

Clerk

**TOWN COUNCIL MEETING #15-2003**

**AUGUST 5, 2003 - 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

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**SUMMARY AGENDA**

- ITEM #122-2003** To consider action relative to adopting the August 5, 2003 Consent Agenda.
- ITEM #123-2003** To consider action relative to the development of a Temporary Teen Center to be located at the site of the Public Safety Building on Main Street. (Public Hearing)
- ITEM #124-2003** To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning updates of signage language and clarifications and corrections in language concerning no parking zones, handicapped parking and timed parking zones (Chapter 48). (Public Hearing)
- ITEM #125-2003** To consider action relative to the Sign Ordinance concerning internally illuminated signs in the Village Commercial I, II, and III districts (Chapter 23). (Public Hearing)
- ITEM #126-2003** To consider action relative to the issuance of Special Amusement Permits for Dancing and Entertainment to the Harraseeket Inn and Gritty McDuff's. (Public Hearing)
- ITEM #127-2003** To consider action relative to the retroactive Appointment of a Trustee of the Adelaide Winslow Harb Trust.

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**OTHER BUSINESS:**

1. Report from the Municipal Facilities on Tax Acquired Property and the future of the Soule School building.
2. Confirm date for Appointments Committee meeting (September 2, 2003 at 6:15 p.m.).
3. Discussion on Homeland Security Funds.
4. Discussion on moving forward on a Regional Dispatch Center.
5. Councilor informational exchange.

Adjourn.



**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #15-2003**  
**TOWN HALL COUNCIL CHAMBERS**  
**AUGUST 5, 2003 – 7:00 P.M.**

**FROM:** Dale C. Olmstead, Jr.

**TO:** John Arsenault, Prout Road  
Rod Regier, South Street  
Charlotte Bishop, Maquoit Drive  
Rich DeGrandpre, Timber Ridge Road  
Frederick White, 45 Pleasant Hill Road  
Thomas Rumpf, P.O. Box 819, S. Freeport  
James Cassida, 5 Timber Ridge Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #14-2003 held on July 15, 2003 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 #15-2003  
AUGUST 5, 2003**

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**ITEM #122-2003** To consider action relative to adopting the August 5, 2003 Consent Agenda.

**BE IT ORDERED:** That the August 5, 2003 Consent Agenda be adopted.

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**ITEM #123-2003** To consider action relative to the development of a Temporary Teen Center to be located at the site of the Public Safety Building on Main Street. (Public Hearing)

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

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

**BE IT ORDERED:** That the proposal to relocate a portable classroom from the High School to the Public Safety Property be approved.

**BE IT FURTHER ORDERED:** That earned interest from the Community Center Bonds through June of 2004 be used to finance the relocation.

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**ITEM #124-2003** To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning updates of signage language and clarifications and corrections in language concerning no parking zones, handicapped parking and timed parking zones (Chapter 48). (Public Hearing)

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

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

**BE IT ORDERED:** That the proposed amendments to the Traffic and Parking Ordinance be approved.

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**ITEM #125-2003** To consider action relative to the Sign Ordinance concerning internally illuminated signs in the Village Commercial I, II, and III districts (Chapter 23). (Public Hearing)

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

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

**BE IT ORDERED:** That the proposed amendment to the Sign Ordinance be approved.

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**ITEM #126-2003** To consider action relative to the issuance of Special Amusement Permits for Dancing and Entertainment to the Harraseeket Inn and Gritty McDuff's. (Public Hearing)

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

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

**BE IT ORDERED:** That the following Special Amusement Permit applications be approved:

Nancy Gray, Mystic Motor Inn, Inc. d/b/a Harraseeket Inn, 162 Main Street

COUNCIL MEETING #15-2003  
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Jonathan Soule, Center-Cotton, Inc. d/b/a Gritty McDuff's, 187 Lower Main Street

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**ITEM #127-2003** To consider action relative to the retroactive Appointment of a Trustee of the Adelaide Winslow Harb Trust.

WHEREAS, we, the undersigned, being all the Municipal Officers of the Town of Freeport, Maine, pursuant to the power given to us in Trust of Adelaide Winslow Harb dated May 20, 1953, hereby take the following action:

Effective on the date provided below (the "Effective Date"), we hereby retroactively appoint John L. French as Trustee of the Trust of Adelaide Winslow Harb dated May 20, 1953 (hereinafter the "Trust"), for the period of time beginning March 21, 1995 and continuing through April 3, 2001. We thank him for his service.

The beginning and ending dates of this retroactive appointment were determined as follows: March 21, 1995 is the date the former Trustee, Paul L. Powers, purported to appoint John L. French as successor Trustee. That appointment was ineffective because it was inconsistent with the Trust's terms authorizing the Freeport Municipal Officers to appoint successor Trustees. April 3, 2001 is the date the Municipal Officers appointed William L. Plouffe as successor Trustee of the Trust.

The Effective Date is the date that William L. Plouffe, the current Trustee of the Trust, confirms to the Municipal Officers that he has completed his review of all financial records related to the service of John L. French as *de facto* confirm, to his satisfaction, that John L. French has administered the Trust in compliance with Maine law. The Municipal Officers specifically acknowledge paragraph 2 of the Trust, which states that the Trustee "...shall be relieved from liability and responsibility for any loss which may result from errors in judgment in investing and reinvesting funds."

**NOTE:** Attorney French has agreed to accepting \$3,000 as final payment of services rendered.

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**OTHER BUSINESS:**

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1. Report from the Municipal Facilities on Tax Acquired Property and the future of the Soule School building.
2. Confirm date for Appointments Committee Meeting (September 2, 2003 at 6:15 p.m.).
3. Discussion on Homeland Security Funds.
4. Discussion on moving forward on a Regional Dispatch Center.
5. Councilor informational exchange.

