

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #11-97**  
**TOWN HALL COUNCIL CHAMBERS**  
**APRIL 15, 1997 - 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:** GENIE BEAULIEU, CHAIRPERSON, LARUE DRIVE  
EDWARD CAMPBELL, VICE CHAIRPERSON, GAY DRIVE  
ALAN HINDLEY, WARDTOWN ROAD  
KENNETH MANN, MANN ROAD  
CHARLOTTE BISHOP, MAQUOIT DRIVE  
STAFFORD SOULE, ARNOLD ROAD  
DAVID SOLEY, ARNOLD ROAD

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #10-97 APRIL 1, 1997 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.

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**ITEM #78-97** TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR VICTUALER LICENSES FOR FRIENDLY'S ICE CREAM CORPORATION, STEVE JAMES, PETER KELLOGG, KENNETH MANN, MARYANN SHUKALO, JONATHAN SOULE, CATHERINE CARTY-WILBUR, SALLY YOUNG AND GEORGE STEPHEN LAMBERT (PUBLIC HEARING).

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

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP	DAVID SOLEY
GENIE BEAULIEU	KENNETH MANN
ALAN HINDLEY	EDWARD CAMPBELL
STAFFORD SOULE	DALE OLMSTEAD
PAT GOODWIN	

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

FRIENDLY'S ICE CREAM CORPORATION, D/B/A FRIENDLY'S RESTAURANT, 140 MAIN STREET, FREEPORT

STEVE JAMES, D/B/A FREEPORT VARIETY, 9 MAIN STREET, FREEPORT

PETER KELLOGG, D/B/A BAKERY-2, 176 SOUTH FREEPORT ROAD, FREEPORT

KENNETH MANN, D/B/A MANN'S SHOPPING CENTER, US ROUTE 1 NORTH, FREEPORT

MARYANN SHUKALO, D/B/A MERRYMAN INN BED & BREAKFAST, 1 SUMMER STREET, FREEPORT

JONATHAN SOULE, D/B/A GOOSE ISLAND CLAMBAKE, 183 B LOWER MAIN STREET, FREEPORT

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CANDY SHOPPE, 13 BOW STREET, FREEPORT

SALLY YOUNG, D/B/A WEBBER OIL, 42 MALLETT DRIVE, FREEPORT

GEORGE STEPHEN LAMBERT, D/B/A DOMINO PIZZA, U.S. 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.

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

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**ITEM #79-97** TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS, AND VINOUS LICENSE FOR JOHN L. STILES (PUBLIC HEARING).

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

JOHN L. STILES, D/B/A, JAMESON TAVERN, 115 MAIN STREET, FREEPORT

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

**BE IT ORDERED:** THAT THE APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

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**ITEM #80-97** TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A MALT LICENSE FOR JEFFREY GOREY (PUBLIC HEARING).

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**MOTION:** THAT THE FOLLOWING APPLICATION FOR A MALT LICENSE BE SUBJECT TO PUBLIC HEARING.

JEFFREY GOREY, D/B/A, SAM'S ITALIAN FOOD, 7 MAIN STREET, FREEPORT

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

**BE IT ORDERED:** THAT THE APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

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**ITEM #81-97** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE CONCERNING EMPLOYEE PARKING (CHAPTER 21) (PUBLIC HEARING).

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

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

**MOTION:** THAT ITEM #81-97 BE TABLED UNTIL MAY 6, 1997.

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**ITEM #82-97** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP CONCERNING THE VILLAGE COMMERCIAL-III ZONE AND THE INDUSTRIAL-I ZONE (PUBLIC HEARING).

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

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

**MOTION:** THAT ITEM #82-97 BE TABLED UNTIL MAY 6, 1997.

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**ITEM #83-97** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE DIRECTIONAL SIGN ORDINANCE CONCERNING INTERNATIONAL INFORMATION SIGNS (CHAPTER 24) (PUBLIC HEARING).

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

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

**MOTION:** THAT ITEM #83-97 BE TABLED UNTIL MAY 6, 1997.

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**ITEM #84-97** TO CONSIDER ACTION RELATIVE TO THE RENEWAL OF A PARKING LEASE BETWEEN THE TOWN OF FREEPORT AND BREWERS SOUTH FREEPORT MARINE.

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**BE IT ORDERED:** THAT THE PARKING LEASE BETWEEN THE TOWN OF FREEPORT AND BREWERS SOUTH FREEPORT MARINE, FOR THE LEASING OF 25 PARKING SPACES LOCATED AT TAX MAP 2, LOT 52 BE APPROVED.

**BE IT FURTHER ORDERED:** THAT THE RENTAL COSTS OF THE LEASE BE EXPENDED ANNUALLY FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT.

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**ITEM #85-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A POLICY CONCERNING THE DISPOSITION OF TAX-ACQUIRED PROPERTY.

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**BE IT ORDERED:** THAT THE PROPOSED POLICY CONCERNING THE DISPOSITION OF TAX-ACQUIRED PROPERTY BE ADOPTED.

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**ITEM #86-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A POLICY CONCERNING MUNICIPAL AND SCHOOL RESERVE ACCOUNTS.

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**BE IT ORDERED:** THAT THE PROPOSED POLICY CONCERNING MUNICIPAL AND SCHOOL RESERVE ACCOUNTS BE ADOPTED.

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**ITEM #87-97** TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE TOWN OF FREEPORT AND VERMONT TEDDY BEAR COMPANY, INC.

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENT TO THE LEASE BETWEEN THE TOWN OF FREEPORT AND VERMONT TEDDY BEAR COMPANY, INC. CONCERNING RENOVATIONS TO THE B.H. BARTOL LIBRARY BUILDING BE APPROVED.

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ITEM #59-97    Tabled April 1, 1997  
TO CONSIDER ACTION RELATIVE TO A MORATORIUM ON THE  
CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS.

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**BE IT ORDERED:** THAT THE PROPOSED MORATORIUM ON THE  
CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS,  
AS SUBMITTED TO PUBLIC HEARING ON APRIL 1, 1997, BE APPROVED.

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ITEM #60-97    Tabled April 1, 1997  
TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE  
SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING.

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE  
SHELLFISH CONSERVATION ORDINANCE, AS SUBMITTED TO PUBLIC  
HEARING ON APRIL 1, 1997, BE APPROVED.

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ITEM #62-97    Tabled April 1, 1997  
TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR  
CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 1998 TO 2002.

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**BE IT ORDERED:** THAT THE PROPOSED CAPITAL IMPROVEMENTS  
PROGRAM FOR FISCAL YEARS 1998 TO 2002, SUBMITTED TO PUBLIC  
HEARING ON APRIL 1, 1997, BE ADOPTED.

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING ITEMS BE FUNDED  
FOR FISCAL YEAR 1998:

**EDUCATION DEPARTMENT:**

- |  |           |
|--|-----------|
| 1. STUDENT COMPUTER LAB                          | \$ 48,000 |
| 2. MIDDLE SCHOOL TECHNOLOGY UPGRADES             | \$ 25,000 |
| 3. MAST LANDING TECHNOLOGY UPGRADE               | \$ 8,000  |
| 4. MORSE STREET SCHOOL TECHNOLOGY UPGRADE        | \$ 20,000 |
| 5. MIDDLE SCHOOL EQUIPMENT & FURNITURE UPGRADES  | \$ 49,000 |
| 6. MIDDLE SCHOOL PROPERTY BUILDING PERMIT        | \$ 24,000 |
| 7. PRINTING, FOLDING & COLLATING EQUIPMENT       | \$ 23,000 |
| 8. HIGH SCHOOL UPGRADE (CHIMNEY & LOCKERS)       | \$ 6,000  |
| 9. FIELD MAINTENANCE EQUIPMENT                   | \$ 9,000  |
| 10. HIGH SCHOOL & MIDDLE SCHOOL ADVENTURE COURSE | \$ 8,000  |

**FIRE DEPARTMENT:**

- |                                   |           |
|-----------------------------------|-----------|
| 1. BASE STATION RADIO REPLACEMENT | \$ 19,000 |
| 2. ENGINE 4 BODY & RUST REPAIRS   | \$ 18,000 |

**RESCUE DEPARTMENT:**

- |                        |           |
|------------------------|-----------|
| 1. CHIEF'S VEHICLE     | \$ 20,000 |
| 2. PROTECTIVE CLOTHING | \$ 35,000 |

**PUBLIC WORKS:**

- |                           |           |
|---------------------------|-----------|
| 1. WOOD CHIPPER           | \$ 24,000 |
| 2. STEAM CLEANER          | \$ 15,000 |
| 3. ONE TON TRUCK AND BODY | \$ 30,000 |

**SOLID WASTE/RECYCLING:**

- |   |           |
|---|-----------|
| 1. DESIGN FOR TRANSFER/RECYCLING FACILITY | \$ 25,000 |
|---|-----------|

**COMPREHENSIVE TOWN IMPROVEMENTS:**

- |   |           |
|---|-----------|
| 1. WOLF NECK ROAD RECONSTRUCTION          | \$ 42,500 |
| 2. WOLF NECK ROAD DRAINAGE                | \$ 15,000 |
| 3. HARRASEEKET ROAD DRAINAGE              | \$ 39,500 |
| 4. TOUR BUS PARKING LOT ( MATCHING FUNDS) | \$ 37,500 |

**B.H. BARTOL LIBRARY:**

- |  |           |
|--|-----------|
| 1. COMPUTER UPGRADE & EXPANSION        | \$ 35,000 |
| 2. COMPUTER LAB & SINGLE USER STATIONS | \$ 20,000 |

**POLICE DEPARTMENT:**

- |                               |           |
|-------------------------------|-----------|
| 1. PORTABLE RADIO REPLACEMENT | \$ 15,000 |
|-------------------------------|-----------|

**BOARD, COMMITTEES & COMMUNITY GROUPS:**

- |  |           |
|--|-----------|
| 1. FREEPORT OUTDOOR RECREATION GROUP (FORG)<br>RECREATION FACILITY | \$ 25,000 |
|--|-----------|

**BE IT FURTHER ORDERED:** THAT \$105,000 BE EXPENDED FROM THE RESCUE RESERVE ACCOUNT TO PROVIDE FOR THE REPLACEMENT OF RESCUE #2.

**BE IT FURTHER ORDERED:** THAT \$ \_\_\_\_\_ BE EXPENDED FROM THE PUBLIC WORKS EQUIPMENT RESERVE ACCOUNT TO PROVIDE FOR \_\_\_\_\_

**BE IT FURTHER ORDERED:** THAT THE TOWN CLERK BE INSTRUCTED TO PLACE THE REPLACEMENT OF THE FIRE DEPARTMENT TRUCK TANK 2 IN THE AMOUNT OF \$ \_\_\_\_\_ ON THE NEXT REGULAR OR SPECIAL STATE ELECTION BALLOT.

**QUESTION**

ORDINANCE AUTHORIZING ISSUANCE OF BOARDS FOR THE REPLACEMENT OF FIRE TRUCK TANK #2.

THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$ \_\_\_\_\_ IS HEREBY APPROPRIATED FOR THE PURPOSE OF REPLACING FIRE DEPARTMENT TANK #2. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE

TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ \_\_\_\_\_ AND THE DISCRETION TO FIX THE DATES, MATURITIES, DENOMINATIONS, INTEREST RATES, PLACES OF PAYMENT, FORMS AND OTHER DETAILS OF SAID SECURITIES, INCLUDING EXECUTION AND DELIVERY ON BEHALF OF THE TOWN OF FREEPORT, AND TO PROVIDE FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.

**EXPLANATION**

THIS WOULD BE A REPLACEMENT FOR A 1974 TANK TRUCK WHICH IS IN NEED OF MUCH BODY AND MECHANICAL WORK. THE VEHICLE IS CONSIDERED UNSAFE TO DRIVE.

THE TOWN COUNCIL AND FIRE DEPARTMENT SUPPORTS THIS REQUEST.

**BE IT FURTHER ORDERED:** THAT A SUM NOT TO EXCEED \$ \_\_\_\_\_ IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING THE APPROVED CAPITAL ITEMS, AND TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO USE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ \_\_\_\_\_ WITH THE DISCRETION TO FIX THE DATE, PLACE OF PAYMENT, FORMS AND OTHER DETAILS OF THE SECURITIES, AND PROVIDING THE SALES THEREOF DELEGATED TO THE CHAIRPERSON OF THE TOWN AND THE TOWN TREASURER.

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**OTHER BUSINESS:**

- REPORT ON PAPER STREETS.
- REQUEST FROM FREEPORT COMMUNITY SERVICES TO USE TOWN PROPERTY.

