

May

TOWN COUNCIL MEETING #4-99
MARCH 2, 1999 - 7:00 P.M.
TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- ITEM #46-99 To consider action applications for victualer licenses for Thomas Hudak, Lloyd Lawrence, Richard Saicolo, Cuong Ly, Michael Olsen, Herman Pettegrove, Univeristy of Southern Maine, Norman Pettit and Ann Long. (Public Hearing).
- ITEM #47-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Thai Garden. (Public Hearing).
- ITEM #48-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning the Regulation of Wireless Telecommunication Facilities (Chapter 21). (Public Hearing).
- ITEM #49-99 To consider action relative to the appointment of a Residential Growth Management Committee.
- ITEM #50-99 To consider action relative to the adoption of a policy concerning the use of legal assistance.
- ITEM #51-99 To consider action relative to proposed amendments to the Council Rules and Procedures.
- ITEM #52-99 To consider action relative to proposed amendments to the Peddlers Ordinance concerning Licensing Procedures (Chapter 43).
- ITEM #53-99 To consider action relative to proposed amendments to the Pinball and Video Machine Ordinance concerning Licensing Procedures (Chapter 44).
- ITEM #54-99 To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning Licensing Procedures (Chapter 28).
- ITEM #55-99 To consider action relative to proposed amendments to the Victualers Licensing Ordinance concerning Licensing Procedures (Chapter 30).
- ITEM #56-99 To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street Parking north of Maple Avenue (Chapter 48).
- ITEM #57-99 To consider action relative to an expenditure from the FY 99 Miscellaneous and Contingency Account to provide for funding for the Coalition for Equitable School funding.
- ITEM #58-99 To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South.
- ITEM #59-99 To consider action relative to the adoption of a Capital Improvements Program for Fiscal Years 2000 to 2004.

**COUNCIL MEETING #4-99
MARCH 2, 1999**

- ITEM #60-99** To consider action relative to an appointment to the Solid Waste/Recycling Committee.
- ITEM #61-99** To consider action relative to an appointment to the Design Review Board.
- ITEM #62-99** To consider action relative to an appointment to the Design Review Board.
- ITEM #63-99** To consider action relative to a re-appointment to the Traffic and Parking Committee.
- ITEM #33-99** Tabled February 2, 1999.
- To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).

OTHER BUSINESS:

1. Discussion on request from the City of Bangor to Support LD 809, "An Act to Create a Local Option Sales and Use Tax" and LD 1122, "An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which These Taxes were Levied."

COMMITTEE REPORTS:

Adjourn.

AGENDA
FREEPORT TOWN COUNCIL MEETING #4-99
TOWN HALL COUNCIL CHAMBERS
MARCH 2, 1999 - 7:00 P.M.

SPECIAL NOTE: This agenda is a working agenda that includes background information and is for distribution to Council members only.

FROM: Dale C. Olmstead, Jr.

TO: David Soley, Chairperson, Arnold Road
Genie Beaulieu, Vice Chairperson, Larue Drive
Edward Campbell, Gay Drive
Kenneth Mann, Mann Road
Stafford Soule, Arnold Road
Gloria Fogg DeGrandpre, Wolf Neck Road
John Arsenault, Prout Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #3-99 February 2, 1999 Meeting and accept the Minutes as printed.

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

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

COUNCIL MEETING #4-99
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ITEM #46-99 To consider action relative to applications for victualer licenses for Thomas Hudak, Lloyd Lawrence, Richard Saoicolo, Cuong Ly, Michael Olsen, Herman Pettegrove, University of Southern Maine, Norman Pettit and Ann Long. (Public Hearing).

MOTION: That the Council adjourn and the Licensing Board convene.

ROLL CALL OF MEMBERS:

David Soley	Edward Campbell
Genie Beaulieu	Gloria Fogg DeGrandpre
Stafford Soule	John Arsenault
Kenneth Mann	Dale Olmstead
Sharon Coffin	

MOTION: That the following applications for Victualer Licenses be subject to Public Hearing.

Thomas Hudak d/b/a Maple Hedge B & B, 22 Park Street
Lloyd Lawrence d/b/a Maple Hill B & B, 18 Maple Avenue
Richard Saoicolo d/b/a Freeport Taco Bell, 49 Main Street
Cuong Ly d/b/a China Rose Restaurant, 10 School Street
Michael Olsen d/b/a Freeport Country Club, 2 Old Country Club
Herman Pettegrove d/b/a Kendall Tavern B & B, 213 Main Street
University of Southern Maine d/b/a The Stone House, 642 Wolfe Neck Road
Norman Pettit d/b/a Kaplan Vending Service at Casco Bay YMCA
Norman Pettit d/b/a Kaplan Vending Service at Eastland Shoe
Ann Long d/b/a Ann's Kitchen, 1 Bartol Island Road

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the applications issued to the above named applicants be approved.

MOTION: That the Licensing Board adjourn and the Council reconvene.

ITEM #47-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Thai Garden (Public Hearing).

MOTION: That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Viengxay Senesombath d/b/a Thai Garden Restaurant, 233 U.S. Route One

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the application issued to the above named applicant be approved.

**COUNCIL MEETING #4-99
MARCH 2, 1999**

ITEM #48-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning the Regulation of Wireless Telecommunication Facilities (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #48-99 be tabled until March 16, 1999.

ITEM #49-99 To consider action relative to the appointment of a Residential Growth Management Committee.

BE IT ORDERED: That a Residential Growth Management Committee be appointed and charged with the duties and responsibilities outlined in the proposed Charge and Action Plan dated March 2, 1999.

BE IT FURTHER ORDERED: That the following individuals be appointed as members of the Residential Growth Management Committee.

Alan Caron, Chair
Robert Moore
Thomas Rumpf
Amy Adams
Jim DeGrandpre
Richard Hendee
Cynthia Orcutt

ITEM #50-99 To consider action relative to the adoption of a policy concerning the use of legal assistance.