Adjourn.



**TOWN COUNCIL  
CONSENT AGENDA  
AUGUST 5, 2003**

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**ITEM #116-2003** To consider action relative to the approval of applications for Alcoholic Beverage Licenses.

**BE IT ORDERED:** That the following applications for Alcoholic Beverage Licenses be approved.

The Leading Edge, Inc. d/b/a Corsican Restaurant, 9 Mechanic Street  
Thanom Nakummun d/b/a Thai Garden Restaurant Co., 491 U.S. Route 1

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**ITEM #117-2003** To consider action relative to the approval of applications for Victualer's Licenses.

**BE IT ORDERED:** That the following applications for Victualer's Licenses be approved.

Vincent Migliaccio d/b/a Old World Gourmet, 117 U.S. Route 1  
William James d/b/a The James Place Inn, 11 Holbrook Street  
Leona Smith d/b/a Falcon Restaurant, 8 Bow Street  
Robin Wade d/b/a Corsican Restaurant, 9 Mechanic Street  
Jane Grant d/b/a Nicholson Inn, 25 Main Street  
Carrie McBride d/b/a Kendall Tavern B&B, 213 Main Street  
Thanom Mckummun d/b/a Thai Garden Restaurant, 491 U.S. Route 1  
Winn Road, LLC d/b/a School Street Café, 110 School Street

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**ITEM #118-2003** To consider action relative to a request to use Bow Street Park for a fundraising event.

**BE IT ORDERED:** That the request from Freeport Community Education to use Bow Street Park on September 11, 2003 from 5:30 p.m. to 7:00 p.m. for a fundraising activity be approved.

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**ITEM #119-2003** To consider action relative to casting Freeport's vote for the MMA Executive Committee and Officers for 2004.

**BE IT ORDERED:** That Freeport's vote be cast for those individuals recommended by the MMA Nominating Committee.

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**ITEM #120-2003** To consider action relative to the fiscal year 2004 tax due dates and interest rates.

**BE IT ORDERED:** That one-half of the fiscal year 2004 committed taxes for real estate be payable on November 17, 2003 with interest at the rate of .583% per month or 7.00% per annum, to be charged from November 18, 2003 and that the

second half of the fiscal year 2004 committed taxes for real estate be payable on May 17, 2004 with interest at the rate of .583% per month or 7.00% per annum, to be charged from May 18, 2004.

**BE IT FURTHER ORDERED:** That the fiscal year 2004 committed taxes for personal property be payable on November 17, 2003 with interest at the rate of .583% per month or 7.00% per annum, to be charged from November 18, 2003.

**BE IT FURTHER ORDERED:** That an interest rate of .17% per month or 2% per annum be established for overpayment of taxes.

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**ITEM #121-2003** To consider action relative to an expenditure from the Unemployment Compensation Reserve Account.

**BE IT ORDERED:** That up to \$10,000 be expended from the Unemployment Compensation Reserve Account to cover claims from a period of July 1, 2003 to June 30, 2004.

End of Consent Agenda



**FREEPORT TOWN COUNCIL MEETING MINUTES #15-2003  
TOWN HALL COUNCIL CHAMBERS  
AUGUST 5, 2003 – 7:00 P.M.**

	<u><b>PRESENT</b></u>	<u><b>EXCUSED</b></u>	<u><b>ABSENT</b></u>
John Arsenault, Prout Road		X	
Rod Regier, South Street	X		
Charlotte Bishop, Maquoit Drive	X		
Rich DeGrandpre, Timber Ridge Road	X		
Frederick White, 45 Pleasant Hill Road	X		
Thomas Rumpf, P.O. Box 819, S. Freeport	X (late)		
James Cassida, 5 Timber Ridge Road	X		

Vice Chair Regier opened the meeting and noted that Chair Arsenault is excused and Councilor Rumpf will be arriving later.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #14-2003 held on July 15, 2003 and accept the Minutes as printed. (DeGrandpre & Cassida)

Councilor DeGrandpre noted under ITEM #114-2003, relative to the creation of a Mast Landing Committee on page 5, the motion should have read “to add the words: “or development rights” so that the sentence reads: This Committee shall be advisory to the Town Council, and shall identify and recommend what portion, if any, of the Mast Landing property or development rights might be sold to help pay construction costs for an outdoor track. Other Councilors concurred.

**MOVED AND SECONDED** To amend as noted: (DeGrandpre & Bishop)  
**VOTE:** (5 Ayes) (2 Excused—Arsenault & Rumpf)

**ROLL CALL VOTE TO ACCEPT AMENDED MINUTES:** (5 Ayes) (2 Excused—Arsenault & Rumpf)

**ANNOUNCEMENTS:**

Vice Chair Regier pointed out that Nomination Papers are now available for the elections coming up in November. Two Council seats will be available—one for District 4 and one for Councilor-at-large. Three School Committee seats and four Sewer District Trustee seats are available as well as a single Water District Trustee.

Vice Chair Regier warned members of the public to expect delays concerning the reconstruction of South Freeport Road.

Councilor Cassida noted that the Mast Landing Committee is working hard to put together an organizational meeting. It is tentatively scheduled for August 13 at 6:30 p.m. in Council Chambers. As soon as all members are contacted, the date will be finalized and posted.