**COMMITTEE REPORTS:**

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**ITEM #88-97** TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS STATEMENTS MADE TO THE PRESS BY THE TOWN MANAGER CONCERNING THE TRASH HAULERS' PETITION.

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**MOTION:** THAT THE TOWN COUNCIL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING STATEMENTS BY THE TOWN MANAGER TO THE PRESS ABOUT THE TRASH HAULERS' PETITION.

**MOTION:** THAT THE COUNCIL RECONVENE.

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**ADJOURN.**

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #11-97  
APRIL 15, 1997 - 7:00 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, Chairperson Laurie Drive	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X (Late 7:15 P.M.)		
Stafford Soule Arnold Road	X		
David Soley Arnold Road	X		

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #10-97 HELD ON APRIL 1, 1997, AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #10-97 HELD ON APRIL 1, 1997 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Soule) (6 Ayes) (1 Absent-Bishop)

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

1. Larry DiPietro raised concerns regarding recent newspaper articles re: petitions.
2. Andrew Arsenault questioned Executive Session procedure.  
Chairperson Beaulieu confirmed that there would be discussion at the end of the meeting.  
Councilor Hindley requested clarification of public comment items.
3. Councilor Mann raised concerns re: Times Record article of 4-14-97 about the circulated petitions regarding trash haulers, clearing his name and reputation, witnessed signatures, etc. He stated that he feels an apology is in order.  
Chairperson Beaulieu reaffirmed that these would be addressed later in the meeting.

**MOVED AND SECONDED:** TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

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

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ITEM #78-97	TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR VICTUALER LICENSES FOR FRIENDLY'S ICE CREAM CORPORATION, STEVE JAMES,
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PETER KELLOGG, KENNETH MANN, MARYANN SHUKALO, JONATHAN SOULE, CATHERINE CARTY-WILBUR, SALLY YOUNG AND GEORGE STEPHEN LAMBERT (PUBLIC HEARING).

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

**ROLL CALL OF MEMBERS:** (All members present)  
CHARLOTTE BISHOP                      DAVID SOLEY  
GENIE BEAULIEU                      KENNETH MANN  
ALAN HINDLEY                      EDWARD CAMPBELL  
STAFFORD SOULE                      DALE OLMSTEAD  
PAT GOODWIN

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

FRIENDLY'S ICE CREAM CORPORATION, D/B/A FRIENDLY'S RESTAURANT,  
140 MAIN STREET, FREEPORT

STEVE JAMES, D/B/A FREEPORT VARIETY, 9 MAIN STREET, FREEPORT

PETER KELLOGG, D/B/A BAKERY-2, 176 SOUTH FREEPORT ROAD,  
FREEPORT

KENNETH MANN, D/B/A MANN'S SHOPPING CENTER, US ROUTE 1 NORTH,  
FREEPORT

MARYANN SHUKALO, D/B/A MERRYMAN INN BED & BREAKFAST, 1  
SUMMER STREET, FREEPORT

JONATHAN SOULE, D/B/A GOOSE ISLAND CLAMBAKE, 183 B LOWER MAIN  
STREET, FREEPORT

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CANDY SHOPPE, 13 BOW  
STREET, FREEPORT

SALLY YOUNG, D/B/A WEBBER OIL, 42 MALLETT DRIVE, FREEPORT

GEORGE STEPHEN LAMBERT, D/B/A DOMINO PIZZA, U.S. ROUTE 1 SOUTH,  
FREEPORT

(Councilors Soule & Campbell) (9 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO AMEND ITEM #78-97 TO KENNETH MANN  
D/B/A EXIT 21 SHOPPING CENTER. (Councilors Soley & Campbell) (9 Ayes) (0  
Nays)

**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 AS AMENDED. ROLL CALL VOTE (Councilors Soule & Campbell) (8 Ayes) (0 Nays) (1 Abstain-Mann)

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

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**ITEM #79-97** TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS, AND VINOUS LICENSE FOR JOHN L. STILES (PUBLIC HEARING).

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

JOHN L. STILES, D/B/A, JAMESON TAVERN, 115 MAIN STREET, FREEPORT  
(Councilors Bishop & Hindley) (7 Ayes) (0 Nays)

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

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

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**ITEM #80-97** TO CONSIDER ACTION RELATIVE TO APPLICATION FOR A MALT LICENSE FOR JEFFREY GOREY (PUBLIC HEARING).

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**MOVED AND SECONDED:** THAT THE FOLLOWING APPLICATION FOR A MALT LICENSE BE SUBJECT TO PUBLIC HEARING.

JEFFREY GOREY, D/B/A, SAM'S ITALIAN FOOD, 7 MAIN STREET, FREEPORT  
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

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

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

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**ITEM #81-97** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE CONCERNING EMPLOYEE PARKING (CHAPTER 21) (PUBLIC HEARING).

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

Town Planner Cohen stated that the Traffic and Parking Committee had recommended that the Planning Board review the parking requirements in the existing Zoning Ordinance to see where the parking deficit might be made up to decrease the parking deficit in the downtown. The Board felt that the one place where change could be made was the issue of employee parking for retail trade and commercial sales and service. The end result which was agreed to by both the Planning Board and the Traffic and Parking Committee was to change the ordinance to the proposed amendment. The proposed amendment would only apply the 25% reduction to customer parking and require that more employee parking be created. If the shared parking concept is used for customer parking, the employee parking cannot be restricted. The other issue is to determine how many spaces there should be for employee parking; the formula is 1 space per 1000 square feet of gross floor area. The amendment is consistent with the Freeport Comprehensive Plan and the Freeport Traffic and Parking Master Plan.

Councilor Soule asked for clarification of the number of employees.

Ms. Cohen stated that it meant the number of the people in the building.

Councilor Hindley questioned the formula.

Ms. Cohen stated that the formula is a rather liberal interpretation to the number of employees. She added that this only applies to VCI areas.

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

**MOVED AND SECONDED:** THAT ITEM #81-97 BE TABLED UNTIL MAY 6, 1997. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

---

**ITEM #82-97** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP CONCERNING THE VILLAGE COMMERCIAL-III ZONE AND THE INDUSTRIAL-I ZONE (PUBLIC HEARING).

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

Ms. Cohen stated that the Community Development Committee, working with Eastland Shoe, came to the Planning Board with a proposed map amendment. The proposal is to change the zone to I-1; all of the abutters were notified; the Planning Board supports this change, which meets the recommendations of the Freeport Comprehensive Plan. This was the former Dingley Press building.

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

**MOVED AND SECONDED:** THAT ITEM #82-97 BE TABLED UNTIL MAY 6, 1997. (Councilors Soley & Bishop) (7 Ayes) (0 Nays)

---

**ITEM #83-97** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE DIRECTIONAL SIGN ORDINANCE CONCERNING INTERNATIONAL INFORMATION SIGNS (CHAPTER 24) (PUBLIC HEARING).

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

Ms. Cohen stated that the Traffic and Parking Committee received a request from the Merchants' Association to locate 3 "T" (information) signs to 3 locations.

Councilor Mann asked the date of the Traffic and Parking Committee meeting, re: other directional signs.

Ms. Cohen stated that it is the last Wednesday of the month at 5:30 P.M. and notices will be sent out to campground owners and merchants.

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

**MOVED AND SECONDED: THAT ITEM #83-97 BE TABLED UNTIL MAY 6, 1997.** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

---

**ITEM #84-97** TO CONSIDER ACTION RELATIVE TO THE RENEWAL OF A PARKING LEASE BETWEEN THE TOWN OF FREEPORT AND BREWERS SOUTH FREEPORT MARINE.

---

**BE IT ORDERED: THAT THE PARKING LEASE BETWEEN THE TOWN OF FREEPORT AND BREWERS SOUTH FREEPORT MARINE, FOR THE LEASING OF 25 PARKING SPACES LOCATED AT TAX MAP 2, LOT 52 BE APPROVED.**  
(Councilors Soule & Campbell)

Manager Olmstead explained the proposed lease; he recommends renewing this lease for 3 more years.

Councilor Mann asked if we have a time limit on its use; he asked if Bustin's Island has an interest in this lot.

Manager Olmstead stated that there is no overnight parking allowed; Bustin's Island has never expressed an interest in this.

Miscellaneous discussion re: policing the lot, the date of the lease, time limit signage, Town parking permits, other areas, charging for parking to recover costs, etc.

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

**BE IT FURTHER ORDERED: THAT THE RENTAL COSTS OF THE LEASE BE EXPENDED ANNUALLY FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT. ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

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**ITEM #85-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A POLICY CONCERNING THE DISPOSITION OF TAX-ACQUIRED PROPERTY.

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**BE IT ORDERED:** THAT THE PROPOSED POLICY CONCERNING THE DISPOSITION OF TAX-ACQUIRED PROPERTY BE ADOPTED. (Councilors Bishop & Campbell)

Councilor Soley explained this proposed policy, which would allow us to decide what to do with tax-acquired property, which property would be retained or sold, and working out a payment plan, etc.

**MOVED AND SECONDED:** TO AMEND ITEM #85-97 3.1C TO INCLUDE, "THE TERM, 'OCCUPIED', AS USED IN THIS IN THIS PARAGRAPH, INCLUDES PERSONS IN A NURSING FACILITY WHO INTEND TO RETURN TO THEIR HOME." (Councilors Soley & Hindley) (7 Ayes) (0 Nays)

Councilor Soley added that copies of this policy would be sent to those whose property has been tax acquired.

Councilor Mann clarified the meaning of "public assistance". He stated that he has concerns with the payment plan – people may want to pay, but cannot even though they have signed the payment plan agreement.

Councilor Soley reviewed the lien process, regarding due notice, time frame, tax-acquired property; this policy gives the taxpayer one last chance to correct the situation; if the person fails again to meet their tax obligation, that is their last chance.

Councilor Campbell stated that everyone must be treated fairly and that this policy formalizes the rules.

Chairperson Beaulieu stated that if people need to amend their payment plan a second time, the Town will allow this.

Councilor Mann asked what happens in the event that a person applies for a poverty abatement.

Councilor Soley stated that this would not apply in this situation. If a poverty abatement applies, payment of back taxes does not apply.

Councilor Bishop raised concern re: people who apply for the Circuit Breaker State Program, are awarded reimbursement and still do not pay their taxes.

Amy Adams requested that the Council think carefully about this policy.

**MOVED AND SECONDED:** TO STRIKE THE LAST TYPED SENTENCE IN 3.1C. (Councilors Mann & Hindley)

Councilor Bishop stated we could change "will result" to "could result".

Councilor Soley stated that we need to convey that this is the last effort to comply with obligations.

Councilor Campbell stated that there are very few who fall under this category. We need the sentence for those to whom it applies.

Chairperson Beaulieu stated that this also gives people the right to retain their property if they would be forced under an assistance situation.

Councilor Soley stated that if the sentence is removed from the policy, it creates a loophole.

**VOTE ON AMENDMENT:** (2 Ayes) (5 Nays-Soley, Campbell, Bishop, Soule, Beaulieu)

**MOVED AND SECONDED:** TO CHANGE THE LAST TYPED SENTENCE UNDER 3.1C TO READ, "FAILURE TO STRICTLY COMPLY WITH THE PLAN COULD RESULT IN THE PROPERTY BEING RETAINED BY THE TOWN OR SOLD UNDER OTHER PROVISIONS OF THIS POLICY". (Councilors Bishop & Soule)

Councilor Soley stated that the problem becomes a legal problem; because of the word, "could", discrimination could be raised and the Town could be sued.

Councilor Mann suggested deleting "... or sold...", then one would not worry about their property being sold out from under them.

Councilor Soley clarified that there are 3 options.

(Amendment and second withdrawn.)

Manager Olmstead suggested adding, "unless other prior arrangements have been approved by the Town".

**MOVED AND SECONDED:** TO AMEND ITEM #85-97 3.1C TO READ, "FAILURE TO STRICTLY COMPLY WITH THE PLAN WILL RESULT IN THE PROPERTY BEING RETAINED BY THE TOWN OR SOLD UNDER PROVISIONS OF THIS POLICY UNLESS OTHER PRIOR WRITTEN ARRANGEMENTS HAVE BEEN APPROVED BY THE TOWN". ROLL CALL VOTE (Councilors Bishop & Soule) (7 Ayes) (0 Nays)

**ROLL CALL VOTE ON ITEM #85-97 AS TWICE AMENDED:** (7 Ayes) (0 Nays)

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**ITEM #86-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A POLICY CONCERNING MUNICIPAL AND SCHOOL RESERVE ACCOUNTS.