BE IT ORDERED: That the following policy concerning the use of legal assistance be adopted:

Should legal assistance be desired by Municipal Administrators or Appointed Boards or Committees, permission must be obtained from either the Town Manager or Town Council Chair prior to contacting the Town Attorney.

ITEM #51-99 To consider action relative to proposed amendments to the Council Rules and Procedures.

BE IT ORDERED: That the following amendments to the Council Rules and Procedures be approved:

6. **Presiding Officer.** At its first meeting following the annual election, the Council shall elect from among its members, officers of the Town who shall have the titles of Chairperson and Vice Chairperson each of whom shall serve at the pleasure of the Council. At the first meeting following the annual election, the only order of business may be to elect officers and the recognition of outgoing Councilors and Officers. The Chairperson shall preside at meetings of

COUNCIL MEETING #4-99
MARCH 2, 1999

the Council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have not administrative duties. The Vice Chairperson shall act as Chairperson during the absence or disability of the Chairperson. The Chairperson shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, shall proceed in the following order, unless the Council changes the order:

1. Minutes of the preceding meeting
2. Public Comment Period - persons wishing to address the Council on non-agenda items
3. Consent Agenda
- 3.4. Hearings
- 4.5. New Business
- 5.6. Tabled Matters
- 6.7. Executive Sessions.

At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the Chairperson shall declare them approved.

35. Consent Agenda. In addition to the Regular Council Agenda, a Consent Agenda shall be published and posted. The consent agenda shall qualify as a regular agenda item and be placed on the regular agenda for adoption. Items eligible for the consent agenda include:

- Donations:
- Victualer Licenses:
- Junkyard/Automobile Graveyard Licenses:
- Waste Hauling Licenses:
- Municipal Quitclaim Deeds for payment of taxes:
- Peddler Licenses:
- Pinball/Video Machine Licenses:
- Passenger Vessel Licenses:
- Requests to use Municipal Properties: and
- Other items of a routine nature.

Any member of the Council can remove items from the consent agenda for placement on regular agenda.

ITEM #52-99 To consider action relative to proposed amendments to the Peddlers Ordinance concerning Licensing Procedures (Chapter 43).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Peddlers Ordinance.

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

COUNCIL MEETING #4-99
MARCH 2, 1999

ITEM #53-99 To consider action relative to proposed amendments to the Pinball and Video Machine Ordinance concerning Licensing Procedures (Chapter 44).

BE IT ORDERED: That a Public Hearing be scheduled for March 16 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Pinball and Video Machine Ordinance.

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

ITEM #54-99 To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning Licensing Procedures (Chapter 28).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Solid Waste Disposal Ordinance.

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

ITEM #55-99 To consider action relative to proposed amendments to the Victualers Licensing Ordinance concerning Licensing Procedures (Chapter 30).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Victualers Licensing Ordinance.

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

ITEM #56-98 To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street Parking north of Maple Avenue (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic & Parking Ordinance.

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

ITEM #57-99 To consider action relative to an expenditure from the FY 99 Miscellaneous and Contingency Account to provide for funding for the Coalition for Equitable School funding.

BE IT ORDERED: That \$1,253 be expended from the FY 99 Miscellaneous and Contingency Account to provide funding for the Coalition for Equitable School funding.

COUNCIL MEETING #4-99
MARCH 2, 1999

ITEM #58-99 To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

Presentation on Proposed Tax Increment Financing District.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

BE IT FURTHER ORDERED: That Public Notice of this hearing be placed in a newspaper of general circulation ten (10) days prior to the hearing.

ITEM #59-99 To consider action relative to the adoption of a Capital Improvements Program for Fiscal Years 2000 to 2004.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Capital Improvements Program for Fiscal Years 2000 to 2004.

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

ITEM #60-99 To consider action relative to an appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That John Brotzman be appointed, effective immediately, to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002.

BE IT FURTHER ORDERED: That Mr. Brotzman qualify by swearing an oath of office before the Town Clerk by March 12, 1999.

ITEM #61-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Sarah Wiley be appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 2001.

BE IT FURTHER ORDERED: That Ms. Wiley qualify by swearing an oath of office before the Town Clerk by March 12, 1999.

ITEM #62-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Dennis King be appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 2000.

BE IT FURTHER ORDERED: That Mr. King qualify by swearing an oath of office before the Town Clerk by March 12, 1999.

ITEM #63-99 To consider action relative to a re-appointment to the Traffic and Parking Committee.

**COUNCIL MEETING #4-99
MARCH 2, 1999**

BE IT ORDERED: That Steven Brown be re-appointed, effective immediately, to serve as a member of the Traffic and Parking Committee until December 1, 2001.

BE IT FURTHER ORDERED: That Mr. Brown qualify by swearing an oath of office before the Town Clerk by March 12, 1999.

ITEM #33-99 Tabled February 2, 1999.

To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance, as submitted to Public Hearing on February 2, 1999, be approved.

NOTE: Please bring your copy of the Ordinance from your last packet.

OTHER BUSINESS:

1. Discussion on request from the City of Bangor to Support LD 809, "An Act to Create a Local Option Sales and Use Tax" and LD 1122, "An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which These Taxes were Levied."

COMMITTEE REPORTS:

Adjourn.

MINUTES
FREEPORT TOWN COUNCIL MEETING #4-99
March 2, 1999 – 7:00 P.M.

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

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #3-99 HELD ON FEBRUARY 2, 1999 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: to amend the minutes to reflect that Stafford Soule was excused and arrived at 7:30 p.m. rather than "late" as recorded. (Councilors Soley & Beaulieu) (6 Ayes) (1 Excused-Campbell).

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #3-99 HELD ON FEBRUARY 2, 1999 AND ACCEPT THE MINUTES AS AMENDED (Councilors Beaulieu & Soule) (6 Ayes) (1 Excused-Campbell)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD.

Councilor Mann congratulated Sharon Coffin on the birth of her granddaughter.

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD (Councilors Beaulieu & Soule) (6 Ayes) (1 Excused-Campbell)

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

ITEM #46-99 To consider action relative to applications for victualer licenses for Thomas Hudak, Lloyd Lawrence, Richard Saoicolo, Cuong Ly, Michael Olsen, Herman Pettegrove, University of Southern Maine, Norman Pettit and Ann Long. (**Public Hearing**).