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

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**MOVED AND SECONDED:** To open the Public Comment Period. (White & DeGrandpre)  
**VOTE:** (5 Ayes) (2 Excused—Arsenault & Rumpf)

Daniel Wentworth asked for verification that Brent Moon is no longer handling the trash on Main Street. Vice Chair Regier noted that Mr. Moon chose not to renew his contract. Mr. Olmstead advised that the Town signed a one-year contract with J. P. Wallbow. Mr. Wentworth mentioned that everyone in the business should have had a shot at picking up this contract. Vice Chair Regier explained that the Administrative Code states that any contract greater than \$10,000 has to be advertised and offered through sealed bid and accepted by the Council. This code also states that for contracts less than \$10,000, the Town Manager has the due authority to assign them as part of his job. This particular contract is fully in the range that the Manager can award. Mr. Olmstead explained that Mr. Wallbow is an agent for the Town of Freeport and is not required to have a trash license. He will be providing litter control and trash barrel maintenance for seven day a week coverage, 37 weeks a year for \$6,000.

Vice Chair Regier noted that this contract will be reviewed at the end of the year. If the program is expanded and gets to be handled by the private sector, he will personally notify the trash haulers that this is the case so that they may be able to put in a bid on a future contract. Mr. Olmstead noted that the contract runs roughly from April 15 to Christmas.

**MOVED AND SECONDED:** To close the Public Comment Period. (White & Bishop) **VOTE:**  
(5 Ayes) (2 Excused—Arsenault & Rumpf)

**NOTE:** Councilor Rumpf arrived at 7:20 p.m.

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

ITEM #122-2003 To consider action relative to adopting the August 5, 2003 Consent Agenda.

**BE IT ORDERED:** That the August 5, 2003 Consent Agenda be adopted.  
(Cassida & Bishop)

Councilor Bishop explained what the Consent Agenda entails for members of the public. Councilor DeGrandpre asked about the Unemployment Compensation Reserve Account, which Mr. Olmstead explained. Vice Chair Regier asked if all the license fees have been collected and Mr. Olmstead noted that they have been.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

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ITEM #123-2003 To consider action relative to the development of a Temporary Teen Center to be located at the site of the Public Safety Building on Main Street. (Public Hearing)

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & White)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault)

Councilors DeGrandpre and White explained that they have been working to move the temporary classroom from the front lawn of the high school and locate it on Public Safety property to provide temporary space for a Teen Center. Councilor White noted that he has spent several months on this project and that a coalition is still working towards building a Community Center. Mr. Olmstead explained that the costs are outlined in a handout titled "Teen Center" in Councilors' packets. He explained the different options and funding mechanisms. He mentioned that there is a real need for storage and he would recommend Option 4. It would be a wise investment. Public Safety has asked for storage space during the past two years but did not make Mr. Olmstead's cut. Discussion followed.

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Councilor Rumpf wanted some assurance that the teens would be picking up the operating costs. Councilor White explained that they have \$4,000 now which will carry them through the first year and they will raise money to cover operating expenses. Councilor DeGrandpre advised that the teens may be able to raise money by leasing their building to organizations that need a space to use.

The following people spoke in favor of the temporary Teen Center:

Scott Ferris, Americorps Vista Volunteer, Gail Senese of Freeport Community Education, Ms. Senese read a letter from Tom Edwards, Freeport High School Principal, supporting the Teen Center, Jerry Blake of the Maxx Teen Advisory Board, Ben LeHay, Maxx Teen Advisory Board, Diane Dennison (former paid employee of the Maxx Teen Center)

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Rumpf)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault)

**BE IT ORDERED:** That the proposal to relocate a portable classroom from the High School to the Public Safety Property be approved.

**BE IT FURTHER ORDERED:** That earned interest from the Community Center Bonds through June of 2004 be used to finance the relocation. (DeGrandpre & Rumpf)

**MOVED AND SECONDED:** To go with Option 4 with the full foundation with additional funds to be used from the contingency fund for municipal buildings to cover the additional cost up to \$24,000. (Bishop & Rumpf) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Councilor Rumpf explained why he is prepared to vote for this item.

**MOVED AND SECONDED:** To amend the motion to include an understanding that a commitment has been made by the teens that they will work to support the ongoing operating costs of the Teen Center if it is built. (Rumpf & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

Mr. Olmstead asked if there is consensus on the funding. Vice Chair Regier noted that there is \$750,000 in a dedicated account. The Town Manager has recommended investing \$700,000 for 18 months and keeping \$50,000 liquid. There was consensus to follow this recommendation. Discussion followed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault).

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ITEM #124-2003 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning updates of signage language and clarifications and corrections in language concerning no parking zones, handicapped parking and timed parking zones (Chapter 48). (Public Hearing)

**MOVED AND SECONDED:** That the Public Hearing be opened. (Rumpf & DeGrandpre) (6 Ayes) (1 Excused—Arsenault).

Councilor White, who serves on the Traffic and Parking Committee, summarized these amendments. Vice Chair Regier explained to members of the public that all parking control signs are backed by a line in this Ordinance. The Council is trying to make sure that this Ordinance matches the signage that appears on the face of the earth at this time.

**MOVED AND SECONDED:** That the Public Hearing be closed. **VOTE:** (6 Ayes)  
(1 Excused—Arsenault)

Vice Chair Regier requested that when the minutes are finalized, that they become part of the final document. Councilor Rumpf suggested that dates be added to the documents.

**BE IT ORDERED:** That the proposed amendments to the Traffic and Parking Ordinance be approved. (White & Cassida).

**MOVED AND SECONDED:** To add to Section 48-301 No Parking Zones  
13. On the northern most side of School Street from Park Street to  
Main Street. (DeGrandpre & Cassida). **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Genie Beaulieu answered questions for Councilors.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

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**ITEM #125-2003** To consider action relative to the Sign Ordinance concerning internally illuminated signs in the Village Commercial I, II, and III districts (Chapter 23). (**Public Hearing**)

**MOVED AND SECONDED:** That the Public Hearing be opened. (Rumpf & Cassida)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault)

Councilor Rumpf explained that this issue came to the Council and was forwarded to the Ordinance Committee. A letter was received from Raymond Cota of Webber Oil listing their concerns and offering suggestions. Councilor Cassida explained that the Committee's intent was if a whole sign had to be replaced, at that point it might necessitate changing from an internally-illuminated sign to an externally-illuminated sign. Changing a panel would not necessitate this change. Councilor Rumpf recalled that if there was a change in ownership such as at a bank, it would be an appropriate time to require a change. Vice Chair Regier agreed with Councilor Rumpf.

