

M I N U T E S

Meeting: No. 29-73
 Date: Oct. 16, 1973
 Time: 7:30 P.M.
 Place: Council Room

TOWN OF FREEPORT MEETING OF THE FREEPORT TOWN COUNCIL

X	Regular
	Special

Roll Call of Members

David J. Thompson, Chairman, Beech Hill Road
 Arthur Palmer, Vice Chairman, Pleasant Hill Rd.
 Edgar Leighton, Independence Drive
 Edward Bonney, Nathan Nye Street
 Frank Small, Bow Street
 Robert Furtney, Porters Landing
 Edwin Fogg, Old County Road

Present Absent Excused

X		
X		
X		
* X		
X		
X		
X		

Moved and Seconded - That a reading of the minutes of Meeting #28-73 held October 2, 1973 be waived and they be accepted as printed.
 (Messrs. Fogg & Leighton) (6 Yes) (0 No).

ITEM NO. 214 Be It Ordered - That the Town of Freeport accept a Quit Claim Deed with covenant for Sequoia Drive, so-called, as conveyed by Roland C. O'Brien, Inc.
 (Messrs Fogg & Leighton) (7 Yes) (0 No).

ITEM NO. 215 Be It Ordered - That the Town of Freeport accept a warranty deed for Carriage Road, so-called, Scotch Pine Drive, so-called, and additional rights of way on Pettengill Road as conveyed by Mark IV Limited.
 (Messrs. Small & Palmer) (7 Yes) (0 No).

*Mr. Bonney arrived at 7:33 P.M.

ITEM NO. 216

Be It Ordered - That the resignation of Lloyd T. Walkup from the Freeport Recreation Committee be accepted with regrets.
(Messrs. Bonney & Palmer) (7 Yes) (0 No).

ITEM NO. 217

Be It Ordered - That the Town Treasurer be authorized to borrow \$9,500 for a period of 90 days for the purpose of closing the option held by the Town of Freeport on property on Morse Street as owned by Arthur Anderson.

Be It Further Ordered - That the date of closing for this option be rescheduled for November 1, 1973. (Messrs. Palmer & Bonney) (7 Yes) (0 No)

Moved and Seconded - That the letter concerning "interference" from the Municipal Attorney remain part of the record of this meeting and be published as part of the official minutes of this meeting. (Messrs. Bonney & Small) (7 Yes) (0 No).

BERNSTEIN, SHUR, SAWYER AND NELSON

ONE MONUMENT SQUARE

PORTLAND, MAINE

04111

ISRAEL BERNSTEIN (1890-1967)
BARNETT I. SHUR
LOUIS BERNSTEIN
SUMNER T. BERNSTEIN
HERBERT H. SAWYER
LEONARD M. NELSON
WILLIAM W. WILLARD
JEROME F. GOLDBERG
GEORGE M. SHUR
GREGORY A. TSELIKIS
F. PAUL FRINSKO
PETER J. RUBIN
ALAN R. ATKINS
RICHARD P. LEBLANC

October 9, 1973

AREA CODE
TELEPHONE 7

Mr. Bruce E. Benway
Town Manager
Freeport Municipal Offices
Freeport, Maine 04032

RE: Freeport Charter

Dear Bruce:

With reference to your recent inquiry concerning the term "interference" as it appears in Section 2.06 (c) of the Freeport Town Charter, I would offer the following.

I note that the term "interference" appears only in the heading of that particular section of the Charter. It is my belief that the general law states that such headings are not a part of the legislative documents and have no force of law except, in certain limited cases, to offer some legislative history or explanation of the intent of the draftsmen.

In my review of the actual text of the section, I do not note any apparent conflict in language or any inconsistencies. My impression is that the text should be read literally and it is my understanding that such a section is inserted to reinforce the "chain of command" concept inherent in this type of Town Manager form of government. In other words, my understanding of this section is that it was intended to preclude council members from giving direct orders concerning municipal business to Town Manager subordinates and to require that any such directives are limited to the Town Manager who, in turn, bears the ultimate responsibility of implementing the directives.

I hope that the foregoing information is of some assistance to you and the members of the Council, and should you have any further questions, please feel free to give me a call.

Very truly yours,


F. Paul Frinsko

FPPF/rrc

ITEM NO. 218

Be It Ordered - That up to \$6.50 be expended from the Gould Trust Fund for the medical expenses of Mary Baker. (Messrs. Leighton & Palmer) (7 Yes) (0 No).

Moved and Seconded - The Meeting be adjourned at 8:05 P.M. (Messrs Leighton & Fogg) (7 Yes) (0 No).

The foregoing was recorded by:

Lynne Briggs, Council Secretary

Distribution: Councilmen
Town Clerk
F. Paul Frinsko
Bookkeeper
Library
Highway Dept
Police Dept,