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**BE IT ORDERED:** THAT THE PROPOSED POLICY CONCERNING MUNICIPAL AND SCHOOL RESERVE ACCOUNTS BE ADOPTED. (Councilors Hindley & Campbell)

Councilor Soley explained the need for this; we are establishing reserve accounts that we deem necessary. This policy establishes a reserve policy placing dollars in reserve accounts in those areas, put in a pro rata dollar formula, based on needs of each department. He asked about investing these funds.

**MOVED:** TO ADD PARAGRAPH 4 WHICH SAYS THAT THE MUNICIPAL FACILITIES COMMITTEE MAY INVEST THE PROCEEDS IN RESERVE ACCOUNTS WITH A TRUST OFFICER AT A MAINE BANK. (Councilor Soley)

**Councilor Mann stated that those decisions should be made by the Finance Director.**

**Manager Olmstead stated that the role of the Finance Director is to apply the current investment policy and maximize our investments. He suggested adding verbiage stating, "...these funds will be invested in such a manner that is consistent with the investment policy".**

**Councilor Soley amended his amendment to read, "pursuant to the Town Investment Policy". ( 2<sup>nd</sup> Councilor Soule)**

**AMENDMENT: "4. THE PROCEEDS IN RESERVE ACCOUNTS WILL BE INVESTED IN ACCORDANCE WITH THE TOWN'S INVESTMENT POLICY, FOR RATIFICATION BY THE FULL COUNCIL". ROLL CALL VOTE (7 Ayes) (0 Nays)**

**Councilor Mann asked for clarification of the amount in the Public Works account, and bonding.**

**Manager Olmstead clarified this and what should be put into each account.**

**Councilor Mann questioned capital items over \$50,000 not going to the voters for approval, etc.**

**Manager Olmstead confirmed that this is an issue that has been discussed/debated for years; legal opinions have been consistent for years and some individuals may disagree.**

**Councilor Hindley questioned the amount that would be put into reserve accounts this year.**

**Councilor Soley stated that if we were going to commit to this, it would be that amount.**

**Manager Olmstead stated that each year, each council would decide the dollar amount.**

**Discussion followed re: library lease proceeds usage, development of the reserve account policy, where funds go, investing the money in mutual funds and savings to the Town, lease proceeds filling (tax increase) revenue void, i.e., \$147,000 operating budget revenue, TIF funds, putting all lease proceeds into reserve accounts, etc.**

**Andrew Arsenault asked if there would be a general accounting of lease proceeds.**

**Manager Olmstead stated that the Finance Director could provide these.**

**Councilor Soley listed the amounts that would go into different accounts, totaling \$487,500.**

**Councilor Campbell stated that ideally, an estimated \$300,000 would go to the library, but it may not.**

**ROLL CALL VOTE ON ITEM #86-97 AS AMENDED: (5 Ayes) (2 Nays-Mann, Hindley)**

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**ITEM #87-97** TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE TOWN OF FREEPORT AND VERMONT TEDDY BEAR COMPANY, INC.

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENT TO THE LEASE BETWEEN THE TOWN OF FREEPORT AND VERMONT TEDDY BEAR COMPANY, INC. CONCERNING RENOVATIONS TO THE B.H. BARTOL LIBRARY BUILDING BE APPROVED. (Councilors Campbell & Soule)  
Manager Olmstead stated that the original agreement with Vermont Teddy Bear called for renovations to the existing building to be paid for by the Town; this amendment shifts the coordination to Vermont Teddy Bear, caps the cost at \$230,000 for renovations and \$10,000 for architectural fees, and allows the Town to reimburse Vermont Teddy Bear for their expenses based on delivery of receipts to the Town. This will probably see the building rent-ready 2 months earlier. Next year the Town will recognize an additional \$50,000 in revenue.

Councilor Campbell added that this will facilitate our needs; we will end up under budget and in operation 2 months earlier.

Councilor Mann agreed that we should do this.

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

---

**ITEM #59-97** TABLED APRIL 1, 1997  
TO CONSIDER ACTION RELATIVE TO A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS.

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**BE IT ORDERED:** THAT THE PROPOSED MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS, AS SUBMITTED TO PUBLIC HEARING ON APRIL 1, 1997, BE APPROVED.  
(Councilors Soley & Campbell)

Councilor Hindley asked if short wave radios would be affected by this policy.

Chairperson Beaulieu stated that they do not have to apply for permits anyway and are excluded from the federal government (regulations).

**ROLL CALL VOTE** (6 Ayes) (1 Abstain-Mann)

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**ITEM #60-97** TABLED APRIL 1, 1997  
TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING.

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON APRIL 1, 1997, BE APPROVED. **ROLL CALL VOTE** (Councilors Mann & Soule)  
(7 Ayes) (0 Nays)

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ITEM #62-97    TABLED APRIL 1, 1997  
TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR  
CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 1998 TO 2002.

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**BE IT ORDERED:** THAT THE PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 1998 TO 2002, SUBMITTED TO PUBLIC HEARING ON APRIL 1, 1997, BE ADOPTED. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING ITEMS BE FUNDED FOR FISCAL YEAR 1998: (Councilors Campbell & Soley)

**EDUCATION DEPARTMENT:**

- |  |              |
|--|--------------|
| 1. STUDENT COMPUTER LAB                          | \$ 48,000 (7 |
| Ayes)  |              |
| 2. MIDDLE SCHOOL TECHNOLOGY UPGRADES             | \$ 25,000 (7 |
| Ayes)  |              |
| 3. MAST LANDING TECHNOLOGY UPGRADE               | \$ 8,000 (6  |
| Ayes) ( Nay-Hindley)                             |              |
| 4. MORSE STREET SCHOOL TECHNOLOGY UPGRADE        | \$ 16,000 (6 |
| Ayes) (1 Nay-Hindley)                            |              |
| 5. MIDDLE SCHOOL EQUIPMENT & FURNITURE UPGRADES  | \$ 49,000 (7 |
| Ayes)  |              |
| 6. MIDDLE SCHOOL PROPERTY BUILDING PERMIT        | \$ 24,000 (7 |
| Ayes)  |              |
| 7. PRINTING, FOLDING & COLLATING EQUIPMENT       | \$ 23,000 (7 |
| Ayes)  |              |
| 8. HIGH SCHOOL UPGRADE (CHIMNEY & LOCKERS)       | \$ 6,000 (7  |
| Ayes)  |              |
| 9. FIELD MAINTENANCE EQUIPMENT                   | \$ 9,000 (7  |
| Ayes)  |              |
| 10. HIGH SCHOOL & MIDDLE SCHOOL ADVENTURE COURSE | \$ 8,000 (4  |
| Ayes) (3 Nays-Mann, Soley, Hindley)              |              |
| 11. 12 PASSENGER VAN                             | \$ 20,000 (7 |
| Ayes)  |              |

**FIRE DEPARTMENT:**

- |                                   |              |
|-----------------------------------|--------------|
| 1. BASE STATION RADIO REPLACEMENT | \$ 19,000 (7 |
| Nays)                             |              |
| 2. ENGINE 4 BODY & RUST REPAIRS   | \$ 18,000 (7 |
| Ayes)                             |              |

**RESCUE DEPARTMENT:**

- |                              |              |
|------------------------------|--------------|
| 1. CHIEF'S VEHICLE           | \$ 20,000 (7 |
| Nays)                        |              |
| 2. PROTECTIVE CLOTHING       | \$ 18,000 (5 |
| Ayes) (2 Nays-Hindley, Mann) |              |

**PUBLIC WORKS:**

**COUNCIL MEETING #11-97  
APRIL 15, 1997**

- |  |              |
|--|--------------|
| 1. WOOD CHIPPER<br>Ayes) (1 Nay-Hindley)                     | \$ 24,000 (6 |
| 2. STEAM CLEANER<br>Ayes)                                    | \$ 15,000 (7 |
| 3. ONE TON TRUCK AND BODY<br>(table) (6 Ayes) (1 Nay-Bishop) | \$ 30,000    |

**SOLID WASTE/RECYCLING:**

- |   |           |
|---|-----------|
| 1. DESIGN FOR TRANSFER/RECYCLING FACILITY<br>(table) (7 Ayes) | \$ 25,000 |
|---|-----------|

**COMPREHENSIVE TOWN IMPROVEMENTS:**

- |   |              |
|---|--------------|
| 1. WOLF NECK ROAD RECONSTRUCTION<br>Ayes)                                 | \$ 42,500 (7 |
| 2. WOLF NECK ROAD DRAINAGE<br>Ayes)                                       | \$ 15,000 (7 |
| 3. HARRASEEKET ROAD DRAINAGE<br>Ayes) (1 Nay-Campbell)                    | \$ 39,500 (6 |
| 4. TOUR BUS PARKING LOT ( MATCHING FUNDS)<br>Ayes) (2 Nays-Mann, Hindley) | \$ 37,500 (5 |

**B.H. BARTOL LIBRARY:**

- |   |              |
|---|--------------|
| 1. COMPUTER UPGRADE & EXPANSION (as amended)<br>Ayes)         | \$ 35,000 (7 |
| 2. COMPUTER LAB & SINGLE USER STATIONS<br>Ayes) (1 Nay-Soley) | \$ 20,000 (6 |

**POLICE DEPARTMENT:**

- |  |              |
|--|--------------|
| 1. PORTABLE RADIO REPLACEMENT<br>Ayes) | \$ 15,000 (7 |
|--|--------------|

**BOARD, COMMITTEES & COMMUNITY GROUPS:**

- |  |                 |
|--|-----------------|
| 1. FREEPORT OUTDOOR RECREATION GROUP (FORG)<br>RECREATION FACILITY<br>Ayes) (2 Nays-Soley, Beaulieu) | \$ 25,000<br>(5 |
|--|-----------------|

**BE IT FURTHER ORDERED:** THAT \$105,000 BE EXPENDED FROM THE RESCUE RESERVE ACCOUNT TO PROVIDE FOR THE REPLACEMENT OF RESCUE #2.

**MOVED AND SECONDED:** TO TABLE \$105,000 BEING EXPENDED FROM THE RESCUE RESERVE ACCOUNT TO PROVIDE FOR THE REPLACEMENT OF RESCUE #2. (Councilors Campbell & Mann) (6 Ayes) (1 Nay-Bishop)

**BE IT FURTHER ORDERED:** THAT \$ 39,000 BE EXPENDED FROM THE PUBLIC WORKS EQUIPMENT RESERVE ACCOUNT TO PROVIDE FOR THE PURCHASE OF A WOOD CHIPPER AND A STEAM CLEANER. ROLL CALL

**VOTE (Councilors Campbell & Bishop) (1 Aye) (6 Nays-Beaulieu, Mann, Hindley, Soley, Soule, Bishop)**

**BE IT FURTHER ORDERED: THAT \$37,500 BE EXPENDED FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT TO PROVIDE FOR THE TOWN'S MATCHING SHARE OF A TOUR BUS PARKING LOT. ROLL CALL VOTE (Councilors Soley & Campbell) (5 Ayes) (2 Nays-Mann, Hindley)**

**BE IT FURTHER ORDERED: THAT THE TOWN CLERK BE INSTRUCTED TO PLACE THE REPLACEMENT OF THE FIRE DEPARTMENT TRUCK TANK 2 IN THE AMOUNT OF \$ \_\_\_\_\_ ON THE NEXT REGULAR OR SPECIAL STATE ELECTION BALLOT.**

#### **QUESTION**

**ORDINANCE AUTHORIZING ISSUANCE OF BONDS FOR THE REPLACEMENT OF FIRE TRUCK TANK #2.**

**THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$ \_\_\_\_\_ IS HEREBY APPROPRIATED FOR THE PURPOSE OF REPLACING FIRE DEPARTMENT TANK #2. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ \_\_\_\_\_ AND THE DISCRETION TO FIX THE DATES, MATURITIES, DENOMINATIONS, INTEREST RATES, PLACES OF PAYMENT, FORMS AND OTHER DETAILS OF SAID SECURITIES, INCLUDING EXECUTION AND DELIVERY ON BEHALF OF THE TOWN OF FREEPORT, AND TO PROVIDE FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.**

#### **EXPLANATION**

**THIS WOULD BE A REPLACEMENT FOR A 1974 TANK TRUCK WHICH IS IN NEED OF MUCH BODY AND MECHANICAL WORK. THE VEHICLE IS CONSIDERED UNSAFE TO DRIVE.**

**THE TOWN COUNCIL AND FIRE DEPARTMENT SUPPORTS THIS REQUEST.**

**MOVED AND SECONDED: TO TABLE THE TANK TRUCK REPLACEMENT ITEM. (Councilors Campbell & Soley) (7 Ayes) (0 Nays)**

**BE IT FURTHER ORDERED: THAT A SUM NOT TO EXCEED \$ 465,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING THE APPROVED CAPITAL ITEMS, AND TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO USE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ 465,000 WITH THE DISCRETION TO FIX THE DATE, PLACE OF PAYMENT, FORMS AND OTHER DETAILS OF THE SECURITIES, AND PROVIDING THE SALES THEREOF DELEGATED TO THE CHAIRPERSON OF THE TOWN AND THE TOWN TREASURER. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)**

**MOVED AND SECONDED:** TO INTRODUCE AN ITEM NOT ON THE PRINTED AGENDA. (Councilors Campbell & Bishop) (6 Ayes) (1 Abstain-Soley)

ITEM #89-97 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED.