Genie Beaulieu, resident of District One noted that what prompted this was the new Key Bank sign. She encouraged the Council to limit this to VC I and II in order to preserve a historical and small town ambiance. Taking it to VC-III is overreacting. She would prefer to have the scope narrowed. Cliff Goodall thanked the Ordinance Committee for bringing this forward. It makes the written Ordinance consistent with at least the VC-I area. He noted that Key Bank in Yarmouth and noticed that it is externally illuminated so this would not be the first sign for Key Bank to change. It would bring it into consistency with other signs.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Rumpf & DeGrandpre)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault).

**BE IT ORDERED:** That the proposed amendment to the Sign Ordinance be approved.  
(Rumpf & Bishop)

Discussion followed. Councilor DeGrandpre noted that he would be willing to take Village Commercial III out of this amendment. Councilor White noted that he would prefer to leave it where it is and look for specificity to the degree of change that triggers the need to go to an externally lit sign. Vice Chair Regier pointed out that change of ownership should not be the trigger that requires replacement of signs, and he mentioned Desrosiers. Councilor Cassida

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**MOVED AND SECONDED:** To add the words: **with no design change** to the third sentence so that it now reads: Any internally illuminated sign lawfully existing in the Village Commercial I, Village Commercial II or Village Commercial III districts on April 1, 2003 may continue to be used, maintained, or repaired, **with no design change**, but it must be converted to or replaced by a sign which is not internally illuminated if changed or modified in any way. (DeGrandpre & Rumpf) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault).

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**ITEM #126-2003** To consider action relative to the issuance of Special Amusement Permits for Dancing and Entertainment to the Harraseeket Inn and Gritty McDuff's. (**Public Hearing**)

**MOVED AND SECONDED:** That the Public Hearing be opened. (Bishop & Cassida)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault).

Mr. Olmstead explained that in order to offer entertainment a State license is required that has to be issued at the local level. It cannot be a Consent Agenda item because of State Statute. Both of these establishments have an entertainment license. They have music from time to time. There have not been any violations or complaints according to the Codes Enforcement Officer and the Police Chief.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Bishop & Rumpf)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault).

**BE IT ORDERED:** That the following Special Amusement Permit applications be approved:

Nancy Gray, **Mystic Motor Inn, Inc.** d/b/a Harraseeket Inn, 162 Main Street  
Jonathan Soule, **Center-Cotton, Inc.** d/b/a Gritty McDuff's, 187 Lower Main Street  
(Bishop & Rumpf) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault).

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**ITEM #127-2003** To consider action relative to the retroactive Appointment of a Trustee of the Adelaide Winslow Harb Trust.

**WHEREAS,** we, the undersigned, being all the Municipal Officers of the Town of Freeport, Maine, pursuant to the power given to us in Trust of Adelaide Winslow Harb dated May 20, 1953, hereby take the following action:

Effective on the date provided below (the "Effective Date"), we hereby retroactively appoint John L. French as Trustee of the Trust of Adelaide Winslow Harb dated May 20, 1953 (hereinafter the "Trust"), for the period of time beginning March 21, 1995 and continuing through April 3, 2001. We thank him for his service.

The beginning and ending dates of this retroactive appointment were determined as follows: March 21, 1995 is the date the former Trustee, Paul L. Powers, purported to appoint John L. French as successor Trustee. That appointment was ineffective because it was inconsistent with the Trust's terms authorizing the Freeport Municipal Officers to appoint successor Trustees. April 3, 2001 is the date the Municipal Officers appointed William L. Plouffe as successor Trustee of the Trust.

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The Effective Date is the date that William L. Plouffe, the current Trustee of the Trust, confirms to the Municipal Officers that he has completed his review of all financial records related to the service of John L. French as *de facto* confirm, to his satisfaction, that John L. French has administered the Trust in compliance with Maine law. The Municipal Officers specifically acknowledge paragraph 2 of the Trust, which states that the Trustee "...shall be relieved from liability and responsibility for any loss which may result from errors in judgment in investing and reinvesting funds."

**NOTE:** Attorney French has agreed to accept \$3,000 as final payment of services rendered. (Cassida & Bishop)

Mr. Olmstead gave some historical information regarding the Trust. This resolution resolves the issue. There is no question about Attorney Plouffe's performance. The fee will come from the Trust.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

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**MOVED AND SECONDED:** To introduce an item not on the printed agenda. (Rumpf & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Vice Chair Regier explained that this item came as a recommendation from the Traffic and Parking Committee.

**BE IT FURTHER ORDERED:** that \$690 be expended from the Fiscal Year 2004 Operating Budget Miscellaneous and Contingency Account to provide for seasonal speed bumps on Main Street in South Freeport Village. (White & DeGrandpre)

Councilor White explained that South Freeport Village residents have complained about parking and speed on both Main Street and Park Street. Options such as seasonal speed bumps and three way stop signs were discussed. The Committee offered to measure the success of speed bumps on Main Street and will consider the potential for installing them on Park Street as well. Councilor Rumpf noted that he has received complaints from families with young children concerning traffic going down to the Town Wharf. They are plastic and will be installed by Public Works. Genie Beaulieu noted that speed tables were not looked favorably upon by Public Works.

