

**AGENDA
COUNCIL MEETING #27-96
COUNCIL CHAMBERS
SEPTEMBER 3, 1996 - 6:00 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: GLORIA DEGRANDPRE, CHAIRPERSON, WOLF NECK ROAD
EDWARD CAMPBELL, VICE-CHAIRPERSON, GAY DRIVE
GENIE BEAULIEU, LARUE DRIVE
ALAN HINDLEY, WARDTOWN ROAD
KENNETH MANN, MANN ROAD
CHARLOTTE BISHOP, MAQUOIT DRIVE
STAFFORD SOULE, ARNOLD ROAD

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF #26-96 HELD ON AUGUST 20, 1996 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 #27-96
SEPTEMBER 3, 1996

ITEM #196-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS CABLE T.V. CONTRACT NEGOTIATIONS.

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION WITH THE CABLE T.V. NEGOTIATING COMMITTEE TO DISCUSS CABLE T.V. CONTRACT NEGOTIATIONS

MOTION: THAT THE COUNCIL RECONVENE.

ITEM #197-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING RESOURCE PROTECTION I AND MEDIUM DENSITY, A & B DISTRICTS (CHAPTER 21) **PUBLIC HEARING**

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #197-96 BE TABLED UNTIL SEPTEMBER 17, 1996.

ITEM #198-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT PATRICIA ANDERSON BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE.

BE IT FURTHER ORDERED: THAT MS. ANDERSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #199-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT MAC COLLINS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE.

BE IT FURTHER ORDERED: THAT MR. COLLINS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #200-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT CHARLES FISCHMAN BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE.

BE IT FURTHER ORDERED: THAT MR. FISCHMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #201-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT SALLY RAND BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE.

BE IT FURTHER ORDERED: THAT MS. RAND QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #202-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT AGNUS SCHUCHERT BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE.

BE IT FURTHER ORDERED: THAT MS. SCHUCHERT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #203-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ASSESSMENT REVIEW BOARD.

BE IT ORDERED: THAT FRANK PARKER BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL AUGUST 1, 2000.

BE IT FURTHER ORDERED: THAT MR. PARKER QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #204-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ASSESSMENT REVIEW BOARD.

BE IT ORDERED: THAT FRANK DOHERTY BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL AUGUST 1, 2000.

BE IT FURTHER ORDERED: THAT MR. DOHERTY QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #205-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE COASTAL WATERS COMMISSION.

BE IT ORDERED: THAT PHILIP PAYSON BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL APRIL 1, 1999.

BE IT FURTHER ORDERED: THAT MR. PAYSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.

ITEM #206-96 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED FOR TAX MAP 17 LOT 78C.

BE IT ORDERED: THAT A MUNICIPAL QUIT CLAIM DEED BE ISSUED AS FOLLOWS:

TO: THE ESTATE OF CHARLES B. WHEELER, JR.
PROPERTY: TAX MAP 17 LOT 78C (WARD TOWN ROAD)
FOR: TAX YEAR 1987 THROUGH 1995 (PAID IN FULL).

ITEM #207-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE SHELLFISH PROGRAM COORDINATOR (CHAPTER 2).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 17, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSAL AMENDMENT TO THE ADMINISTRATIVE CODE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

ITEM #208-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A GIFT OF PROPERTY.

BE IT ORDERED: THAT A SHORT FORM QUIT CLAIM DEED WITHOUT COVENANT FOR TAX MAP 20 LOT 88 (BARTOL ISLAND) BE ACCEPTED FROM CHARLES R. LEE.

OTHER BUSINESS:

- 1) DEMOLITION SITE UPDATE.
- 2) REPORT ON TAX COMMITMENT.
- 3) DISCUSSION OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING DAY CARE FACILITY.
- 4) REVIEW OF COMMUNITY EDUCATION AUDIT PROPOSAL.

**COUNCIL MEETING #27-96
SEPTEMBER 3, 1996**

ITEM #191-96 TABLED AUGUST 20, 1996.

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING FIRE LANES (CHAPTER 48).

BE IT ORDERED: THAT THE PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 20, 1996, BE APPROVED.

ITEM #209-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY

MOTION: THAT THE COUNCIL RECONVENE.

ADJOURN.

Minutes
Freeport Town Council — Executive Session
September 11, 1996 - 7:20 p.m.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		
Stafford Soule Arnold Road	X		

FIRST ORDER OF BUSINESS: In the absence of a quorum of the Cable Board and with the deadline for cable franchise negotiations expiring on September 29, 1996, a Council Special Executive Session was called by all seven councilors. This meeting was advertised as a Cable Board Negotiating Committee Executive Session with the Council.