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene.

ROLL CALL OF MEMBERS:

David Soley-present
Genie Beaulieu-present
Stafford Soule-present
Kenneth Mann-present
Sharon Coffin-present

Edward Campbell-excused
Gloria Fogg DeGrandpre-present
John Arsenault-present
Dale Olmstead-present

MOVED AND SECONDED: That the following applications for Victualer Licenses be subject to Public Hearing.

Thomas Hudak d/b/a Maple Hedge B & B, 22 Park Street
Lloyd Lawrence d/b/a Maple Hill B & B, 18 Maple Avenue
Richard Saoicolo d/b/a Freeport Taco Bell, 49 Main Street
Cuong Ly d/b/a China Rose Restaurant, 10 School Street
Michael Olsen d/b/a Freeport Country Club, 2 Old Country Club
Herman Pettegrove d/b/a Kendall Tavern B & B, 213 Main Street
University of Southern Maine d/b/a The Stone House, 642 Wolfe Neck Road
Norman Pettit d/b/a Kaplan Vending Service at Casco Bay YMCA
Norman Pettit d/b/a Kaplan Vending Service at Eastland Shoe
Ann Long d/b/a Ann's Kitchen, 1 Bartol Island Road

(Councilors DeGrandpre & Stafford) (6 Ayes) (1 Excused-Campbell)

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

BE IT ORDERED: That the applications issued to the above named applicants be approved. (Councilors DeGrandpre & Soule) **ROLL CALL VOTE:** (8 Ayes) (1 Excused-Campbell)

MOVED AND SECONDED That the Licensing Board adjourn and the Council reconvene. (Councilors DeGrandpre & Soule) (6 Ayes) (1 Excused-Campbell)

ITEM #47-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Thai Garden (**Public Hearing**).

MOVED AND SECONDED: That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Viengxay Senesombath d/b/a Thai Garden Restaurant, 233 U.S. Route One
(Councilors Mann & Soule) (6 Ayes) (1 Excused-Campbell)

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

BE IT ORDERED: That the application issued to the above named applicant be approved. (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (6 Ayes) 1 Excused-Campbell)

ITEM #48-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning the Regulation of Wireless Telecommunication Facilities (Chapter 21). (**Public Hearing**).

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

Town Planner, Jacki Cohen, went through the amendments and explained why they are being proposed.

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

MOVED AND SECONDED: That Item #48-99 be tabled until March 16, 1999. (Councilors Beaulieu & Soule) (6 Ayes) (1 Excused-Campbell)

ITEM #49-99 To consider action relative to the appointment of a Residential Growth Management Committee.

BE IT ORDERED: That a Residential Growth Management Committee be appointed and charged with the duties and responsibilities outlined in the proposed Charge and Action Plan dated March 2, 1999.

BE IT FURTHER ORDERED: That the following individuals be appointed as members of the Residential Growth Management Committee.

Alan Caron, Chair
Robert Moore
Thomas Rumpf
Amy Adams
Jim DeGrandpre
Richard Hendee
Cynthia Orcutt

(Councilors Soule & Beaulieu)

Councilor Mann asked if enough time is being allowed to complete the charge. Mr. Caron indicated that the committee will do everything it can to complete as much of the work as possible but if more time is needed, they may have return to the Council and request an extension. Their recommendation will go to the

Planning Board and then will be passed onto the Council. Chair Soley noted that they are not being asked to open and redo the Comprehensive Plan.

John Nichols advised that the Town of Pittsfield has just gone through a similar process and suggested that the Council request a copy which may provide some guidance.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Campbell)

Rebecca Hotelling advised that she had a petition requesting a moratorium on subdivision residential development. This petition shows the concern that exists in Freeport regarding future development. She requested that a public hearing be scheduled at the Council's next meeting.

Councilor Beaulieu suggested adding this item to Item 2 under "Other Business". Ms. Hotelling agreed to wait until the end of the meeting and bring the issue up again in the correct format.

MOVED AND SECONDED: To take up an item out of order from the agenda.
(Councilors Soley & Soule) (6 Ayes) (1 Excused-Campbell)

ITEM #57-99 To consider action relative to an expenditure from the FY 99 Miscellaneous and Contingency Account to provide for funding for the Coalition for Equitable School funding.

BE IT ORDERED: That \$1,253 be expended from the FY 99 Miscellaneous and Contingency Account to provide funding for the Coalition for Equitable School funding.

(Councilors Arsenault & Beaulieu) (5 Ayes) (1 Nay-Mann) (1 Excused-Campbell)

Councilor Soule was excused from the balance of the meeting.

ITEM #50-99 To consider action relative to the adoption of a policy concerning the use of legal assistance.

BE IT ORDERED: That the following policy concerning the use of legal assistance be adopted:

Should legal assistance be desired by Municipal Administrators or Appointed Boards or Committees, permission must be obtained from either the Town Manager or Town Council Chair prior to contacting the Town Attorney.

(Councilors DeGrandpre & Arsenault)

Chair Soley feels this is a good policy but as long as the Town Attorney remains his partner, he will always defer to the Town Manager on this issue. Councilor Mann suggested that the questions and answers be put in writing to avoid repetition but is willing to leave it to the discretion of the Town Manager and Council Chair to put it in writing.

MOVED AND SECONDED TO AMEND: Where it is determined to be appropriate by the Town Manager or the Council Chair, questions shall be submitted and answers received in written form. (Councilors Mann & Arsenault) (5 Ayes) 2 Excused-Campbell & Soule)

ROLL CALL VOTE: (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #51-99 To consider action relative to proposed amendments to the Council Rules and Procedures.