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**OTHER BUSINESS:**

1. Report from the Municipal Facilities on Tax Acquired Property and the future of the Soule School building.

Councilor DeGrandpre explained that the Municipal Facilities Committee has reviewed tax acquired properties and determined who was in compliance. The Town's policy permits people to remain in their primary residence if they have a payment plan in place. There were six people who did not respond. He and Councilors White and Rumpf are planning to contact these people to help them understand that this policy allows them to stay in their home and retain their ability to pay their taxes and redeem their home. He mentioned the confusion that arose on the Allen Range Road property. Half of the parcel was purchased from an abutter and half was purchased from Cliff Hand. He wants to be sure that everyone was noticed properly.

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He mentioned the property on Bustins Island that has been acquired and that the committee would like guidance from the Council on this seasonal residence. Councilor Rumpf noted the options that are available for this property. There would be a cost to clear the title. The assessed value is four years old. These are small properties with a seasonal cottage. Councilor Bishop mentioned that the property does not need to be sold but may be retained for municipal use. Discussion followed.

Mr. And Mrs. Kip Shield, former owners, were in attendance accompanied by their attorney. Mrs. Shield read a prepared document into the public record explaining their reasons for not paying their property taxes. Rob Desta, relative and neighbor, asked that the Council consider returning this property to the Shields.

Vice Chair Regier clarified that the Council is dealing with a threshold question. Does the Town retain some privilege through that property—either the privilege of use or the privilege of income through sale. He noted that the people in Freeport own this property. Any liquidation of this property for any less than net market value has to be explained to the people in Town that own this property and he has not heard any compelling reason for less than a net market value sale. If a Council appropriation is necessary for a market appraisal, so be it. The court costs will be included. He is aware of many people who struggle to pay their taxes. If the Council makes light of this, in some way it is making light of Town Hall staff to do all this work, the people who struggle to pay their property taxes on time as well past circumstance where the Town kept and sold a piece of property. The former owner petitioned the Council for leniency and this is why these policies are important and are a sense of continuity from one Council to another.

Vice Chair Regier noted that since the Town owns this property, it has certain responsibilities as an owner as far as insurance, etc. He asked the Town Manager if the Town has done what it needs to do to protect the property. Mr. Olmstead indicated that the Town has. Councilor DeGrandpre mentioned that he will discuss this with Chair Arsenault and will catch up with Councilor Bishop.

#### Soule School

Councilor Rumpf reported that the Committee held a meeting last year to get input from the public. They took that information as well as the estimates worked up by the Town Engineer for demolishing and removing the building, repairing it to certain levels or totally rehabilitating it. The Committee authorized the Town Manager to have the number verified. It was done through a well-respected contractor in Town. It also provided an additional estimate on the cost of replacement of the building—somewhere near three quarters of a million dollars. The total upgrade was close to \$400,000. The committee decided to put together some different options that had been discussed, cost them out, and determine what the impact on the Town would be in terms of economic impact. A presentation can be made at another public meeting to get feedback on which option to pursue. Concerns have been voiced about parking issues and not wanting to see a huge expansion in the parking area. Residents of Bustins Island would like to see the parking retained. Some residents have voiced concerns about the private sale option. The committee will meet in September and review what they put together and schedule a time to have a public meeting in October. Mr. Olmstead noted that the presentation will be ready around Labor Day.

2. Confirm date for Appointments Committee Meeting (September 2, 2003 at 6:15 p.m.).

Councilor Bishop noted that September 2 will not work and asked if this meeting could be scheduled on September 3 at 8 a.m. There was consensus that this would be fine.

3. Discussion on Homeland Security Funds.

Mr. Olmstead explained that Freeport is going to be receiving \$47,502.40 for Homeland Security and related activities. Freeport has to identify what those activities are and make formal application. The staff is working on that application and will have it ready for the September 2<sup>nd</sup> meeting for Council review and approval. It is a one-time payment.

4. Discussion on moving forward on a Regional Dispatch Center.

Mr. Olmstead advised that Freeport did not attend the last Regional meeting because of scheduling conflicts. Each Town was asked to make sure that their Councils to make sure they are in agreement that we should move forward with the exploration of a regional dispatch center that would serve eight communities. Yarmouth and Cumberland have given the green light to proceed. He asked for formal action from the Council tonight if the Council is committed to exploring a regional dispatch center to serve those potential communities. Freeport has applied for grant money.

Genie Beaulieu applauded Freeport for looking into this regionalized center. As a taxpayer, she asked the Council to direct the Manager to begin discussions with the County to see how much it would cost to join their regionalization. She suggested contacting the County Manager noting our interest, and hopefully all the other communities will ask as well. Councilor Rumpf agreed with Ms. Beaulieu that it would be worth exploring this with the County. It would be in fairness to the taxpayers. Councilor Cassida and Councilor White agreed with Councilor Rumpf. Vice Chair Regier noted that the County is an obvious player and Freeport should keep the door open. Mr. Olmstead asked for a formal statement on regionalized dispatch.

**MOVED AND SECONDED:** To introduce an item not on the printed agenda. (Bishop & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

**MOVED AND SECONDED:** That the Town of Freeport's Town Council actively supports and encourages the exploration of regional dispatch options both through the current 3-4 towns group that we are working with now and that we are interested in exploring the feasibility of that. We wish to pursue that but also direct the Town Manager and the Council representatives who are participating, to actively explore the feasibility of working through the County on dispatch as well to bring to the Council and ultimately to the citizens of Freeport more than one option for regionalized dispatch. (Rumpf & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault).