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO SPECIAL, EMERGENCY EXECUTIVE SESSION WITH THE CABLE BOARD TO DISCUSS FRANCHISE CONTRACT NEGOTIATIONS.
(Councilors Campbell & Bishop) (7 Ayes)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE.
(Councilors Mann and Campbell) (7 Ayes)

MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 8:50 P.M.
(Councilors Campbell and Hindley) (7 Ayes)

Respectfully submitted,
Genie Beaulieu, Acting Recording Secretary

MINUTES – REVISED
FREEPORT TOWN COUNCIL MEETING #27-96
September 3, 1996 - 6:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X (6:15 P.M.)		
Stafford Soule Arnold Road	X		

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #25-96 HELD ON AUGUST 6, 1996, AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Soule) (6 Ayes) (1 Excused- Bishop)

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

No comments were made.

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

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

ITEM #196-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS CABLE T.V. CONTRACT NEGOTIATIONS.

MOVED AND SECONDED: THAT ITEM #196-96 BE TABLED INDEFINITELY.
(Councilors Campbell & Soule) (6 Ayes) (1 Excused-Bishop)

ITEM #198-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

MINUTES
FREEPORT TOWN COUNCIL MEETING #27-96
September 3, 1996 - 6:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	X		
Charlotte Bishop Maquoit Drive	X (6:15 P.M.)		
Stafford Soule Arnold Road	X		

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #25-96 HELD ON AUGUST 6, 1996, AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Soule) (6 Ayes) (1 Excused- Bishop)

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

No comments were made.

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

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

ITEM #196-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS CABLE T.V. CONTRACT NEGOTIATIONS.

MOVED AND SECONDED: THAT ITEM #196-96 BE TABLED INDEFINITELY.
(Councilors Campbell & Soule) (6 Ayes) (1 Excused-Bishop)

ITEM #198-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT PATRICIA ANDERSON BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE. BALLOT VOTE (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MS. ANDERSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996. ROLL CALL VOTE (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Bishop)

ITEM #199-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT MAC COLLINS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE. BALLOT VOTE (Councilors Hindley & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MR. COLLINS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.
ROLL CALL VOTE (Councilors Hindley & Campbell) (6 Ayes) (1 Excused-Bishop)

ITEM #200-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT CHARLES FISCHMAN BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE. BALLOT VOTE (Councilors Soule & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MR. FISCHMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.
ROLL CALL VOTE (Councilors Soule & Campbell) (6 Ayes) (1 Excused-Bishop)

ITEM #201-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT SALLY RAND BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE. BALLOT VOTE (Councilors Mann & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MS. RAND QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996.
ROLL CALL VOTE (Councilors Mann & Campbell) (6 Ayes) (1 Excused-Bishop)

ITEM #202-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE HISTORICAL RESOURCES COMMITTEE.

BE IT ORDERED: THAT AGNUS SCHUCHERT BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE HISTORICAL RESOURCES COMMITTEE. BALLOT VOTE (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MS. SCHUCHERT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996. ROLL CALL VOTE (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Bishop)

ITEM #203-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ASSESSMENT REVIEW BOARD.

BE IT ORDERED: THAT FRANK PARKER BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL AUGUST 1, 1999. BALLOT VOTE (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MR. PARKER QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996. ROLL CALL VOTE (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Bishop)

ITEM #204-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE ASSESSMENT REVIEW BOARD.

BE IT ORDERED: THAT FRANK DOHERTY BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL AUGUST 1, 1999. BALLOT VOTE (Councilors Hindley & Campbell) (6 Ayes) (1 Excused-Bishop)

BE IT FURTHER ORDERED: THAT MR. DOHERTY QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996. ROLL CALL VOTE (Councilors Hindley & Campbell) (6 Ayes) (1 Excused-Bishop) (Councilor Bishop arrived at this time.)

ITEM #205-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE COASTAL WATERS COMMISSION.

BE IT ORDERED: THAT PHILIP PAYSON BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE ASSESSMENT REVIEW BOARD UNTIL APRIL 1, 1999. BALLOT VOTE (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: TO AMEND ITEM #205-96 TO READ, "THAT PHILIP PAYSON BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATER COMMISSION UNTIL APRIL 1, 1999. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

BALLOT VOTE AS AMENDED: (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT MR. PAYSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 13, 1996. ROLL CALL VOTE (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

ITEM #206-96 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED FOR TAX MAP 17 LOT 78C.

BE IT ORDERED: THAT A MUNICIPAL QUIT CLAIM DEED BE ISSUED AS FOLLOWS:

TO: THE ESTATE OF CHARLES B. WHEELER, JR.
PROPERTY: TAX MAP 17 LOT 78C (WARD TOWN ROAD)
FOR: TAX YEAR 1987 THROUGH 1995 (PAID IN FULL).

ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #207-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE SHELLFISH PROGRAM COORDINATOR (CHAPTER 2).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 17, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSAL AMENDMENT TO THE ADMINISTRATIVE CODE.
BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Campbell & Hindley) (7 Ayes) (0 Nays)

ITEM #208-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A GIFT OF PROPERTY.

BE IT ORDERED: THAT A SHORT FORM QUIT CLAIM DEED WITHOUT COVENANT FOR TAX MAP 20 LOT 88 (BARTOL ISLAND) BE ACCEPTED FROM CHARLES R. LEE. ROLL CALL VOTE (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

ITEM #191-96 TABLED AUGUST 20, 1996.