BE IT ORDERED: That the following amendments to the Council Rules and Procedures be approved:

6. **Presiding Officer.** At its first meeting following the annual election, the Council shall elect from among its members, officers of the Town who shall have the titles of Chairperson and Vice Chairperson each of whom shall serve at the pleasure of the Council. At the first meeting following the annual election, the only order of business may be to elect officers and the recognition of outgoing Councilors and Officers. The Chairperson shall preside at meetings of the Council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have not administrative duties. The Vice Chairperson shall act as Chairperson during the absence or disability of the Chairperson. The Chairperson shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, shall proceed in the following order, unless the Council changes the order:

1. Minutes of the preceding meeting
2. Public Comment Period – persons wishing to address the Council on non-agenda items
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At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the Chairperson shall declare them approved.

35. Consent Agenda. In addition to the Regular Council Agenda, a Consent Agenda shall be published and posted. The consent agenda shall qualify as a regular agenda item and be placed on the regular agenda for adoption. Items eligible for the consent agenda include:

- Donations;
- Victualer Licenses;
- Junkyard/Automobile Graveyard Licenses;
- Waste Hauling Licenses;
- Municipal Quitclaim Deeds for payment of taxes;
- Peddler Licenses;
- Pinball/Video Machine Licenses;
- Passenger Vessel Licenses;
- Requests to use Municipal Properties; and
- Other items of a routine nature.

Any member of the Council can remove items from the consent agenda for placement on regular agenda.

(Councilors Mann & Beaulieu)

The Town Manager suggested adding Trust Fund Awards, Scholarship Awards and Parking Space Leases. Councilors concurred.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #52-99 To consider action relative to proposed amendments to the Peddlers Ordinance concerning Licensing Procedures (Chapter 43).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Peddlers Ordinance.

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

(Councilors Beaulieu & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #53-99 To consider action relative to proposed amendments to the Pinball and Video Machine Ordinance concerning Licensing Procedures (Chapter 44).

BE IT ORDERED: That a Public Hearing be scheduled for March 16 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Pinball and Video Machine Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Arsenault & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #54-99 To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning Licensing Procedures (Chapter 28).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Solid Waste Disposal Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors DeGrandpre & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #55-99 To consider action relative to proposed amendments to the Victualers Licensing Ordinance concerning Licensing Procedures (Chapter 30).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Victualers Licensing Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.
(Councilors Mann & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #56-98 To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street Parking north of Maple Avenue (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic & Parking Ordinance.

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

(Councilors Beaulieu & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #58-99 To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

Presentation on Proposed Tax Increment Financing District.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

BE IT FURTHER ORDERED: That Public Notice of this hearing be placed in a newspaper of general circulation ten (10) days prior to the hearing.
(Councilors Arsenault & Beaulieu)

Mr. Olmstead explained this proposal to the Council.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Campbell & Soule).

ITEM #59-99 To consider action relative to the adoption of a Capital Improvements Program for Fiscal Years 2000 to 2004.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Capital Improvements

Program for Fiscal Years 2000 to 2004. Mr. Olmstead pointed out that the Council will be holding a workshop on the Capital Budget next week at approximately 8 p.m.

Councilor Mann noted that he would like the Board of Appeals to attend a workshop with the Council in the event the Council has issues to discuss with them. The Town Manager will pass Councilor Mann's suggestion to the Board of Appeals.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens (Councilors DeGrandpre & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #60-99 To consider action relative to an appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That John Brotzman be appointed, effective immediately, to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002. (Councilors Mann & Beaulieu) **BALLOT VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

BE IT FURTHER ORDERED: That Mr. Brotzman qualify by swearing an oath of office before the Town Clerk by March 12, 1999. (Councilors Mann & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #61-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Sarah Wiley be appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 2001. (Councilors Beaulieu & Mann) **BALLOT VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

BE IT FURTHER ORDERED: That Ms. Wiley qualify by swearing an oath of office before the Town Clerk by March 12, 1999. (Councilors Beaulieu & Mann) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #62-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Dennis King be appointed, effective immediately, to serve as a member of the Design Review Board until October 1, 2000. (Councilors Arsenault & Beaulieu) **BALLOT VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

BE IT FURTHER ORDERED: That Mr. King qualify by swearing an oath of office before the Town Clerk by March 12, 1999. (Councilors Arsenault & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #63-99 To consider action relative to a re-appointment to the Traffic and Parking Committee.

BE IT ORDERED: That Steven Brown be re-appointed, effective immediately, to serve as a member of the Traffic and Parking Committee until December 1, 2001. (Councilors DeGrandpre & Arsenaault) **BALLOT VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

BE IT FURTHER ORDERED: That Mr. Brown qualify by swearing an oath of office before the Town Clerk by March 12, 1999. (Councilors DeGrandpre & Arsenaault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

ITEM #33-99 Tabled February 2, 1999.

To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance, as submitted to Public Hearing on February 2, 1999, be approved. (Councilors Mann & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Campbell & Soule)

NOTE: Please bring your copy of the Ordinance from your last packet.

OTHER BUSINESS:

Rebecca Hotelling requested that the Council schedule a public hearing two weeks from today on a moratorium on the review of residential subdivision applications. The intent is for the Council to hear the concern throughout Freeport. Everett Hill was the beginning of this whole thing. Ms. Hotelling read the petition to the Council. A discussion followed. Councilor Mann noted that the public is always welcome to voice their concerns during the first 30 minutes of every Council meeting. Councilor Arsenaault advised that he has discussed this issue with the Town Planner and is confident that the existing process can handle this issue.

MOVED AND SECONDED: To move an item not on the printed agenda (Councilors Beaulieu & Soley) (3 Ayes-Beaulieu, Soley & DeGrandpre) (2 Nays-Mann & Arsenaault) 2 Excused-Campbell & Soule) (Motion failed since 4 Ayes are required to pass a motion).

Chair Soley pointed out that the first 30 minutes of every Council meeting is devoted to public comments on items that are not on the printed agenda. More time can be provided if necessary. Planning Board members will be notified that they are welcome to attend. Councilor Beaulieu encouraged members of the public to come to the next meeting and share their concerns.

-
- 2 Discussion on request from the City of Bangor to Support LD 809, "An Act to Create a Local Option Sales and Use Tax" and LD 1122, "An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which These Taxes were Levied."