**BE IT ORDERED:** THAT A MUNICIPAL QUIT CLAIM DEED BE ISSUED FOR THE FOLLOWING PROPERTY:

PROPERTY:	TAX MAP 11, LOT 87
RELEASE TO:	GORDON B. DAVIS
TAX YEARS:	1993, 1994, 1995 AND 1996.
LOCATION:	17 ELM STREET

**ROLL CALL VOTE** (Councilors Campbell & Hindley) (6 Ayes) (1 Abstain-Soley)

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**OTHER BUSINESS:**

**1. REPORT ON PAPER STREETS.**

Manager Olmstead explained that we are working with Peter Tubbs to look at identifying all right-of-ways and to bring for a report this fall with recommendations. This will include locations where there are subdivisions with paper roads.

**2. REQUEST FROM FREEPORT COMMUNITY SERVICES TO USE TOWN PROPERTY.**

Chairperson Beaulieu reviewed the request for the annual Great Chowder Challenge, to be held on October 12, 1997, rain date October 13, 1997.

**COMMITTEE REPORTS:**

1. Chairperson Beaulieu stated that they are proceeding with the process with LD 1227; we had a meeting here with Mr. Melrose and two of his staff and Buxton and Standish, with discussion of the definition of "good roads"; they will be meeting again in two weeks.

Manager Olmstead added that before the Councilors are the proposed improvements to the Town roads, put on the table by the Department of Transportation. The Public Works Department Director will be meeting with the State engineers to review the proposal. We have now gotten the Commissioner to agreeing to the process of what the definition "good roads" means and potentially getting the roads into that standard before turning them back to the Town. We feel we can reach agreement. One critical issue is that these roads not be turned back in one year, adding a 30% increase in road inventory, forcing our Public Works Department budget to go up substantially in one year. The State has agreed to turn back over a four-year period. If we reach agreement with the Commissioner, we will modify the LD 1227 with what we have agreed upon.

2. Councilor Hindley stated that he sat in on a meeting with the Wolf's Neck Directors.  
He had suggested that the Building Facilities Committee draw up what they would like to see at Wolf's Neck. They are requesting a release of dollars for engineering costs to be used at the Keith Property. We are at the point of defining the property lines at the Keith property, estimates of clearing the property, etc. He suggests a walk through to get an idea of what is needed, initially.

Councilor Mann asked what is the hold up at Wolf's Neck.

Councilor Hindley stated that there would be a new farm manager as of 5-1-97. They only have an estimated 200 acres of land that are mobile. Details need to be worked out.

3. Manager Olmstead stated that a letter has been received from the Conservation Commission regarding the selection of a consultant for the Open Space Plan which has been funded. The Committee has solicited proposals for the Plan. They will review the process with the Council.

Miscellaneous discussion followed.

4. Manager Olmstead stated that a number of legislators and Maine Municipal Association are working on a restructuring proposal of the tax structure in Maine. What they have done is come up with a Homestead exemption, which would exempt the first \$20,000 of value. The MMA Legislative Policy Committee endorses this relief package. This is the fairest way to relieve taxpayers for the loss to the State in revenues.

Chairperson Beaulieu stated this is a wonderful idea (a property tax break), but there would be additional taxes on services (user fees).

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**ITEM #88-97    TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS STATEMENTS MADE TO THE PRESS BY THE TOWN MANAGER CONCERNING THE TRASH HAULERS' PETITION.**

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**MOVED AND SECONDED:** THAT THE TOWN COUNCIL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING STATEMENTS BY THE TOWN MANAGER TO THE PRESS ABOUT THE TRASH HAULERS' PETITION. (Councilors Soule & Hindley)

Chairperson Beaulieu stated that per Title 1 Section 405 Subsection 6 of the Maine Revised Statutes (Permitted Deliberations), we cannot really do this.

Councilor Mann stated that he had made the request to protect the Manager's right to privacy.

Chairperson Beaulieu stated that if this were the case, it should have been stated that it was a personnel matter.

Councilor Campbell stated that is not what was printed on the Agenda.

Manager Olmstead stated that if this were the issue, Councilor Mann would have had to have notified him of the exact charges and have afforded him the right to an attorney present and Councilor Mann has done none of that. He added that he has nothing to hide and has no knowledge of what the issues are and is more than willing to discuss it publicly.

Councilor Soley stated that if there is a criminal investigation, no public officials should be commenting on this.

**ROLL CALL VOTE (2 Ayes) (5 Nays-Soley, Campbell, Soule, Bishop, Beaulieu)**

**OTHER BUSINESS CONTINUED:**

5. Councilor Mann stated that it is his understanding that the Town Manager is also the Police Commissioner and that in instances of on-going investigations, the facts cannot be discussed with the press. He raised concern for person's rights being violated.

Manager Olmstead stated that we will not discuss details of the investigation. He added that even if they went into Executive Session, they could not talk about the details of the investigation, unless the Council wished to invite the Police Chief and investigator to the session and they were willing to share the details. He did not think they would share any details. He was contacted by a reporter from the Forecaster and he did not call that reporter. Someone called that reporter and leaked this story to that reporter. The story did not come from Manager Olmstead or from the Police Department. If the Council does not want him to comment to the press on issues, tell him that. This would relieve a great deal of pressure on the Manager. A reporter asked him if there was an investigation going on; he stated that to the best of his knowledge, there was. The reporter wanted to know how it got started. He replied that when the Town Clerk was reviewing the petitions, she noticed discrepancies. She has a responsibility under Maine State Law to notify the authorities if discrepancies in the petitions are found. The reporter asked him what his involvement in the investigation was. His response was to look at one petition that the Town Clerk showed him; he concurred with her that he considered it a problem; he instructed her to contact the Town Attorney and the Police Department. He stated that this was his only involvement in this issue and that this should be his only involvement in this issue. He does not feel it is his role to pressure the Police Department to do anything in particular; they need to handle the situation in a very professional manner, which they are doing.

Councilor Hindley stated that nobody would state who found that things were bad, etc. He feels that government is overrunning the people and the people do not want pay-per-bag, etc.

Manager Olmstead stated that we, including the Town Clerk, all took an oath of office. All that the Clerk did was notify the Manager and he referred her to the proper authorities.

Councilor Hindley questioned the timing of this.

Manager Olmstead confirmed that it is not the Clerk's job to determine if there are problems with the petitions; it is the job of the District Attorney's Office and the Attorney General's Office to make that decision. She is instructed to sign the petitions as she has to.

Councilor again questioned the timing of this process.

Manager Olmstead stated that in the conclusion of this investigation, Councilor Hindley will be proven wrong, the Town Clerk will be vindicated and we will see what the end result is.

Councilor Soley stated that we cannot come to any conclusions until the investigation is concluded. We have to wait for all of the facts to either prove or disprove all of the assumptions.

Councilor Hindley reiterated his concerns.

Councilor Campbell stated that he did not circulate or sign any of these petitions. He feels that the investigation may reveal a very different picture from what was painted. If fraud is discovered, it taints any vote. We should not even be talking about trying to influence an investigation. We need to leave it alone and let the investigation take its course.

Councilor Bishop stated that we are not taking anyone's rights away; we are only gathering information to work on trash issues. We have received 800 signatures, which do not reflect the wishes of the whole Town.

Councilor Mann feels that there is an ethical standard here; he has concerns that statements to the press by the Manager hurt reputations and would request he not give statements to the press.

The Manager suggested that the Council instruct the Manager not to comment. He confirmed that the Police do not give the Manager details of on-going investigations. He feels it very inappropriate for any elected or appointed officials to involve themselves in an investigation.

Chairperson Beaulieu stated that the press does "keep everybody honest".

Miscellaneous discussion followed re: "no comment" comments do not stop the press articles, the possibility of the Ordinance Committee coming up with a policy after the investigation is concluded, "gag orders", Police's involvement in talking with the press, leaking information to the press, etc.

Manager affirmed that all he tried to do was set the record straight, knowing that specific information had been leaked to the press by the way he was questioned by the reporter.

Ms. Wescott confirmed that she has been quoted in the papers even when she says, "no comment".

**MOVED AND SECONDED:** TO ADJOURN THE MEETING AT 11:25 P.M.  
(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary

*adopted*  
**PROPOSED AMENDMENTS TO THE  
FREEPORT SHELLFISH CONSERVATION  
ORDINANCE  
CHAPTER 32**

2. PURPOSE

F. Enhancing the clam resources by the various recognized means; e.g. reseedling, etc.

4. SHELLFISH CONSERVATION MISSION

H. Identifying conservation projects which qualify an applicant for renewal or new license status under subsection 6 (d) (3). The shellfish program coordinator ~~Shellfish Warden~~ shall record the names and hours worked by individuals on a conservation project and submit them to the Shellfish Conservation Commission ~~monthly~~.

6. LICENSING

C. (3) Resident Recreational: Ten Dollars (\$10.00) A resident recreational license is not required for a resident under 12 years to engage in recreational clam harvesting.

D. (1) Prior to ~~January~~ February 1 the Freeport Shellfish Conservation Commission with the approval of the Commissioner of Marine Resources with establish the number of commercial.....  
(2) The Shellfish Conservation Commission will notify the Town Clerk in writing prior to ~~February~~ March 1 of the number of licenses....  
(3) The Town Clerk shall issue commercial renewal and new licenses to residents and non residents according to the following priority: Ten percent of the renewal and new commercial licenses shall be retained for nonresidents during the period of issuance.

The Shellfish Conservation Commission shall waive all or part of the requirement for conservation time for an applicant who provides the commission with a written statement from a physician indicating that the applicant was not able to participate in any regularly scheduled conservation time due to incapacitation by illness or injury. At the request of an applicant, made at a regular monthly meeting of the commission, the commission may arrange on an hour-for-hour basis:



(a). Another time to complete conservation work for an applicant who demonstrates to the commission that the illness or incapacitation of a parent, spouse or child prevented that person from participating in regularly scheduled conservation time; or

(b). Alternate, less strenuous, work for an applicant who provides the commission with a written statement from a physician indicating that the applicant is not physically able to participate in regular conservation work.

Renewal Commercial License: A renewal license may be purchased only during the first five (5) municipal business days of March in any municipal business day in June. To be eligible to purchase a renewal license.....shall be awarded pursuant to the procedure set forth in section 6 (1) of this ordinance

(End of next paragraph) The Shellfish Commission may substitute other types of conservation work for the clam survey work for those commercial harvesters age 60 and over. Any commercial harvester who removes clams from the flats for personal use or sale while engaged in conservation work will not receive credit for that conservation work.

- E. License Expiration Date: Each license issued under the authority of this ordinance expires at midnight on the ~~thirty first (31st)~~ thirtieth (30th) day of ~~March~~ June of the following year. . Notwithstanding any other provision of this ordinance, 1997 commercial licenses will expire on June 30, 1998.
- G. Suspension. If the Police Chief or Shellfish Warden presents to the Town Clerk evidence that any licensee has been convicted of two violations of this ordinance within the license ~~(April 1 to March 31)~~ (July 1 to June 30) year, the Town Clerk.....
- I. New Commercial Licenses: new commercial licenses, when available, will be advertised in the local newspaper(s) during the first week of ~~April~~ May in the year in which the.....Applications for these licenses must be received by the Town Clerk no later than ~~April~~ May 15 of the new license year.....Any license(s) available for the new license year will be issued by ~~May 15~~ June 30 in accordance with the following procedure:.....

End.

CLAMORD DOC

**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 this 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 Bustins 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 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 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 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.