Councilor White had questions on Meeting Notes, July 1. He was looking at some of the specifications relative to a dispatch center. The location is not critical and that a modular office building or portable classroom might provide adequate space for a regional dispatch center. It appears that the space requirement is coming down. At one time, there was discussion about the Soule School being a possible site but it was not large enough. Councilor DeGrandpre noted that Yarmouth and Cumberland are moving forward and are pulling things together. Towns are starting to put numbers on the table. The next meeting is scheduled on August 20.

5. Councilor informational exchange.

Mr. Olmstead pointed out that on August 26, 2003 there will be a meeting on Bustins Island. The boat leaves promptly at 5 p.m. It would make sense to carpool from the Town Hall. Parking and Solid Waste will most likely be on the agenda. Councilor Bishop will not be able to attend.



COUNCIL MEETING #15-2003  
AUGUST 5, 2003

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Mr. Olmstead advised that Bob Lyman invited the Council to tour the new Auditorium addition at the high school at 6:15 p.m. on September 2.

Vice Chair Regier asked Mr. Olmstead if all of the information is being received in a timely manner to get agenda items out to Councilors. Mr. Olmstead advised that agenda setting is working well for staff.

Councilor White noted that he reviewed the notes on Shaw's and asked for a quick update. Councilor Rumpf advised that some people having been doing research and he could share it. It is an emotional issue. Vice Chair Regier pointed out that the ball is in the court of the Ordinance Committee. It is a sensitive issue and the Town wants to be sure it is on solid ground. He is hoping to have the final workshop with Shaw's the end of August or sometime in early September.

**COGS**

Genie Beaulieu asked if there were any topics the Council would like to see added to the COGS agenda. She mentioned holding seminars for municipal staff. Mr. Olmstead suggested adding joint purchases of capital equipment such as dump trucks, bulldozers, etc. Buying in bulk would make them cheaper. She mentioned holding a workshop with the Council. Vice Chair Regier suggested scheduling this topic under "Other Business" at a future Council meeting and asked that she prepare some sort of summary of the types of things that would be worth talking about. Mr. Olmstead offered to talk to his staff.

Adjournment:

**MOVED AND SECONDED:** To adjourn at 10:35 p.m.(Bishop & DeGrandpre)  
**VOTE:** (6 Ayes) (1 Excused—Arsenault).

Respectfully Submitted,



Sharon Coffin, Council Secretary



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## MEMORANDUM

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**TO:** Dale Olmstead, Town Manager  
**FROM:** Albert Presgraves, Town Engineer  
**DATE:** June 27, 2003  
**SUBJECT:** Traffic and Parking Ordinance

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Attached is a proposed Amendment to the Traffic and Parking Ordinance. These changes were reviewed and approved by the Traffic and Parking Committee on June 17, 2003. Most of the proposed changes are intended to update the Ordinance to reflect the signs that currently exist. Some changes are simply clarifications or editorial revisions. A short explanation of each change is listed on a separate page.

Please let me know if there are any questions.



*Approved*

AMENDMENT  
CHAPTER 48 TRAFFIC AND PARKING ORDINANCE  
Page 2

*Mtg. #15-2003  
8-5-03  
Item #124-03*

**Section 48-303 One Hour Parking Zones**

2. On the south side of Mechanic Street from Main Street for a distance of one hundred (100) feet to Middle Street.
3. On the southern most side of School Street starting at 40' from the intersection with Main Street to a point fifty (50) feet west of Middle Street.
- ~~5. On the westerly side of Main Street beginning 45 feet south of the southerly corner of Holbrook Street and extending in a southerly direction for 40 feet.~~

**Section 48-304 School Bus Zones**

No vehicle, except Freeport Department of Education vehicles, shall stop, stand or park between the hours of 8:30 a.m. to 3:30 p.m. in days when school is in session in the following specified locations:

1. On the south side of Morse Street ~~from Cross Street to the westerly end of Morse Street~~ north of the Morse Street School property.
2. On the ~~northern southerly most~~ side of Holbrook Street ~~from CMP Pole #7 westerly sixty three feet (63') to CMP Pole #8~~ adjacent to the Freeport High School property.

**Section 48-305 Thirty Minute Parking Zones**

No vehicle shall stop, stand or park for a longer period than thirty (30) minutes from 9:00 a.m. to 6:00 p.m. in the following specified locations:

1. On the south side of Bow Street from the railroad tracks to South Street.
- ~~2. On the north side of School Street from the east entrance of St. Jude's parking lot to the area designated as Map 13, Lot 22A and Map 13, Lot 22.~~
- ~~23.~~ On the western side of Middle Street from Bow Street to Mechanic Street.
- ~~3/4.~~ On the east side of Middle Street from Bow Street to School Street except where designated as "Handicapped Parking".

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Intg. #15-2003

8-5-03

Item #124-03

*Approved*  
**ADDENDUM TO AMENDMENT**

**CHAPTER 48 TRAFFIC AND PARKING ORDINANCE**

**Section 48-310 Handicapped Parking**

The following locations shall be designated as handicapped parking:

1. On the east side of Main Street in front of Derosier's Market (Map 11, Lot 93) that area which is closest to the designated loading zone. (One space)
- ~~2. On the west side of Main Street in front of Freeport Medical Associates (Map 12, Lot 28).~~
- 2 3. On the east side of Main Street beginning twelve and one half feet (12 1/2) north of the southerly property line of May 11, Lot 121 and continuing northerly for forty-four (44) feet (Two spaces).
- 3 4. For regular church services, handicapped parking will be allowed in front of church buildings. Hours will include from 5:00 p.m. to midnight on Saturdays and 8:30 a.m. to 1:00 p.m. on Sundays.
- 4 5. On the eastern side of Middle Street in front of the Pharmacy Building (Map 13, Lot 1).