Chair Soley pointed out that these bills have the capacity to provide massive property tax relief. There are two letters addressed to Senator Phil Harriman and Representative Tom Bull and the Council needs to

COUNCIL MEETING #4-99
MARCH 2, 1999

decide whether to authorize the Council Chair to sign them. Local voters will vote on whether they want to have a local sales tax.

Mr. Olmstead noted that the minutes should reflect that there is consensus from the Council that this is a good idea and the Chair should sign the letters.

Chair Soley asked Councilors if they would be willing to participate in a telephone tree to call residents regarding the browntail moth spraying program. Residents have asked for a phone call alerting them to the spray date and time. Councilors Beaulieu and DeGrandpre suggested setting up a line where people anticipating the spraying could call and check in.

Councilors Mann and DeGrandpre offered to make phone calls. Chair Soley asked others to give the matter some thought and contact Joanna Hammond if they decide to participate.

MOVED AND SECONDED: To adjourn at 8:50 p.m. (Councilors Beaulieu & DeGrandpre) (5 ayes) (2 Excused-Campbell & Soule).

Respectfully,

Sharon Coffin

Sharon Coffin
Recorder

TOWN OF FREEPORT

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



MEMO

TO: Freeport Town Council
FROM: Planning Board
SUBJECT: ZONING AMENDMENT
DATE: January 21, 1999

Recently, we discovered that the Beech Hill Tower, which had been approved as a 140' tower, was actually constructed to a total height of 199'. We had previously developed the height regulations for existing towers in the Zoning Ordinance based on what we believed was a height of 140 feet. It was the Board's belief that the existing height was acceptable and, if it needed to be higher (above 140'), we concluded that an acceptable number was an additional 30'.

When we discovered the actual tower height, we recognized that the Board's original purpose, encouraging co-location of carriers on existing towers, would not be met by the existing regulations. We met with the tower owner and engineers from Maine Cellular and Vanguard Cellular to review the regulations to see if other provisions in the Ordinance were a barrier to co-location or were unworkable. Vanguard Cellular is now located on this tower and Maine Cellular, the successor to Maine Wireless, will also locate on the tower. The proposed amendments were discussed and revised by the Board in December after considerable discussion.

On January 6, 1999 and January 20, 1999, the Freeport Planning Board held a public hearing to consider proposed amendments to the wireless telecommunication facility section of the Freeport Zoning Ordinance. It unanimously voted (6-0) to approve the following motion:

Recommend to the Town Council the Proposed Amendments to Section 528.C.2., C.4.g., F.6., J. and L.1. of the "Freeport Zoning Ordinance" (Regulations of Wireless Telecommunications Facilities) for the following reasons:

1. The amendments clarify the existing regulations.
2. The amendments streamline the review process by allowing for very minor changes, within specific guidelines, to occur without extensive Board review.
3. The amendments support co-location of providers on existing towers which is a stated purpose of the adopted regulations.
4. The amendments are consistent with the adopted Freeport Comprehensive Plan which recommends streamlining the review process.

January 20, 1999

PROPOSED AMENDMENTS
FREEPORT ZONING ORDINANCE
CHAPTER 21

Section 528. Regulation of Wireless Telecommunications Facilities.

C. Space Requirements:

2. Mass of Antennas Per User:

The mass of antennas, including required antenna support structures on a tower shall not exceed ~~four hundred fifty (450)~~ five hundred (500) cubic feet per array user, with no one dimension exceeding ~~fifteen~~ twenty-one (21) feet per user. The Planning Board may permit an increase in the mass and dimensions if it will not significantly change the visual impact of the structure. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array and all of its parts and attachments.

4. Setbacks:

- g. Notwithstanding the height limitations within a zoning district, in order to accommodate the collocation, ~~of an additional antenna,~~ a tower, existing as of August 6, 1997, may be modified or rebuilt to a taller height, not to exceed a total maximum of ~~thirty (30) feet more than the tower's height as of August 6, 1997,~~ one hundred ninety-nine (199) feet, including all attachments, but only if that additional height will not require any lighting or obstruction painting. The additional tower height shall not require increased lot setbacks and the tower's pre-modification height shall be utilized to calculate required setbacks.

F. Submissions:

~~6. Certification from a Registered Professional Engineer in the State of Maine that this proposal will not interfere with established public safety telecommunications.~~

7-15. Renumber to 6-14.

J. Amendments:

Any change to existing, previously approved and proposed towers requires site plan approval. This includes, but is not limited to, modifications to approved height and to approved attachments such as antennas and dishes as well as requests for additional attachments. Notwithstanding the foregoing, any change, up to five (5) cubic feet or less per array, to the mass, dimensions or arrangement of an antenna, shall not require site plan review, unless such change exceeds the design criteria and additional standards and criteria previously approved in the original site plan approval.

L. Inspections:

The following procedure shall be undertaken by the owner of the tower:

1. Inspection of towers by an independent tower inspection firm ~~Registered Professional Engineer in the State of Maine~~ shall be performed to insure structural integrity. Such inspections shall be performed as follows:....

TOWN OF FREEPORT



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

MEMO

To: Freeport Town Council
From: Freeport Planning Board
Subject: GROWTH MANAGEMENT COMMITTEE "CHARGE"
Date: February 18, 1999

At our February 17, 1999 Planning Board meeting, the Board voted to forward the enclosed "charge" for a new committee on residential growth management to the Council.

Enclosures



DRAFT
CREATION OF GROWTH MANAGEMENT COMMITTEE

2-17-99

PURPOSE

To review current policies and potential new strategies related to managing residential development in the Town of Freeport, with the goal of resolving conflicts in those policies and strategies, encouraging constructive dialogue, clarifying long term goals and strengthening a sense of common purpose about the future of our town.