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 5. Property to be Retained**

5.1 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.
- 5.2 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.
- 5.3 The Town Council shall cause the tax-acquired property retained to be managed and insured as it would other municipal property.
- 5.4 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 6. Property to be Sold**

- 6.1 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, 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.
- 6.2 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.
- 6.3 The Town Manager shall review all bids and make recommendations to the Town Council. The Council shall determine the successful bidder.
- 6.4 The Town reserves the right to reject any or all bids, accept 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 is in the best interests of the Town.
- 6.5 Should the Town Council reject all bids, the property may again be offered for sale.
- 6.6 Should the bidder fail to complete the terms of the sale, the Town shall retain the bid deposit. The Town Council may thereafter 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.
- 6.7 Title to tax-acquired property shall be transferred only by means of a Municipal Release Deed.
- 6.8 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.
- 6.9 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

\_\_\_\_\_, 1997

# **TOWN OF FREEPORT**

## **Reserve Account Policy**

### **1. Purpose**

The Municipality of Freeport is committed to a Reserve Account Policy to ensure the financial well being of the Town. This policy is intended to create a stable financial climate, stabilize the tax rate, lower the Town dependency of bonding, assure the timely replacement of equipment, provide for the upkeep of building and properties, and self fund a number of ongoing expenses.

### **2. Reserve Establishment and Retention**

The following Municipal and School Reserve accounts are hereby established or retained:

- Public Works Department Equipment Replacement
- Rescue Department Equipment Replacement
- Fire Department Equipment Replacement
- Solid Waste / Recycling Department Equipment Replacement
- Cable T.V. Department Equipment Replacement
- Municipal Building Maintenance
- School Department Building Maintenance
- Public Infrastructure Improvements
- Unemployment Compensation
- Traffic and Parking Improvements
- General Administration, Equipment and Projects

### **3. Funding**

The funding of accounts will be reviewed by the Town Council yearly, after completion of the annual audit. Several accounts shall have a defined funding source.

- *Rescue Reserve Department Equipment* - funded by \$35,000 of the Rescue Department Revenues on an annual basis.
- *Cable T.V. Department Equipment Replacement* - funded by \$10,000 of the revenues from the Franchise Agreement on an annual basis.
- *Unemployment Compensation* - funded by the earned interest on the account principal.
- *Traffic and Parking Improvements* - funded by administrative fees and parking leases less \$37,500 for fund balance and expenses.

Funding sources for the other reserve accounts shall include but not be limited to the following.

- Fund Balance in excess of Fund Balance Policy (one-twelfth of the total operating budgets).
- Sale of Equipment and property both real and personal.
- Rebates.
- Lease Proceeds.
- Balances left in capital accounts.
- Unanticipated Revenues.
- Amounts established for Reserves in the annual operating budgets.
- Interest earned on Capital Projects (Bond Issues).

Available funds shall be distributed among accounts on a prorated basis. Should the funds available exceed the total needed to adequately fund all accounts in any year, the excess shall revert to the General Fund Balance.

**TOWN OF DEERPORT  
SPECIAL RESERVES**

FV 87

		CURRENT BALANCE	ADDITION	DURING 2007	YEARLY ADDITION	
RESERVE						*
MUNICIPAL BUILDINGS	\$	61,000.00	\$	40,000.00	\$	40,000.00
PUBLIC WORKS (EQUIPMENT)	\$	532,400.00	\$	25,000.00	\$	45,000.00
PUBLIC INFRASTRUCTURE IMPROVEMENTS	\$	-	\$	100,000.00	\$	100,000.00
GENERAL ADMINISTRATION	\$	22,000.00	\$	5,000.00	\$	7,500.00
FIRE DEPARTMENT EQUIPMENT	\$	-	\$	115,000.00	\$	180,000.00
POLICE DEPARTMENT EQUIPMENT	\$	-	\$	15,000.00	\$	15,000.00
SCHOOL BUILDING MAINTENANCE	\$	-	\$	35,000.00	\$	90,000.00
TOTALS	\$	629,400.00	\$	385,000.00	\$	487,500.00
RESCUE - AMBUANCE	\$	173,000.00	\$	35,000.00	\$	fees
CABLE T.V.	6258	8000/8000.	\$	15,258.00	revenue	
SCHOOL DEPT - TRANSFER TO BLDG. MAIN	\$	35,000.00	\$	(35,000.00)		
UNEMPLOYMENT	\$	258,500.00	INTEREST USED YEARLY			

# TOWN OF FREEPORT RESERVE PROJECTIONS

DEPARTMENT	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>FIRE / RESCUE</b>																
Air Compressor					15,000											
Air Packs / Bottles			46,575													
Ambulance	105,000			105,000			105,000			105,000				105,000		105,000
Base Radio	19,000			25,000							25,000					
Chief's Car		250,000														
Engine 1																
Engine 3										170,000						
Engine 4																
Engine 5																
Equipment - Rescue						36,000										36,000
Fire Alarm Receiving Equipment													26,000			
Ladder 1 (2027 \$425,000)													7,000			
Radio Console Control Panel																
Squad 1																
Tank 1	180,000		65,000	180,000												
Tank 2																
<b>SUBTOTALS:</b>	<b>\$64,000</b>	<b>\$65,000</b>	<b>\$111,575</b>	<b>\$205,000</b>	<b>\$15,000</b>	<b>\$9,000</b>	<b>\$105,000</b>	<b>-</b>	<b>\$170,000</b>	<b>\$185,000</b>	<b>\$1,000</b>	<b>\$33,000</b>	<b>\$185,000</b>	<b>-</b>	<b>-</b>	<b>\$147,000</b>
<b>POLICE</b>																
Audio Recorder			25,000													
Base Radio			7,500										10,000			
Bullet Proof Vests				25,000				7,500			25,000		7,500			
Computers				10,000							15,000			10,000		
Firearms	15,000															
Portable Radios																
Spec. Enl. Pickup					13,000											13,000
Telephone System (Public Safety Bldg)	14,000		25,000	24,000		14,000		7,500	16,000		20,000	16,000	7,500	16,000		18,000
<b>SUBTOTALS:</b>	<b>\$14,000</b>	<b>-</b>	<b>\$25,000</b>	<b>\$24,000</b>	<b>-</b>	<b>\$14,000</b>	<b>-</b>	<b>7,500</b>	<b>\$16,000</b>	<b>-</b>	<b>\$20,000</b>	<b>\$16,000</b>	<b>7,500</b>	<b>\$16,000</b>	<b>-</b>	<b>\$18,000</b>
<b>RECYCLING</b>																
Fork Lift									15,000					5,000		
Furnace									5,000					10,000		
Hauling Containers													30,000			
Marathon Down Stroke Balers														20,000		
Plow									20,000					20,000		
<b>SUBTOTALS:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$20,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$20,000</b>	<b>-</b>	<b>-</b>	<b>\$40,000</b>
<b>GENERAL ADMINISTRATION</b>																
Comprehensive Plan			15,000													
Computers (Library)					31,000											
Computers (Town Hall)			15,000	15,000		120,000										120,000
Copiers (All Departments)						15,000										
Revelation			20,000	16,000	31,000	132,000		16,000								120,000
<b>SUBTOTALS:</b>	<b>-</b>	<b>-</b>	<b>\$20,000</b>	<b>\$16,000</b>	<b>\$31,000</b>	<b>\$132,000</b>	<b>-</b>	<b>\$16,000</b>	<b>-</b>	<b>\$16,000</b>	<b>\$132,000</b>	<b>\$16,000</b>	<b>\$132,000</b>	<b>\$16,000</b>	<b>\$132,000</b>	<b>\$132,000</b>



2013	2014	2015	2016	TOTAL
			15,000	30,000
	50,000			94,375
		105,000		733,000
25,000				19,000
				75,000
265,000				265,000
				265,000
		170,000		170,000
				170,000
				180,000
				25,000
				-
				7,000
				150,000
				95,000
				180,000
250,000	60,000	275,000	15,000	1,380,375
				25,000
	7,500			10,000
	25,000			50,000
				75,000
				20,000
				50,000
16,000				82,000
				25,000
15,000	52,000	-	-	247,000
				15,000
				5,000
				15,000
				20,000
				25,000
				85,000
		15,000		60,000
				82,000
				350,000
15,000		15,000	15,000	185,000
				100,000
15,000	-	30,000	15,000	717,000

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**TO CONSIDER ACTION RELATIVE TO AN ORDINANCE ESTABLISHING A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS.**

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**WHEREAS, THE TOWN COUNCIL FINDS THAT THE FREEPORT ZONING ORDINANCE CURRENTLY PERMITS THE LOCATION OF TELECOMMUNICATION TOWERS, BROADCAST TOWERS AND OTHER TYPES OF TRANSMISSION TOWERS THROUGHOUT THE TOWN BUT CONTAINS ALMOST NO REGULATIONS, SUCH AS HEIGHT LIMITS, CONSTRUCTION STANDARDS, SITING CRITERIA AND SAFETY STANDARDS, WHICH WOULD ENSURE THAT SUCH TRANSMISSION TOWERS ARE PLACED ONLY IN LOCATIONS WHERE THEY WILL BE COMPATIBLE WITH ADJACENT LAND USES AND WILL NOT HAVE ADVERSE VISUAL IMPACTS OR NEGATIVE EFFECTS ON PROPERTY VALUES; AND**

**WHEREAS, THE GRANTING BY THE FEDERAL COMMUNICATIONS COMMISSION OF LICENSES FOR A NUMBER OF "PERSONAL COMMUNICATION SERVICES," WHICH REQUIRE SMALLER GEOGRAPHIC SECTIONS OR "CELLS" THAN EXISTING CELLULAR TELEPHONE TECHNOLOGY, HAS CREATED A SIGNIFICANT DEMAND FOR NEW TRANSMISSION TOWER LOCATIONS, AND FREEPORT APPEARS TO BE SO SITUATED THAT OPERATORS OF THE PERSONAL COMMUNICATION SERVICES ARE LIKELY TO SEEK SITES IN THE TOWN; AND**

**WHEREAS, THE TOWN COUNCIL FINDS THAT THE APPLICATION OF THE TOWN'S EXISTING COMPREHENSIVE PLAN, ZONING ORDINANCE AND OTHER APPLICABLE LAWS AND REGULATIONS IS INADEQUATE TO PREVENT SERIOUS PUBLIC HARM FROM A LAND USE WHICH IS NOW VIRTUALLY UNREGULATED; AND**

**WHEREAS, THE TOWN COUNCIL IS DIRECTING THE FREEPORT PLANNING BOARD TO DEVELOP APPROPRIATE REGULATIONS TO GOVERN THE LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS; AND**

**WHEREAS, IT WOULD BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE TO ALLOW THE UNCONTROLLED AND UNREGULATED LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS UNTIL THE PLANNING BOARD CAN COMPLETE ITS WORK OF DEVELOPING ADEQUATE REGULATIONS; AND**

**NOW WHEREAS, THE TOWN OF FREEPORT HEREBY ORDAINS AS FOLLOWS:**

- 1. CONSTRUCTION AND LOCATION OF TRANSMISSION TOWERS PROHIBITED. DURING THE PERIOD OF TIME THIS ORDINANCE IS IN EFFECT, NO PERSON SHALL ERECT, CONSTRUCT OR LOCATE ANY TRANSMISSION TOWER IN THE TOWN OF FREEPORT.**
- 2. ACCEPTANCE OF APPLICATIONS PROHIBITED. DURING THE TIME THIS ORDINANCE IS IN EFFECT, NO OFFICER, OFFICIAL, EMPLOYEE,**

OFFICE, BOARD OR AGENCY OF THE TOWN OF FREEPORT SHALL RECEIVE, ACCEPT OR ACT UPON ANY APPLICATION OR ACT UPON ANY APPLICATION OR GRANT ANY PERMIT, APPROVAL OR PERMISSION TO ERECT OR LOCATE A TRANSMISSION TOWER IN THE TOWN OF FREEPORT.

3. DEFINITION. "TRANSMISSION TOWER" MEANS A STRUCTURE USED FOR THE WIRELESS TRANSMISSION OR RECEPTION OF ELECTRIC IMPULSES OR SIGNALS BY MEANS OF ELECTROMAGNETIC WAVES, INCLUDING ANY SUCH STRUCTURE WHICH MAY ALSO BE CLASSIFIED A "PUBLIC UTILITY FACILITY" UNDER THE FREEPORT ZONING ORDINANCE. THE TERM TRANSMISSION TOWER DOES NOT INCLUDE HOME TELEVISION ANTENNAS, SATELLITE DISHES OR SIMILAR STRUCTURES ACCESSORY TO A DWELLING OR BUSINESS.
4. APPLICABILITY. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN 1 M.R.S.A. §302, THIS ORDINANCE SHALL APPLY TO ANY APPLICATIONS OR REQUESTS TO ERECT, CONSTRUCT OR LOCATE A TRANSMISSION TOWER SUBMITTED TO THE TOWN OF FREEPORT ON OR AFTER MARCH 18, 1997.
5. EFFECTIVE DATE AND DURATION. THIS ORDINANCE SHALL BE IN EFFECT FROM THE DATE OF ADOPTION UNTIL OCTOBER 14, 1997.