Mtg. # 15-2003

8-5-03

Item # 124-03

*approved*

**ADDENDUM TO AMENDMENT**

**CHAPTER 48 TRAFFIC AND PARKING ORDINANCE**

**August 4, 2003**

**Section 48-301 No Parking Zones**

13. On the northern most side of School Street from Park Street to ~~the railroad tracks~~  
Main Street.

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Meeting #15-2003

8/5/03

Item #125-03

*approved w/addition of phrase*

## **PROPOSED AMENDMENT**

### **SIGN ORDINANCE**

#### **CHAPTER 23**

#### **Section 5. Specific Standards**

- 5.8 Internally illuminated signs are permitted in all districts except the Village Commercial I, Village Commercial II and Village Commercial III districts, where they are prohibited. Notwithstanding anything to the contrary in 1 M.R.S.A. Section 302, any sign installed after April 1, 2003 must comply with this section, whether or not an application was filed or a permit was issued prior to the effective date of this section. Any internally illuminated sign lawfully existing in the Village Commercial I, Village Commercial II or Village Commercial III districts on April 1, 2003 may continue to be used, maintained, or repaired, but it must be converted to or replaced by a sign which is not internally illuminated if changed or modified in any way. For the purposes of this section, a menu board located at the point where customers place their orders for pickup at a drive-up or drive-through window shall not be considered an internally illuminated sign.



**Bernstein, Shur, Sawyer & Nelson, P.A.**

Counselors at Law

100 Middle Street, West Tower, P.O. Box 9729, Portland, Maine 04104-5029  
207-774-1200 Fax 207-774-1127  
Internet: bssn.com

Geoffrey H. Hole  
E-mail: ghole@bssn.com

July 23, 2003

Dale C. Olmstead, Jr., Town Manager  
Town of Freeport  
30 Main Street  
Freeport, Maine 04032-1209

**Re: Harb Trust/Retroactive Appointment of Trustee**

Dear Dale:

Enclosed is the final version of the Retroactive Appointment of Trustee, which I understand you will present to the Council for action.

Please feel free to contact me if you have any questions.

Sincerely,



Geoffrey H. Hole

GHH/lc

Enclosure

Carpenter/GHH/Freeport/Harb/OlmsteadLtr072303 5005.997



**Retroactive Appointment of Trustee**  
**The Adelaide Winslow Harb Trust**

We, the undersigned, being all the Municipal Officers of the Town of Freeport, Maine, pursuant to the power given to us in Trust of Adelaide Winslow Harb dated May 20, 1953, hereby take the following action:

Effective on the date provided below (the "Effective Date"), we hereby retroactively appoint John L. French as Trustee of The Trust of Adelaide Winslow Harb dated May 20, 1953 (hereinafter the "Trust"), for the period of time beginning March 21, 1995 and continuing through April 3, 2001. We thank him for his service.

The beginning and ending dates of this retroactive appointment were determined as follows: March 21, 1995 is the date the former Trustee, Paul L. Powers, purported to appoint John L. French as successor Trustee. That appointment was ineffective because it was inconsistent with the Trust's terms authorizing the Freeport Municipal Officers to appoint successor Trustees. April 3, 2001 is the date the Municipal Officers appointed William L. Plouffe as successor Trustee of the Trust.

The Effective Date is the date that William L. Plouffe, the current Trustee of the Trust, confirms to the Municipal Officers that he has completed his review of all financial records related to the service of John L. French as *de facto* Trustee of the Trust and has verified that all such records confirm, to his satisfaction, that John L. French has administered the Trust in compliance with Maine law. The Municipal Officers specifically acknowledge paragraph 2 of the Trust, which states that the Trustee "... shall be relieved from liability and responsibility for any loss which may result from errors in judgment in investing and reinvesting funds."

This action is taken on the \_\_\_\_\_ day of \_\_\_\_\_ 2003 with a subsequent Effective Date as provided below.

THE MUNICIPAL OFFICERS OF  
THE TOWN OF FREEPORT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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I certify on behalf of the Municipal Officers of the town of Freeport that the Effective Date of this retroactive appointment is \_\_\_\_\_.

THE MUNICIPAL OFFICERS OF  
THE TOWN OF FREEPORT

By: \_\_\_\_\_

Its:  
Duly Authorized

Effective Date: \_\_\_\_\_

I accept the retroactive appointment and agree to serve as Trustee of The Adelaide Winslow Harb Trust u/a dated May 20, 1953 for the period of time beginning March 21, 1995 and continuing through \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
John L. French



**TOWN OF FREEPORT**  
**DISPOSITION OF TAX-ACQUIRED PROPERTY**  
**POLICY**

**Article 1. General**

- 1.1** The purpose of this policy is to establish procedures for the management, administration and disposition of real property acquired by reason of non-payment of taxes by the Town of Freeport in accordance with Title 36 M.R.S.A. Sections 942 and 943, as amended, and consistent with the Agreement between the Town of Freeport and the Freeport Sewer District regarding the acquisition by either entity of tax-acquired property. Nothing in this policy shall be interpreted to give additional substantive or procedural rights to owners of properties forfeited for non-payment of taxes.

**Article 2. Management of Tax-Acquired Property Pending Final Disposition**

- 2.1** Following the foreclosure of the tax lien mortgage, the municipal Treasurer shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with policy, a copy of which shall be included with the notification.
- 2.2** The municipal Treasurer shall prepare a list of properties acquired and forward a copy to the Town Council, the Planning Board, the Bustin's Island Planning Commission (if applicable), the Freeport Sewer District and any other department or committee the Treasurer believes should be informed.
- 2.3** The responsibility for the management of tax-acquired property rests with the Town Council. Pending the Town Council's decision regarding the final disposition of property, the Town Council and Town Manager shall:
- a.** determine in light of potential liabilities inherent in owning the property whether the Town's best interest would be served by immediately disposing of the property or disposing the property on such terms as the Town Council and Town Manager deem advisable without regard to any other provisions of this policy.
  - b.** determine and obtain, if necessary, insurance in the amount required to protect the Town's interest in the property and to protect the Town from liability; and
  - c.** determine if and when any occupants of tax-acquired property shall be required to vacate the property.
- 2.4** In the event the property is vacated for sixty (60) consecutive days, the Town Manager shall obtain liability coverage for the property.