OBJECTIVES

- To encourage dialogue and participation in a discussion about these matters.
- To review potential new strategies for managing residential growth, including, but not limited to, cluster developments, lot size requirements, mixed-use zoning, new road limitations and annual new unit limitations.
- To review potential strategies, such as impact fees, that would help to ensure that new development does not cost the town and other taxpayers more than it contributes to the cost of schools and other municipal services.
- To undertake a general review of the Comprehensive Plan goals and policies under the Land Use section as it relates to residential development, and Zoning and Subdivision regulations, and recommend changes, as needed, to eliminate inconsistencies and correct deficiencies in order to clarify intent and reflect a shared vision of our goals.

STRUCTURE

- This work should be led by a Committee of seven to eleven Freeport residents who would reflect a balance of viewpoints and geography.
- The Committee should complete its work within 6 months from the date of the first meeting. A progress report should be prepared at three months. A final report

should be sent to the Planning Board by the end of the sixth month.

OPERATIONS

- The Committee should, if resources allow, have the assistance of experienced and professional facilitation in seeking public comments and resolving internal decisions.
- The Committee may also consider employing one or more research tools such as polls, questionnaires, focus groups or selected in-depth interviews with residents, if resources are available or can be found.
- While the Committee, once formed, should decide how it will operate and how often it should meet, the level of commitment should not discourage interested citizens from participating. The expectation would be that the Committee would focus on larger 'directional' issues and policy conflicts, meet twice a month and hold 1-3 larger public sessions. At a minimum, public sessions would be held at the beginning of the process and after draft recommendations are developed. Advisory members may be appointed to advise on specific issues, e.g., FEDC, Conservation Commission, etc.
- The Committee should determine if any consultant services are needed for special studies and/or services and report its findings with the Council.



WORK PLAN

GENERAL INFORMATION TO BE GATHERED (examples)

1. Review and evaluate the land use and growth sections of the Comprehensive Plan.
2. Analyze population and housing growth patterns - amount, type and location of new growth.
3. Analyze the potential for additional future residential growth and projections of future growth rates.
4. Review existing residential zoning provisions, e.g., lot size, space standards and road design and subdivision regulations to determine their impact on future growth.
5. Locate existing infrastructure, e.g., water and sewer lines and major roads, and the potential for expansion of water and sewer lines to other areas.
6. Review and evaluate various approaches for managing growth. Some examples are:
 - a. Cluster design and planned unit development (revisions to zoning and subdivision ordinances).
 - b. Neotraditional design
 - c. Building permit limitations
 - d. Impact fees and exactions
 - e. Infrastructure expansion
 - f. Road design and road acceptance policy
 - g. Lot size modifications
 - h. Transfer of Development Rights
 - i. Open space planning

FINAL REPORT

The report should include findings which define the issues of concern and specific recommendations for addressing them. Draft Ordinance and/or Comprehensive Plan revisions may be part of the Final Draft.

STAFF ASSISTANCE

The Town Planner shall be the staff member working with the Committee. Consultant services in specific areas may be needed. GPCOG mapping service will be asked to develop relevant maps.

BUDGET

The Committee should determine what the needs will be for mapping, facilitation of public meetings and consultant services and report to the Council.

PROPOSED

CHARGE AND ACTION PLAN OF THE RESIDENTIAL GROWTH MANAGEMENT COMMITTEE

3/2/99

PURPOSE

To review current policies and potential new strategies related to managing residential development in the Town of Freeport, with the goal of resolving conflicts in those policies and strategies, encouraging constructive dialogue, clarifying long term goals and strengthening a sense of common purpose about the future of our town.

OBJECTIVES

- To encourage dialogue and participation in a discussion about these matters.
- To review potential new strategies for managing residential growth, including, but not limited to, cluster developments, lot size requirements, mixed-use zoning, new road limitations and annual new unit limitations.
- To review potential strategies, such as impact fees, that would help to ensure that new development does not cost the town and other taxpayers more than it contributes to the cost of schools and other municipal services.

STRUCTURE

- This work should be led by a Committee of seven Freeport residents who would reflect a balance of viewpoints and geography.
- The Committee should complete its work within 4 months from the date of the first meeting. A progress report should be prepared at three months. A final report should be sent to the Planning Board by the end of the fourth month.
- The Committee shall determine how it operates.
- The Committee shall meet two times monthly and more often if necessary.
- All meetings shall be open to the public and comply with Maine's Public Right to Know Law .

WORK PLAN

GENERAL INFORMATION TO BE GATHERED (examples)

1. Review and evaluate the land use and growth sections of the Towns Land Use Plans.
2. Analyze population and housing growth patterns – amount, type and location of new growth.
3. Analyze the potential for additional future residential growth and projections of future growth rates.
4. Review existing residential zoning provisions, e.g., lot size, space standards and road design and subdivision regulations to determine their impact on future growth.
5. Review existing infrastructure, e.g., water and sewer lines and major roads, and the potential for expansion of water and sewer lines to other areas.
6. Review and evaluate various approaches for managing growth. Some examples are:
 - a. Cluster design and planned unit development (revisions to zoning and subdivision ordinances)
 - b. Neotraditional design
 - c. Building permit limitation
 - d. Impact fees
 - e. Infrastructure expansion
 - f. Road design, road acceptance policy and road capacity issues which may require impact fees (may include intersection improvements)
 - g. Lot size modifications
 - h. Transfer of Development Rights
 - i. Open space planning
7. Review and analyze costs of residential development on the town and schools.

FINAL REPORT

The report should include findings which define the issues of concern and specific recommendations for addressing them. Draft Ordinance revisions will be part of the Final Draft.

STAFF ASSISTANCE

The Town Planner shall be the staff member working with the Committee.

**PROPOSED
AMENDMENTS TO THE COUNCIL RULES & PROCEDURES**

35. In addition to the Regular Council Agenda a Consent Agenda shall be published and posted. The consent agenda shall qualify as a regular agenda item and be placed on the regular agenda for adoption. Items eligible for the consent agenda include:

- Donations;
- Victualer Licenses;
- Liquor Licenses renewals;
- Junkyard/Automobile Graveyard Licenses;
- Waste Hauling Licenses;
- Municipal Quitclaim Deeds for payment of taxes;
- Peddler Licenses;
- Pinball/Video Machine Licenses;
- Passenger Vessel Licenses;
- Requests to use Municipal Properties; and
- Other Items of a routine nature.