**PROPOSED**  
**CAPITAL IMPROVEMENTS**  
**PROGRAM**

**FY 1998 \*\*\*\*\* FY 2002**

**FREEPORT, MAINE**

# SCHOOL COMMITTEE

## ARTICLE 1

### 1997 (FY 98)

#### 1. Technology Upgrades

a) Establish A Second Student Computer Lab	\$48,000
b) Freeport Middle School Upgrades	\$25,000
c) Mast Landing (Computers, Keyboards, Scanners And Video Camera)	\$ 8,000
d) Morse Street (Computer, Printer And Wiring)	\$16,000

1. 12 Passenger Van	\$20,000
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#### 2. Freeport Middle School Upgrades:

a) Equipment With Installation For Life Skills Room	\$12,000	
b) Furniture For One Additional Portable Classroom	\$ 1,200	
c) Replace Oil Tank Line	\$ 9,600	
d) Loading Dock And Stairs	\$ 8,000	
e) Replace 4 Outside Doors	\$ 5,200	
f) Front Landscaping	\$ 2,000	
g) Additional Lockers	\$ 5,000	
h) Replacement Cafeteria Tables And Chairs	\$ 6,000	
SUBTOTAL	\$49,000	\$49,000

4. Freeport Middle School Property Building Permit	\$24,000
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5. Printing, Folding And Collating Equipment	\$23,000
--	----------

#### 6. FHS Upgrade

a) Repairs To Chimney	\$ 4,000
b) Additional Lockers	\$ 2,000

7. Field Maintenance Equipment	\$ 9,000
--------------------------------	----------

8. FHS & FMS Project Adventure Course	\$ 8,000
---------------------------------------	----------

TOTAL:	<u>\$234,000</u>
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### 1998-99 (FY 99)

1. Technology Plan Equipment	???
2. Tennis Court Repairs And Upgrades	\$15,000
3. 78 Passenger Bus	\$49,000
4. Food Service Van	\$15,000
5. Upgrade FHS, FMS & Morse Street Phone System	\$20,000

**6. Morse Street Upgrades:**

a) Windows In Hallways And Stairwells (1948 And 1954 Sections)	\$ 4,000	
b) Stalls In Bathrooms (1954 Section)	\$ 5,000	
c) Lower Ceiling, Lights & Sprinklers (1954 Section)	\$20,000	
d) Two Outside Doors By Bus Road	\$ 3,000	
e) Replace Carpeting In 1983 Section	\$16,000	
f) Shades For Windows (1948 And 1954 Sections)	<del>\$ 3,000</del> (7)	
<b>SUBTOTAL:</b>	<b>\$51,000</b>	<b>\$51,000</b>

**7. High School Upgrades:**

a) Replace Door Locks (Inside)	\$ 6,000	
b) Replace Back Outside Stairs	\$ 4,000	
c) Upgrade Wiring And Ventilation	<u>777</u>	
<b>SUBTOTAL:</b>	<b>\$10,000</b>	<b>\$10,000</b>

**TOTAL:** **\$160,000**

**1999-2000 (FY 00)**

1. Technology Plan Equipment	777
2. Expanding Parking At Mast Landing	\$15,000
3. FHS Performing Arts Center	\$500,000
4. FMS Addition	\$2,000,000
5. Playing Field Upgrades	777

**TOTAL:** **\$2,515,000+**

**2000 - 2001 (FY 01)**

1. Technology Plan Equipment	777
2. 78 Passenger Bus	\$49,000
3. 12 Passenger Van	\$18,000
4. Morse Street Upgrades	\$40,000
5. FHS Upgrades	\$40,000

**TOTAL:** **\$147,000+**

**2001 - 2002 (FY 02)**

1. Technology Plan Equipment	777
2. Roof Replacements	777
3. Playground Improvements	777

## **FIRE DEPARTMENT ARTICLE II**

### **1997 (FY 98)**

- |                                   |            |
|-----------------------------------|------------|
| 1. Replace Tank 2 (1974)          | \$185,000* |
| 2. Base Station Radio Replacement | \$ 19,000  |
| 3. Body/Rust Repair E-4           | \$ 18,000  |

### **1998 (FY 99)**

- |                                  |           |
|----------------------------------|-----------|
| 1. Replace E-1 (1962) Engine     | \$275,000 |
| 2. Replace T-1 (1974) Bush Truck | \$ 65,000 |

### **1999 (FY 00)**

- |  |           |
|--|-----------|
| 1. Replace Squad Vehicle (1980)                          | \$ 95,000 |
| 2. Update Air Packs (27) And Replacement Of Bottles (60) | \$ 47,000 |

### **2000 (FY 01)**

- |                                   |           |
|-----------------------------------|-----------|
| 1. Replace Chief's Vehicle (1995) | \$ 28,000 |
| 2. Substation                     | \$250,000 |
| 3. Communication Update           | \$ 15,000 |

### **2001 (FY 02)**

- |                                    |           |
|------------------------------------|-----------|
| 1. Update Breathing Air Compressor | \$ 15,000 |
|------------------------------------|-----------|

**NOTE:** \*This Item Will Require Voter Approval.

## **RESCUE UNIT ARTICLE III**

### **1997 (FY 98)**

- |                                     |            |
|-------------------------------------|------------|
| 1. Replace Rescue #2 (1990 Vehicle) | \$105,000* |
| 2. Chief's Vehicle                  | \$ 20,000  |
| 3. Protective Clothing              | \$ 35,000  |

### **1998 (FY 99)**

- |                               |           |
|-------------------------------|-----------|
| 1. Medical Equipment Upgrades | \$ 36,000 |
|-------------------------------|-----------|

### **1999 (FY 00)**

- |                                    |           |
|------------------------------------|-----------|
| 1. Replace R#1 (93 Chassis/85 Box) | \$115,000 |
| 2. Communications Upgrade          | \$ 15,000 |

### **2000 (FY 01)**

- |                                |           |
|--------------------------------|-----------|
| 1. Basic Equipment Replacement | \$ 10,000 |
|--------------------------------|-----------|

### **2001 FY (02)**

- |                           |           |
|---------------------------|-----------|
| 1. Communications Upgrade | \$ 35,000 |
|---------------------------|-----------|

**NOTE:** \*Funds Would Be Taken From Reserve Account.



## **PUBLIC WORKS ARTICLE IV**

### **1997 (FY 98)**

- |                            |           |
|----------------------------|-----------|
| 1. Wood Chipper            | \$24,000  |
| 2. Steam Cleaner           | \$15,000  |
| 3. One Ton Truck with Body | \$30,000* |

### **1998 (FY 99)**

- |                           |           |
|---------------------------|-----------|
| 1. Dump Truck Replacement | \$49,000  |
| 2. Plow Replacement       | \$24,000  |
| 3. Catch Basin Cleaner    | \$35,000* |

### **1999 (FY 00)**

- |                           |          |
|---------------------------|----------|
| 1. Dump Truck Replacement | \$49,000 |
| 2. Plow Replacement       | \$24,000 |

### **2000 (FY 01)**

- |                               |          |
|-------------------------------|----------|
| 1. Dump Truck Replacement     | \$49,000 |
| 2. Plow Replacement           | \$24,000 |
| 3. Street Sweeper Replacement | \$80,000 |

### **2001 (FY 02)**

- |                                      |          |
|--------------------------------------|----------|
| 1. Dump Truck Purchase               | \$49,000 |
| 2. Sidewalk Sweeper/Plow Replacement | \$45,000 |

**NOTE:** \*Will Be Needed If State Road Turnback Occurs.

## **SOLID WASTE/RECYCLING ARTICLE V**

### **1997 (FY 98)**

- |   |           |
|---|-----------|
| 1. Design For Transfer/Recycling Facility | \$ 25,000 |
|---|-----------|

### **1998 (FY 99)**

- |                                |           |
|--------------------------------|-----------|
| 1. New Recycling Facility      | \$120,000 |
| 2. Transfer/Demolition Station | \$140,000 |

### **1999 (FY 00)**

- |                                    |           |
|------------------------------------|-----------|
| 1. Compactor For Transfer Facility | \$ 20,000 |
|------------------------------------|-----------|

### **2000 (FY 01)**

- |                                  |           |
|----------------------------------|-----------|
| 1. Upgrade Lagoon And Pump House | \$ 15,000 |
|----------------------------------|-----------|

### **2001 (FY 02)**

- |                      |           |
|----------------------|-----------|
| 1. Replace Fork Lift | \$ 15,000 |
|----------------------|-----------|

## **COMPREHENSIVE TOWN IMPROVEMENTS ARTICLE VI**

### **1997 (FY 98)**

1. Wolf Neck Road Reconstruction	\$42,500
2. Wolf Neck Road Drainage Improvements	\$15,000
3. Harraseeket Road Drainage Improvements	\$39,500
4. Tour Bus Parking Lot (Matching Funds)	\$37,500

### **1998 (FY 99)**

1. Hunter Road Reconstruction	\$45,000
2. Desert Road Reconstruction	\$45,000
3. Desert Road Drainage Improvements	\$15,000

### **1999 (FY 00)**

1. School Street Reconstruction	\$40,000
2. School Street Sidewalk	\$20,000
3. Old South Freeport Road Reconstruction	\$80,500
4. Old South Freeport Road Reconstruction	\$30,000

### **2000 (FY 01)**

1. Spar Cove And Arnold Road Reconstruction	\$42,500
2. Sidewalk Reconstruction - Main Street (Davis Drive To Mallet Drive)	\$15,000
3. Sidewalk Reconstruction - Main Street (Post Office To Harraseeket Inn)	\$15,000

### **2001 (FY 02)**

1. Pleasant Hill Road Reconstruction	\$45,000
2. Pleasant Hill Road Drainage Improvements	\$20,000
3. Sidewalk Reconstruction (Ocean Farms To Howard Place)	\$20,000

**NOTE:** \*Engineering Estimate Of Maintenance Work Needed Prior To Turnback.

## **MUNICIPAL FACILITIES ARTICLE VII**

### **1997 (FY 98)**

**No Request At This Time.**

### **1998 (FY 99)**

<b>1. Flooring - Town Hall</b>	<b>\$13,000</b>
--------------------------------	-----------------

### **1999 (FY 00)**

<b>1. Painting And Improvements - Town Hall</b>	<b>\$10,000</b>
---	-----------------

<b>2. Heating System Replacement - Town Hall</b>	<b>\$12,000</b>
--	-----------------

### **2000 FY (01)**

<b>1. Replacement Of Photocopier</b>	<b>\$15,000</b>
--------------------------------------	-----------------

### **2001 FY (02)**

**No Request At This Time.**

## **B.H. BARTOL LIBRARY ARTICLE VIII**

### **1997 (FY 98)**

- |  |           |
|--|-----------|
| 1. Computer Upgrade And Expansion Of Library Automation System | \$ 35,000 |
| 2. Computers For Computer Lab And Single User Stations         | \$ 20,000 |

### **1998 (FY 99)**

- |   |           |
|---|-----------|
| 1. Computers                                | \$ 8,000  |
| 2. Finishing Meeting Room                   | \$ 20,000 |
| 3. Furniture And Equipment For Meeting Room | \$ 12,000 |

### **1999 (FY 00)**

- |              |           |
|--------------|-----------|
| 1. Computers | \$ 15,000 |
|--------------|-----------|

### **2000 (FY 01)**

- |                            |          |
|----------------------------|----------|
| 1. Photocopier Replacement | \$15,000 |
|----------------------------|----------|

### **2001 (FY 02)**

No Request At This Time.

## **POLICE DEPARTMENT ARTICLE IX**

### **1997 (FY 98)**

- |                            |           |
|----------------------------|-----------|
| 1. Replace Portable Radios | \$ 15,000 |
|----------------------------|-----------|

### **1998 (FY 99)**

No Requests At This Time.