**Article 3. Review of Tax-Acquired Properties**

- 3.1** The Planning Board, and any interested Department or Committee shall make recommendations to the Town Manager regarding the disposition of property within thirty (30) days of the Town Council's receipt of the list of tax-acquired properties from the Town Treasurer. The Town Manager shall coordinate and summarize those

**TOWN OF FREEPORT**  
**DISPOSITION OF TAX-ACQUIRED PROPERTY**  
**POLICY**

recommendations for each acquired property and categorize the recommendations as follows:

- a. to sell the property with or without conditions; or
- b. to retain the property for a specified purpose; or
- c. to retain the property on an interim basis if it is a single family residence occupied by the taxpayer and if the sale of the property would require the taxpayer to request public assistance. If this recommendation is offered, the Town Manager shall present a written plan under which the taxpayer is to pay outstanding taxes, interests, and costs associated with the tax lien process; and outstanding sewer rates, assessments and other lawful charges. The plan must provide that the Town will receive payment on a reasonable schedule. Costs to be paid will include all costs incurred by the Town outside of the tax lien process including but not limited to insurance costs and attorney's fees. The taxpayer must sign the written plan and acknowledge in writing that the title to the property belongs to the Town and shall remain with the Town until the taxpayer completes payment under and in strict compliance with the plan and that the owner will strictly comply with the plan. Failure to strictly comply with the plan will result in the property being retained by the Town or sold under other provisions of this policy unless other prior written arrangements have been approved by the Town. The term "occupied" as used in this paragraph, includes persons in a nursing facility who intend to return to their home.

- 3.2 The Town Manager and Municipal Facilities Committee shall forward the recommendations to the Town Council which shall make the final determination regarding the final disposition of tax acquired property. The Town Council shall also determine the conditions, if any, for sales of tax acquired property.

**Article 4. Property to be Retained**

- 4.1 If the Town Council deems it to be in the Town's best interest, it may order that the tax acquired property is retained by the Town for a specified purpose. By way of example, but not limitation, the Town Council may deem it to be in the Town's best interest to retain the property where:
- a. the property has or will have recreational value or economic value to the Town; or
  - b. the property has or will have potential use as a public facility or as an addition to a public facility.
- 4.2 If the property is retained, the Town Council may pursue an action for equitable relief in accordance with the provisions of Title 36 M.R.S.A. Section 946, if desirable.
- 4.3 The Town Council shall cause the tax-acquired property retained to be managed and insured as it would other municipal property.

## **TOWN OF FREEPORT**

### **DISPOSITION OF TAX-ACQUIRED PROPERTY**

#### **POLICY**

- 4.4 If retained, the Town shall pay to the Freeport Sewer District the then outstanding unpaid sewer rates, assessments or other lawful charges associated with the services and operations of the Freeport Sewer District.

#### **Article 5. Property to be Sold**

- 5.1 For those tax acquired properties the Town Council determines will be sold the Town Council shall determine the method of sale. Methods may include but are not limited to brokerage sale, negotiated sale, or public bid process. If the public bid process is used, the Town Manager shall cause to be published advanced notice of the sale of the tax-acquired property in a local newspaper. The notice shall also be posted in a conspicuous place within the Municipal Building. The notice shall also be sent to the person from whom the property was acquired and the property owners whose property immediately abuts the property to be sold. The notice shall specify the time and date bids are due, the general terms of the sale and information useful to prospective bidders.
- 5.2 All bids shall be submitted on forms prescribed by the Town Manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the bid deposit. Bids shall be publicly opened and read on the date and at the time specified under the terms of the sale.
- 5.3 The Town Manager shall review all bids and make recommendations to the Town Council. The Council shall determine the successful bidder.
- 5.4 The Town reserves the right to reject any or all bids, except other than the highest bid and waive any of the requirements of this policy should the Town Council, in its sole determination, judge such actions to be in the best interest of the Town. Instances where this right may be invoked include, but are not limited to:
- a. The Town Council may wish to sell the property to an abutting property owner rather than the highest bidder, and
  - b. The Town Council may determine a use other than the use proposed by the highest bidder that is in the best interests of the Town.
- 5.5 Should the Town Council reject all bids, the property may again be offered for sale.
- 5.6 Should the bidder fail to complete the terms of the sale, the Town shall retain the bid deposit. The Town Council may therefore offer the property to the next highest bidder, if the Town Council determines that such an offer is in the best interest of the Town.
- 5.7 Title to tax-acquired property shall be transferred only by means of a Municipal Release Deed.
- 5.8 Unless the property is vacant at the time of sale, the successful bidder shall be responsible for the process and expenses of removing occupants and contents from the property in a manner according to law.

**TOWN OF FREEPORT**  
**DISPOSITION OF TAX-ACQUIRED PROPERTY**  
**POLICY**

- 5.9 The proceeds of the sale shall be distributed in the following manner to the extent that funds are received from the sale. First, all taxes, interest, and costs under the tax lien process shall be paid TO THE Town, including all costs incident to the sale of the property. Second, all outstanding sewer rates, assessments or other lawful charges incurred by the Freeport Sewer District in providing services to the property shall be paid. Third, any balance shall be placed in a Town reserve account for future capital expenditures.

Adopted by Freeport Town Council

4/15/97.