Any member of the Council can remove items from the consent agenda for placement on regular agenda.

6. Presiding Officer.. At its first meeting following the annual election, the Council shall elect from among its members, officers of the Town who shall have the titles of Chairperson and Vice Chairperson each of whom shall serve at the pleasure of the Council. At the first meeting following the annual election, the only order of business may be to elect officers and the recognition of outgoing Councilors and Officers. The Chairperson shall preside at meetings of the Council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have not administrative duties. The Vice Chairperson shall act as Chairperson during the absence or disability of the Chairperson. The Chairperson shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, shall proceed in the following order, unless the Council changes the order:

1. Minutes of the preceding meeting
2. Public Comment Period – persons wishing to address the Council on non-agenda items
3. Consent Agenda
4. Hearings
5. New Business
6. Tabled Matters
7. Executive Sessions.

At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the Chairperson shall declare them approved.

PROPOSED AMENDMENTS

PEDDLERS ORDINANCE

CHAPTER 43

Section 43-202. Application Requirements and Licensing Procedures

4. c. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his recommendation for approval and return said application to the Town Clerk, who shall forward the application to the Licensing Board Municipal Officers for final action.
5. a. At its first meeting after January 7, the Licensing Board Municipal Officers shall grant renewal licenses to qualified residents who have satisfied all provisions of this Ordinance.
- b. At its first meeting after January 15, the Licensing Board Municipal Officers shall grant renewal licenses to qualified non-residents who have satisfied all provisions of this Ordinance.
- c. At its first meeting after January 23, the Licensing Board Municipal Officers shall by lottery grant new licenses to qualified residents who have satisfied all provisions of this Ordinance.
- d. At its first meeting after January 31, the Licensing Board Municipal Officers shall be lottery grant new licenses to qualified non-residents who have satisfied all provisions of this Ordinance.
- e. After the Licensing Board Municipal Officers has granted all five licenses, the Board Officers or its designee shall conduct a lottery to assign peddler locations. At least 14 days before the lottery, the Licensing Board Municipal Officers or its designee shall mail written notice of the time and place of the lottery to each licensed peddler and shall post and publish public notice. Those licensed peddlers who are present at the lottery in person or by agent acting under written authority may select their own locations in the order in which their names are drawn. Licensed peddlers who are not so present will be assigned locations at random by the Licensing Board Municipal Officers or its designee. Issued licenses shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the kind of goods to be sold thereunder, the date of issuance, and the length of time the same shall be operative, as well as the license number and other identifying

description of any vehicle used in such peddling. The Town Clerk shall keep a permanent record of all licenses issued.

Section 43-203. General Provisions.

2. The sidewalk in front of Map 11, Lot 107 shall be reserved for use by a Freeport school group during the period from Memorial Day through Labor Day. Each year a license shall be granted to a qualified Freeport school organization during this period by the ~~Licensing Board~~. Municipal Officers. | Revenues raised during this period shall be used for school related purposes. During the period from the day after Labor Day to Memorial Day, a license to use the space shall be issued to a qualified Freeport public service, school or municipal group on a first-come-first serve weekly basis by the Town Clerk. The licensee must follow all provisions of the Ordinance except no fees or proof of insurance shall be required.

PROPOSED AMENDMENTS
PINBALL AND VIDEO MACHINE ORDINANCE

CHAPTER 44

Section 44-104 Investigation of Application and Public Hearing

1. Upon receipt of each application with the filing fee, the Town Clerk shall forward copies of same to the Codes Enforcement Officer, the Fire Chief and the Police Chief for their investigation and they shall prepare a written report as to whether the applicant and the proposed licensed premises are qualified for the issuance of said license as per the provisions of Sections 44-102-1 and 2 of this Ordinance and the other applicable provisions of the Town's Code or Ordinance, State and Federal Laws. The said report shall be filed with the Town Clerk who shall forward copies of same along with a copy of the application and affidavit to the Municipal Officers.

2. ~~The Municipal Officers shall hold a Public Hearing on the application for the proposed license within thirty (30) days of the receipt of the application by the Town Clerk. After said Public Hearing,~~ The Municipal Officers by a majority vote may authorize the issuance of said license, provided that the applicant and the proposed licensed premises are found qualified for the issuance of the license under the provisions of this Ordinance. Any vote for the denial of said license must set forth the reasons for same.

PROPOSED AMENDMENTS
SOLID WASTE DISPOSAL ORDINANCE

CHAPTER 28

ARTICLE 2
WASTE HAULERS

No person shall engage in the business of collection, transportation or disposal of solid waste generated or collected in Freeport without a license to do so from the ~~Licensing Board~~ Municipal Officers.

Such licenses shall be for a period of 1 year unless sooner revoked for cause. The non-refundable fee for such licenses is \$250 for waste haulers who haul only residential waste to the designated disposal facility, \$250 for waste haulers who deliver only commercial waste to the designated disposal facility, or \$500 for those waste haulers who haul both residential and commercial waste to the designated disposal facility. There shall be no proration of license fees applied after 1 June. License fees shall be paid before the license is issued. A license can only be used by the business and/or applicant identified on an application. A license is not transferable.

PROPOSED AMENDMENTS
VICTUALERS LICENSING ORDINANCE
CHAPTER 30

4. APPLICATIONS

- B. Renewals: ~~The Licensing Board~~ Municipal Officers shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this ordinance and at such time make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the ~~Board~~ Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date.
- C. New Applications: New applicants may apply to the Town Clerk at any time during the year. ~~The Licensing Board shall hold a public hearing within 30 days of the receipt of any new application.~~
- D. License Term: A license, when granted, shall be valid immediately following said granting of license of a period of one year.