### **1999 (FY 00)**

- |                                      |           |
|--------------------------------------|-----------|
| 1. Replace Photocopier Machine       | \$ 15,000 |
| 2. Replace Audio Recording Equipment | \$ 25,000 |
| 3. Replace Bullet Proof Vests        | \$ 7,500  |

### **2000 (FY 01)**

- |                              |           |
|------------------------------|-----------|
| 1. Upgrade Computer System   | \$ 25,000 |
| 2. Upgrade Officers Firearms | \$ 10,000 |

### **2001 (FY 02)**

No Requests At This Time.

**BOARDS, COMMITTEES,  
AND COMMUNITY GROUPS  
ARTICLE X**

**1997 (FY 98)**

- |   |           |
|---|-----------|
| 1. Freeport Outdoor Recreation Group (FORG) - Recreation Facility | \$ 25,000 |
|---|-----------|

**1998 (FY 99)**

- |  |          |
|--|----------|
| 1. Coastal Waters Commission - Global Positioning System | \$ 9,000 |
|--|----------|

**1999 (FY 00)**

- |                                   |          |
|-----------------------------------|----------|
| 1. Outboard Motor - Harbor Master | \$ 8,500 |
|-----------------------------------|----------|

**2000 (FY 01)**

No Requests At This Time.

**2001 (FY 02)**

No Requests At This Time.

## EFFECT ON TAX RATE

FOR EACH \$100,000 BONDED BY THE TOWN COUNCIL, THE FIRST YEAR IMPACT WILL BE .01 CENT ON THE TAX RATE. THE SECOND YEAR IMPACT WILL BE .26 CENTS BASED ON AN AMORTIZATION OF TWENTY (20) YEARS.

### FUNDS REQUESTED FOR 1997 (FY 98)

EDUCATION	\$ 236,000
FIRE	\$ 222,000
RESCUE	\$ 160,000
PUBLIC WORKS	\$ 69,000
SOLID WASTE/RECYCLING	\$ 25,000
TOWN IMPROVEMENTS	\$ 134,500
MUNICIPAL FACILITIES	\$ - 0 -
LIBRARY	\$ 55,000
POLICE	\$ 15,000
BOARDS & COMMISSIONS	\$ 25,000
	<u>\$ 941,500</u>

### CURRENT DEBT

TOWN & SCHOOL  
\$10,359,300

DEBT LIMIT  
\$102,318,800  
(15% OF STATE VALUATION WHICH IS  
\$692,125,351)

SCHOOL CONSTRUCTION  
(90% STATE REIMBURSED)  
\$6,077,855

### TOTAL DEBT SERVICE

\$16,437,155



April 7, 1997

Dale C. Olmstead  
Town Manager  
30 Main Street  
Freeport, ME 04032

Re: Recommendation for selection of consultant for Open Space Plan

Dear Mr. Olmstead:

As you know, the Conservation Commission recently issued a Request for Proposals (RFP) for assistance in preparation of an Open Space Plan for Freeport. We have reviewed the proposals and now are prepared to recommend a consultant for the Town Council's approval. We request that you place our recommendation on the agenda for the Council's meeting on April 15, 1997.

First, I would like to briefly summarize what has happened to date concerning development of the Open Space Plan. Last year, the Commission applied for and received an Implementation Grant from the State to develop an Open Space Plan. The total sum available for this project is \$12,500, of which the State share is \$9,375. The Town share is \$3,125, which the Town Council has previously authorized for this purpose. In December of last year, the Town on recommendation of the Conservation Commission, hired Monro Associates to complete Phase I of the project—to prepare an updated inventory of open space in the Town. We expect that this phase will be completed shortly. The not-to-exceed amount for Phase I is \$3,890. Given the total sum available of \$12,500, there remains \$8,610 for the other two phases: (a) digital GIS coverage of open space data, and (b) development of an Open Space Plan including facilitating public meetings, establishing a method for setting priorities for protection of values and resources, and preparing a work plan for preserving open space in Freeport. In February 1997, the Conservation Commission issued an RFP for these two phases. We sent the RFP to consultants we identified as being potentially interested in this type of work, and we published a notice in the Maine Sunday Telegram.

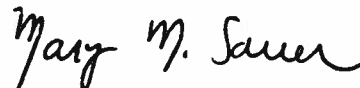
The Conservation Commission received five proposals in response to the RFP. These are listed in Attachment 1. The Commission was pleased both at the number and high quality of the proposals received, which made the choice a difficult one. As shown in the attachment, most of the proposals reflect a joint effort by two companies, each to do one of the identified phases. The Open Space Subcommittee of the Commission reviewed the responses for the quality of the technical proposal, related experience, qualifications, and costs. However, cost ended up not being a significant factor in the decision process because all of the proposals for both phases of work combined came in at the maximum sum specified in the RFP. The Subcommittee recommended to the full Commission that H. Dominie, Inc. (with Maine Mapping as a subcontractor) be selected. At a meeting on

April 1, the Conservation Commission voted unanimously to recommend this selection to the Town Council.

The Commission selected Holly Dominie for several reasons including the quality of her technical proposal. Dominie's proposal evidences an excellent understanding of the myriad issues involved with developing an open space plan. She offered a well-organized and detailed work plan containing objectives, methods, and products for each proposed task. Her proposal shows an understanding of the importance of public input and support to the development of a plan that will result in concrete accomplishments. The Commission also was impressed with Dominie's experience in facilitating public meetings. She is well qualified by virtue of her educational background and work experience. Dominie has recent experience in the open space area; she assisted the Augusta Conservation Commission in developing an open space, public access, and outdoor recreation plan. Contacts with Dominie's references in three Maine towns for which she has done significant work confirmed that she will be an excellent choice for assisting the Commission in developing an Open Space Plan for the Town. Dominie has proposed to subcontract with Maine Mapping for the digital GIS coverage phase of the project. The Commission has determined that Maine Mapping has the necessary equipment and experience for this type of work.

Thank you. If you have any questions. please call me at 865-9056 (home) or 626-8591 (work).

Sincerely,

A handwritten signature in cursive script that reads "Mary M. Sauer".

Mary M. Sauer  
Member, Open Space Subcommittee  
Freeport Conservation Commission

cc: Joseph Hahn, Chair, Freeport Conservation Commission

**Request for Proposals (RFP) for Open Space Plan--Results**

The following proposals were received at the Freeport Town Hall by the deadline of 4:00 p.m., March 17, 1997:

- Terrence J. DeWan & Associates, Yarmouth (Phase b--\$5150) and Geo-Systems, Yarmouth (Phase a--\$3460), for total of \$8610.
- Jeffrey L. Edelstein, East Waterboro (Phase b--\$6800).
- Gary W. Fogg, Topsham (Phase b--\$5150) and Geo-Systems, Yarmouth (Phase a--\$3460), for total of \$8610.
- H. Dominie, Inc., Readfield (Phase b--\$6800) and Maine Mapping, Damariscotta (Phase a--\$1810), for total of \$8610. (Dominie offered services alone or with Maine Mapping.)
- Monro Associates, Portland (Phase b--\$5350) and Woodard & Curran, Portland (Phase a--\$3250), for total of \$8610. (Each offered services separately also.)

# TOWN OF FREEPORT

**Municipal Offices**  
(207) 865-4743  
FAX (207) 865-0929



**Dale C. Olmstead, Jr.**  
Town Manager

**MEMO TO:** Freeport Town Council  
**FROM:** Dale C. Olmstead, Jr., Freeport Town Manager  
**SUBJECT:** Agenda Request  
**DATE:** April 10, 1997

An Executive Session has been requested by Councilor Mann to discuss comments made to the press by the Town Manager regarding the Trash Haulers' Petition.

I have placed this item on the agenda but do not believe this is a legitimate item for an Executive Session under the State of Maine Law.

Ken Mann  
I Mann Bl  
Freight me.

to Dale Olmstead

This is a request for an Executive  
Session for the next Regular Council meeting  
to discuss the Town Manager's statements  
to the Press concerning the Trash Haulers  
petitions.

Ken Mann

April 8, 1997

412  
T.R.

# Police question names on trash hauler's referendum petitions

BY MICHELLE KEARNS  
Times Record Staff

**FREEPORT** — The town clerk noticed that some signatures on a pile of referendum petitions looked similar, police studied the matter and agreed, but Frank Waterman, the man who swore he saw all the people listed sign their names, had no comment.

Waterman's lawyer, however, did. "The police are wrong. W. R. O. N. G. Wrong," said Stuart Tisdale. Now, he and Waterman, owner of Waterman Rubbish Removal and Recycling, say they'll wait to see what the police do next.

"It would be a mistake for

them to do anything. But if they do, we'll see what happens," said Tisdale.

Lt. Michael Whitehouse said that in about 20 places on the petitions, signatures appear to be in the same handwriting. The similarities he found are within the same family: a wife seeming to sign her husband's name, for example. Whitehouse said he recognized one signature of a person he knows to be illiterate.

The problem, he said, is at the end of the petitions Waterman certified that he saw each person listed sign his or her name. If some people did sign on behalf of their relatives, than

Please see **PETITIONS**, Page 12

## PETITIONS

From Page 1

Waterman's certification would be false.

Waterman collected the signatures last year when he feared the town would make rules to put him out of business.

He had two petitions for town charter amendments — one that would prevent the town from hiring a single company to pick up residents' trash and another that would stop town officials from ever charging a per-bag garbage pickup fee.

The council agreed to put the second on the ballot in the next election. The first was dismissed because of the town lawyer's concern that such an amendment would illegally limit the town's ability to man-

age its waste.

The council provoked Waterman by putting a referendum question of its own on the ballot in the November election. The measure, which was voted down, asked people if they would rather pay a fee for each bag of garbage instead of the current system: Now people choose their own hauler and pay a monthly pickup fee.

Both Whitehouse and Tisdale believe Waterman tried to do the right thing. He gathered more than 800 signatures for his referendum, which was higher than the requirement of 700 needed to put Waterman's questions on the ballot.

"Nobody's saying that he intentionally did anything wrong," said Whitehouse. "I don't think he realized he did anything that would be wrong

and would be questioned."

Whitehouse would simply like Waterman to agree to remove any false signatures.

The district attorney and the attorney general will have to decide whether to pursue the case, he said. If Waterman was found guilty of giving a false affidavit, the maximum penalty is six months in jail. Waterman would probably get a fine, if anything, said Whitehouse.

Waterman has been studying state laws to better understand the legal process, said Tisdale.

### Lotteries

Tuesday Tri-State lotteries

Cash 5: 5-11-17-23-24+Q

Three-digit number: 0-7-1

Four-digit number: 6-1-8-7

assemble under on-roof — a ci-ated the fine rendition of Francis Scott Key's patriotic inspira- tion, judging by the enthusiastic whoops and applause that fol- lowed. The Pirates eventually lost 4-3 to the visi- tors from New York, which immersed the crowd into serious bummers. Still, as people plod- ded toward the restrooms and exits, conversation bounced around to the group of men who sang



*The final note: Director Fred Moore coaches the barbershop-style Downeasters through a volume swell on a song's last notes.*

*singer and Downeasters' director, leads the harmonizing contingent through its weekly rehearsal Monday night.*

police officials have re- fused further comment on why no trooper was dis- patched after three motor- ists' phone calls were re- ceived preceding the tragic accident which killed a New Hampshire woman and her daughter. Gary Sledzik of Starks and Webster, Mass. was ar- rested by State Police fol- lowing the accident, and now faces charges of ve- hicular manslaughter, ag-

ently drunken driver. Routinely, those towns are called on by state po- lice to handle accidents and disabled vehicles along the route when a trooper is not immediately available, and as a group, those chiefs said they would have had their of- ficers respond.

"Why didn't they call?" questioned Chief Richard

See page 24

## Town clerk alleges petition signatures forged

### Petition circulator readies suit against town

By J.T. Leonard  
FREEPORT — Town officials say they suspect some signatures on a petition circulated last Oc- tober to bar ballot placement of two "informational referendum" questions on November's ballot were forged.

In response, the man who led the petition campaign, trash hauler Frank Waterman, says he is preparing to file a lawsuit against the town officials.

The campaign was unsuccess- ful, but by a 3-1 margin, voters nonetheless rejected the non- binding proposals, in which the town council asked residents'

opinions of a town-wide single trash hauler policy and other waste reduction measures, such as a per-bag rubbish billing sys- tem.

Waterman, who opposed such a policy, said this week that his suit will charge Freeport's mu- nicipal leaders with violating his constitutional right to petition the government.

He and a campaign commit- tee had collected names on two petitions. At the bottom of each one is an affidavit that must be signed, witnessed by the town clerk, attesting to the authentic- ity of the document. If the peti- tions are not authentic,

Waterman could be charged with knowingly submitting a false document.

