROLES.**

There are a lot of factors that increase and decrease the delinquent tax roles including whether people have the money or not. In good times, the delinquents go down. Strictly enforcing a fair seizure law would have just as much effect on reducing the delinquent tax roles as enforcing a bad seizure law. The end does not justify the means. The goal of keeping the delinquent list small does not justify the use of dishonest methods. Let's keep the delinquent list small using fair and honest methods.

**5. OTHER TAXPAYERS ARE TIRED OF PAYING EXTRA TAXES BECAUSE THORNTON HAS NOT PAID HIS.**

This argument is a half truth. In the short run while the taxes are due, there is a revenue shortfall. But in the long run, when the taxes are finally paid with interest, everything evens out. No one pays any extra taxes because of another taxpayer who pays late. If the taxes are never paid, then the rest of us do suffer an increase in taxes to make up the difference, but not if they are eventually paid.

While the taxes are outstanding, the revenue shortfall needs to be made up from reserves or a bank loan. When the taxes are finally paid, the money with interest is put back where it came from and everything is even. If a penalty is involved, then the town actually gets additional money and other taxpayers actually pay less not more.



## **SUMMARY**

**It appears that the town's taking of Thornton's property without reimbursing him for the value over and above what is owed is dishonest and unethical and should not be done. There are personalities involved and their shouldn't be. There are conflicts of interest and there shouldn't be. The Council is meeting the letter of the law and ignoring the spirit of the law and common sense.**

**The town should immediately agree to reimburse Thornton everything left over after taxes, interest, penalties and all other liens are settled, and stop running up legal fees.**

**We would be glad to meet with you or anyone to discuss this further or to make any clarifications. Please feel free to forward this letter to the Town Councilors and anyone else that you think could help resolve this. I can be reached at 865-9096.**

**Sincerely,**

A handwritten signature in cursive script that reads "J. F. Hughes". The signature is written in dark ink and is positioned above the printed name.

**Jim Hughes**

**26 Spar Cove Road  
Freeport, Maine 04032**



**ITEM #112-99** To consider action relative to the proposed adoption of an emergency amendment to the Coastal Waters Ordinance concerning the issues of Licenses (Chapter 31).

**BE IT ORDERED:** That in accordance with the Freeport Town Charter Section 2.13 Emergency Ordinances, the following amendment be made to the Coastal Waters Ordinance.

**ARTICLE XV, Section 14.**

**INTERIM PROVISIONS FOR ISSUANCE OF LICENSES:**

Notwithstanding any language to the contrary in the Coastal Waters Ordinance approved February 2, 1999, Article 15, Section 14, the following provisions shall apply for the summer period (May through October) of the year 1999:

3

**COUNCIL MEETING #8-99  
MAY 4, 1999**

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Applications shall be received by the Town Clerk on or before the close of business on Wednesday, May 12, 1999.

At its meeting on May 12, 1999, the Coastal Waters Commission shall award the licenses to qualified applicants in each capacity category, first to Freeport Applicants and then to Non-Resident Applicants. (Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:**  
(6 Ayes) (1 Excused-Arsenault)

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