5. LICENSING BOARD

~~The Town Council shall serve as the Licensing Board.~~

6. PUBLIC HEARING

~~The Licensing Board shall hold a Public Hearing on all new and renewal License Applications. Notice of the Public Hearing shall be posted in at least two locations within the Town at least seven days prior to the Public Hearing date.~~

7. ISSUANCE OR DENIAL OF A LICENSE

~~The Licensing Board~~ Municipal Officers may deny the application for a license for one or more of the reasons described as follows:

1. If the applicant fails any part of a state inspection or local health inspection.
2. If the applicant is not of good moral character. In determining good moral character the Town Council shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class

D or more serious crime may be considered as evidence that the applicant lacks good moral character.

3. Failure to pay an outstanding fine, penalty or tax owned to the Town of Freeport by the individual, corporation or principal stockholder of the corporation that is applying for the license.

8. REQUIREMENTS AND CONDITIONS

The ~~Licensing Board~~ Municipal Officers may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise.

10. REVOCACTION OF LICENSE: DETERMINATION OF VIOLATIONS

If after investigation and hearing, the ~~Licensing Board~~ Municipal Officers concludes that the Licensee is unfit to hold a license, it may revoke the license at any time. The ~~Licensing Board~~ Municipal Officers, for any cause which it considers satisfactory, may suspend a license for any period of time that it considers proper. The ~~Licensing Board~~ Municipal Officers may determine that an establishment which has not obtained a license is required to obtain a license, or that a licensed establishment has violated conditions and restrictions applicable to its license. The ~~Licensing Board~~ Municipal Officers shall provide the Licensee, at least three days prior to the hearing date, with notice of the time and place of the hearing at which any of these issues will be considered.

11. A. Compliance Certification: An establishment requesting a Victualers License or renewal of same, shall certify to the ~~Licensing Board~~ Municipal Officers and prove to said ~~Board's Officer's~~ satisfaction that it is not in violation of any Municipal Ordinance, including Zoning, or State or Federal law, Statute or Regulation. The applicant shall also certify that all taxes, fines or penalty assessed by the Town of Freeport on the establishment or equipment and fixtures contained therein are fully paid, as of the date of the application. The ~~Licensing Board~~ Municipal Officers shall deny any application which fails to meet these requirements.

E. Health: An establishment licensed as a Victualer, and providing for on-premises food consumption, shall provide with its renewal application a copy of its current state "Eating License" issued by the Department of Health Services. A new application shall be granted by the ~~Licensing Board~~ Municipal Officers only under the condition that the Victualer License becomes effective after the Department of Health Services has issued a current state "Eating License."

PROPOSED
AMENDMENT TO THE TRAFFIC & PARKING ORDINANCE
CHAPTER 48

Section 48-301 No Parking

- 71 On the westerly side of Main Street beginning at Maple Avenue and continuing north for 100 feet.**

TO: Dale Olmstead, Town Manager

FROM: Chief Schofield

DATE: February 09, 1999

RE: AMENDMENT TO THE TRAFFIC & PARKING ORDINANCE

**At the February 09, 1999 meeting of the Traffic & Parking committee
unanimously voted to recommend the following amendment to the traffic &
parking ordinance:**

**NO PARKING on the westerly side of Main Street, beginning at Maple Ave.
and continuing North for 100 feet.**

TOWN OF FREEPORT

Ordinance approved
#4-99 (3/2/99)
PH: # 3-99(2-3-99)

Municipal Offices

(207) 865-4743



MEMO TO: Dale C. Olmstead, Jr., Town Manager
FROM: Johanna Hammond, General Assistance Administrator
SUBJECT: General Assistance Ordinance
DATE: January 10, 1999

Attached you will find a copy of the new General Assistance Model Ordinance as written and recommended by MMA. Substantive changes made to the current General Assistance Ordinance are summarized below. I have also highlighted these changes within the attached Ordinance.

Since there have been no recent changes in GA law, the town is under no obligation to adopt this new version, with the exception of item #4. (Article VIII Offsetting Workfare Performed from Worker's Compensation Liens) This new provision is obligatory due to the Supreme Court's decision in Coker v. Lewiston.

The most significant changes include the following:

1. Section 5.3. Automobile Ownership – the market value of vehicles was raised from \$5000 to \$8000.
2. Section 5.4. Ownership of Real Estate – subsection a) Principal Residence was added.
3. Section 7.4. Claimant's Failure to Appear – revised entire subsection, adding "just cause" segment for failure to appear amongst other new provisions.
4. Article VIII. Offsetting Workfare Performed from Worker's compensation Liens – new subsection, required by recent Supreme Court decision (Coker v. Lewiston).

MMA has also recommended a list of other minor changes, which include updating terms, clarifications, or reorganizing some of the sections. These include:

5. References to A.F.D.C. were changed to T.A.N.F. (*temporary assistance to needy families*)

6. **Section 3.1 Information from Other Sources; Penalty** – “vital statistic” was added to records.
7. **Section 3.2. Retention of Records** – this is a new subsection.
8. **Section 4.10. Institutions** – the following language was added to the end of the first sentence: “if the conditions of 22 M.R.S.A. 4307 and 4313 are met.”
9. The term “Disqualification” was replaced with the term “ineligibility” in many sections of the document.
10. **Section 6.3. Decision** – “in writing” was added to the last sentence of this subsection.
11. **Section 6.6. Use-of-Income Requirements** – the term “Hospital Free Care” was added to the second paragraph of this subsection.
12. **Section 6.8. Hospital Bills** – the term “Hospital Charity care” was changed to “Hospital Free Care.”
13. **Section 6.8. Capital Improvements** – was moved directly after Section 6.8 (8) Burials, Cremations.
14. **Section 6.9. Burials; Cremations** – was made into an independent section, changing the previous Section 6.9 (Notice of Decision) into Section 6.10.
15. **Section 6.9. Cremation Expenses** – the word “will” was changed to “may” in the first sentence of this subsection.
16. **Section 7.2. Written Request** – “in writing” was added to the last sentence of this subsection.
17. **Section 7.3. The Fair Hearing Authority** – the first sentence of this subsection was revised. The following language was added: “determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA.” The following language was deleted: “review decisions of the general assistance administrator when requested by any claimant or the claimant’s authorized representative.”