State election statutes say the town clerk and police depart- ment shall act as investigatory and enforcement entities where petitions and political practices are concerned.

Last week, Waterman was briefly questioned by police af- ter Town Clerk Mary Wescott alleged some signatures on the petitions may have been forged.

"When the petitions were re- ceived, Mary Wescott was con- cerned about some signatures that appeared to be in the same handwriting," said Town Man- ager Dale Olmstead. "I don't in- volve myself in these types of issues, and I'm not a handwrit- ing expert. But there appeared to be four or five names in a

See page 25

## Development hits dead end in Falmouth

By Harriet B. Schultz  
FALMOUTH — For the first time in recent memory, the Falmouth Planning Board voted Tuesday to deny preliminary ap- proval of a development.

By a 4-1 vote, with Carl Gercke opposed, the board's de- cision was based on the Falmouth Oaks subdivision's failure to meet the requirements of a zoning ordinance which lim- its dead-end streets in Falmouth to 1,500 feet.

Developers Burt Wolf and Bob Adam had presented vari- ous versions of their project, ad- jacent to the existing Stapleford Falls and Stonecrest subdivi- sions, to the planning board since last April.

Residents of the two upscale neighborhoods vocally opposed the development, fearing that it would lead to a connection to a bordering tract of land owned by Wolf and Adam in Portland.

But the residents and the de- velopers have worked together recently to find acceptable solu- tions to a variety of issues and Tuesday night presented a united

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Living Well .....	14
Datebook .....	26-28

## Signatures questioned

row that were signed by the same person."

Wescott, who was on vacation and unavailable this week, has sent the petitions to a handwriting expert in Massachusetts, recommended by town attorney Geoffrey Hole, after several discussions with Hole and the state attorney general's office.

Since the referendum Waterman opposed was a non-binding question, Olmstead said, the town clerk had deemed the petitions valid on Oct. 10, acting on advice from Hole to wait until the election had passed before initiating any investigation.

Acting on a directive from the town office, Police Lt. Michael Whitehouse contacted Waterman last Thursday morning (March 27), and asked him to appear at the Freeport Public Safety Building.

"I only had one question for him," Whitehouse told *The Forecaster*, "and that was, if there were signatures on the petition that were inappropriate, would he

be willing to take them off?"

Waterman declined to answer the question, Whitehouse said, and instead replied that he would confer with an attorney.

Declining to say more, Whitehouse said such investigations of political matters are "not something I normally do, except when asked by the town."

Waterman would not comment on Whitehouse's questioning, except to tell *The Forecaster* that he has hired attorneys, whom he refused to identify, and is preparing for litigation. He said he will contend that the town deliberately mishandled the petitions by delaying acceptance and validation, and also by failing to hold, or at least set a date for, a public hearing on them within 10 days, as mandated by state statute.

"It's illegal what they did," Waterman said. "It's a routine thing for these people to break the law and it's time they were stopped."

*continued from page 24*

but that would not have prevented them from responding in an extreme situation like this.

"A time chronology could have been set up," Perry said, and as in other towns, his officers would have notified the next department down the line if necessary.

"It's what, 3.3 miles from Freeport to Cumberland?" Perry commented. "That's enough time to get in place to sight, tag and try to stop [a vehicle]."

Cumberland Police Chief Joseph Charron said his department had one vehicle on-duty and available that Sunday afternoon.

"When I learned of the accident, I was very surprised that no departments were called," Charron said, "but not necessarily surprised that we weren't, [based on the low average of assistance calls received]."

He explained that Cumberland gets contacted once in a while for assistance, maybe once a month, and those calls are usually to cover accidents or perform traffic control until they can get a trooper on the scene. Most of those calls, he said, are traffic-related — disabled vehicles,

or off the road.

"All I can tell you," Charron concluded, "is that they could have called us and we would have responded."

By 4:10 p.m., any effort to stop the erratically operating pickup was moot. A fourth and final call to the state police dispatch center, from the same caller who reported the vehicle in Portland and swerving from snowbank to snowbank at 4:03, reported that the truck had tipped over after smashing into two or three other vehicles at the toll booth.

Barbara Maxwell and her daughter Brooke Willis were dead.

"You always have to assess the risk you are creating and make evaluations as you go," Chief Perry said. "In my opinion that's the kind of situation that's so bad that you do anything — running him off the road before he gets into more populated areas — to stop it."

He shook his head slowly.

"You always have to ask if the end justifies the means. If a trooper was behind him [the pickup truck] when he came into the booth, it would no longer be OUI," Perry paused. "Then this would be a high speed pursuit issue."

## Subdivi

front to the board.

The board had tabled the project at several previous meetings over confusion about where the development's dead-end street's measurement begins. Their authority to grant a waiver to the developers to lengthen the street was also uncertain despite an opinion from town attorney William Plouffe that the board could determine the intent of the law.

The town council's ordinance committee is studying the issue and has asked Town Planner George Theborge to draft amendments which would clarify the ordinance.

The committee is likely to recommend a new ordinance regarding dead-end streets to the council. But until that ordinance is in place, the planning board vote indicated that members are unwilling to set a precedent.

"This appears to be a public policy issue," said Mark Horton, a resident of Stonecrest subdivision. "The board should be able to respond to situations like this with some flexibility."

"They were not only looking for precedent, but consistency," said Peg McGehee, who also lives in Stonecrest.

Several proposals under consideration by the planning board, include a 29

# PIZZA REST

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John

Thurs



# TOWN OF FREEPORT

**Municipal Offices**

**(207) 865-4743**



**Office of the Town Clerk**

**(207) 865-4745**

**Memo To:** Lt. Michael Whitehouse  
Freeport Police Department  
**From:** Sharon Leahy-Lind, Deputy Town Clerk *SL*  
**Re:** Request from Councilor Kenneth Mann  
**Date:** April 3, 1997

At approximately 9:00 a.m. on Thursday, April 3, 1997, Councilor Kenneth Mann requested from me a copy of the list of names that were submitted to the Police Department for investigation as reported in the local newspaper. Mr. Mann told me that according to the article in the paper, an investigation is underway. He said, as he pointed toward Mary Wescott, "She gave a list of names to Mike Whitehouse, and I want that list." Mary overheard the conversation and directed Mr. Mann to the Freeport Police with his questions.

**cc:** Town Manager  
Town Counsel

FREE

## THE FORECASTER

VOLUME 11

APRIL 10, 1997

NEWS OF FALMOUTH, CUMBERLAND, NORTH YARMOUTH, YARMOUTH AND

# Petition probe puzzle deepens

## Investigation continues

By J.T. Leonard

**FREEPORT** — Closed mouths in town hall and contradicting stories in town have left local residents wondering who is driving an investigation into alleged forgeries on a pair of petitions submitted by local trash hauler Frank Waterman last fall.

During a telephone interview on April 1, Town Manager Dale Olmstead said Town Clerk Mary Wescott was the investigation's driving force. Wescott said this week that she has been prohibited from talking about it.

"I can't comment at all," she said. "I've been instructed to tell [the press] that any information has to come from the police department."

Town councilor Kenneth Mann, who helped circulate the petitions, says that when he talked to Wescott last Thursday (April 3), "She told me the first she heard about her involvement in the investigation was what she had read in The Forecaster."

Wescott had been away on vacation last week and unreachable by The Forecaster. But based

partly on an interview with Town Manager Dale Olmstead, The Forecaster reported last week that Waterman had been questioned by police after Wescott alleged some of the petition signatures may have been forged. Olmstead said the town clerk had sent the petitions to a handwriting expert for analysis. "I don't involve myself in these types of issues," he added.

The petitions, circulated last October, called for two amendments to the town charter. The first would have guaranteed residents the right to choose their own private rubbish disposal contractor by preventing the town from adopting a blanket single-hauler policy. It was struck down by the council last month, however, because town attorney Geoffrey Hole's legal interpretation cast doubt on the proposed amendment's constitutionality.

The second, to prohibit the town from levying additional waste disposal and waste reduction fees on its residents, was

See page 18

# Cumberland solar draws two-legged

*Brothers Atticus Cullinan, 7, left, and Nicholas Cullinan, 9, right, of Huntington, Vt., stand in an unusual, sunlit solar barn full of sheep at Sunrise Acres Farm on Winn Road in Cumberland Center. The boys were among about 45 people visiting the farm last Saturday when owner Sally Merrill opened the solar barn to public tours. Erected last December, the barn is a pipe-framed, open-ended structure covered with a translucent plastic sheet, fabricated by Solar Barns, a manufacturing company in Richmond Vermont. The boys' father, Kerry Cullinan, a Solar Barns representative, was on hand to explain it to visitors.*

Saunders photo



## Saturday fare: Great beans, good pies and the essence of community

as diners make their way inside.

Tonight my husband Bruce and I are paying guests, greeted with enthusiasm. We pay our money — \$4.50 each — to Emma

## Shoot-o respons

FROM PAGE 1

## Petition probe

approved by the council after Hole's legal approval and will appear on the local ballot during the state's special election later this year.

Freeport Police Lt. Michael Whitehouse specifically defined his department's role as limited to the investigation of the alleged forgeries, or inappropriately collected names.

"The reason town hall referred questions to us is that this is an official investigation, and they don't feel comfortable answering any questions for fear of jeopardizing the investigation," Whitehouse said.

Referring to the contradicting stories from the municipal offices, he added that "somewhere along the line, this appears to have become political; however, that is not a concern of the police department — we're only concerned with determining the authenticity of the signatures on those petitions."

Whitehouse said Wescott "must have known" about the investigations, because

he talked to her about the petitions on March 18 when he picked up the original documents for scrutiny. Prior to that date, he said, he had been working from photocopies.

During his April 1 telephone interview with *The Forecaster*, Olmstead said

Wescott's concern had arisen when "four or five names in a row" appeared to be signed by the same person. After discussions with Hole and the state Attorney General's office, Olmstead said the clerk decided to wait until after the fall election passed to begin investigation.

"Mary's whole role in this was to simply notice any [discrepancy] in the petitions and report them to myself and the town attorney, which she did, and the attorney took it from there," Olmstead said this week.

But aside from the controversial

issues of constitutionality, none could answer why the validity of the petitions was suddenly being thrust under a microscope — especially since Wescott declared them valid seven months ago.

The handwriting expert, Victor G. McNett of Jamestown, New York, examined the petitions in early January for a fee of \$500. Police and town hall officials did not say this week what the results of his examination were. McNett was on vacation in Florida this week and *The Forecaster* was unable to contact him.

In addition, Hole refused to answer *The Forecaster's* questions "unless directed to do so by my client."

*"Somewhere along the line, this appears to have become political; however, that is not a concern of the police department — we're only concerned with determining the authenticity of the signatures on those petitions." — Lt. Michael Whitehouse*

FROM PAGE 1

## Rabies

Her figures show Falmouth has had raccoons, one fox and one skunk positive for the deadly virus. All had contact with domestic pets or humans — that is just a tip of the iceberg, say Cr and Falmouth Animal Control Officer John Dalton.

"We've probably put down another that didn't have contact with human domestic animals," Dalton told *The Forecaster* Tuesday afternoon after delivering a raccoon carcass to Crosby's laboratory.

Just down the road, Cumberland's animal control officer, Stanley Page, baiting a trap to try to catch a possible rabid fox seen roaming the Scher Ridge and Powell Road area.

"We've been checking the area: 5:30 p.m. every night when it comes out," Page said Tuesday. "They're hard to catch, foxy."

Yarmouth Animal Control Officer James Morrill dispatched his town's second confirmed rabid raccoon on March 18 last Friday after it tangled with a group of beagles tied to their dog houses.

Crosby had no explanation for the epidemic's upsurge, speculating "Maybe it's just the warm weather everyone out and moving. ..."

FROM PAGE 1

## Beans

nearly a dozen pies: lemon meringue tart, apple, blueberry, some sort of pumpkin and maybe squash, chocolate banana cream, Boston cream, pecan, and gingerbread that my husband informed me later "is not from a box."

"Get your dessert first," someone advises as we look for a place to sit.

Three rows of cafeteria tables run the length of the room hold place 108 bean buffs in groups of six. My band and I take our seats opposite each other, joining four other people who are enthusiastically attacking plates of beans and coleslaw and brown bread.

The menu is simple and good: beans with the perfect blend of sweetness and tang; red beans in a deep gundy sauce; chop suey red beans with tomatoes, onion and peppers; hearty bowls of pale green coleslaw; deep-fried giant brown bread; and red hot dogs in white paper plates to a pale pink. It's all served family style, in

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# SHAWN M. BENNETT

Landscape Construction