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING FIRE LANES (CHAPTER 48).

BE IT ORDERED: THAT THE PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 20, 1996, BE APPROVED. (COUNCILORS BISHOP & CAMPBELL)

Councilor Beaulieu reviewed the reasons for amendments.
She stated that the amendments have come to the Council from the Traffic and Parking Committee.

MOVED AND SECONDED: TO DELETE "THIS ARTICLE" AND INSERT, "NATIONAL FIRE PROTECTION CODES 101". (Councilors Mann & Hindley) (7 Ayes) (0 Nays)

MOVED AND SECONDED: TO DELETE "THIS ARTICLE" AND INSERT, "NATIONAL FIRE PROTECTION CODES 101"). (Councilors Mann & Hindley) (7 Ayes) (0 Nays)

ROLL CALL VOTE AS AMENDED: (7 Ayes) (0 Nays)

ITEM #197-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING RESOURCE PROTECTION I AND MEDIUM DENSITY, A & B DISTRICTS (CHAPTER 21) PUBLIC HEARING

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

Town Planner Cohen reviewed the needs for the two proposed amendments; Section 202.B.6 and the MD District, day care center.

Discussion followed re: maximum number of children in day care centers, levels of licensure regulated by the State, notice to abutters if applicable, etc.

Ruby and Clint Condon, residents, raised concern re: day care facility in their neighborhood.

Beth Simpson, resident, raised concerns re: potential of day care center in her area. She stated that a petition against a day care center had been circulated; 44 signatures were submitted (petition attached to these minutes).

Lila Fournier, property owner, offered her concerns against a day care center in this area.

Discussion followed re: MD Districts, mixed uses in various zones, zones where day care is an accepted use, etc.

John Cantwell, resident, requested that the Council approve the change in Section 202.B.6.

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

MOVED AND SECONDED: THAT ITEM #197-96 BE TABLED UNTIL SEPTEMBER 17, 1996. (Councilors Beaulieu & Campbell) (7 Ayes) (0 Nays)

OTHER BUSINESS:

1) DEMOLITION SITE UPDATE.

Manager Olmstead stated that one facility remains open; we have an application before DEP that will allow the Town to continue to use the site until potentially, to 2004. He stated that, however, a portion of the site could be closed at this time. He explained the potential of up to 75% reimbursement, etc. He recommends the closing of 50% of this site; if we wait until 2003 or 2004, there is no guarantee that State reimbursement funds will be available.

Discussion followed re: time constraints, partial closure only, transfer station, etc.

COUNCIL MEETING #27-96
SEPTEMBER 3, 1996

2) REPORT ON TAX COMMITMENT.

Chairperson DeGrandpre reported on the tax rate decrease of \$.05 per thousand, and options of what can be done with this additional estimated \$34,000.

Discussion followed re: the different options available, if the option is to lower taxes, no Council action is needed, funding reserve accounts, funding special audit costs, funding the school budget, etc.

3) DISCUSSION OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING DAY CARE FACILITY.

Councilor Campbell stated that this item be sponsored by the Council, to be referred to the Planning Board for consideration.

MOVED AND SECONDED: THAT THIS ZONING ORDINANCE CONSIDERATION FOR THE DAY CARE FACILITY BE FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION. (Councilors Campbell & Mann) (7 Ayes) (0 Nays)

4) REVIEW OF COMMUNITY EDUCATION AUDIT PROPOSAL.

Chairperson DeGrandpre reviewed the auditor's letter re: cost of special audit.

5) Councilor Beaulieu gave an update on the roads turnback issue, etc.

Miscellaneous discussion followed regarding this, questions formulated to be submitted to MDOT for response etc.

6) Councilor Bishop raised the communication re: use of the Kelly and the Oak Street parking lots.

7) Councilor Hindley asked for clarification of the cost for the Rescue Truck transmission repair, and potential for rebate from Ford.

8) Councilor Mann stated he has received concerns re: the fire whistle noise. He requested the noise level be adjusted.

Miscellaneous discussion followed

ITEM #209-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF THE PELLETIER PROPERTY ON MAST LANDING ROAD. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 7:20 P.M. (Councilors Campbell & Beaulieu) (7 Ayes) (0 Nays)

Respectfully submitted,
Pat Goodwin, Recording Secretary

AUGUST 14, 1996

I, CHARLES R LEE WOULD LIKE TO EXPRESS SOME CONCERNS AND WISHES REGARDING PROPERTY I HAVE DEEDED TO THE TOWN OF FREEPORT. THE ACQUISITION OF THIS PROPERTY, KNOWN AS MAP 20 LOT 88 WAS BY VIRTUE OF A MATURED TAX LIEN.

I WOULD NOT WANT THIS PROPERTY SOLD TO AN INTEREST OUTSIDE OF THE TOWN'S OR TURNED OVER TO THE CONSERVATION COMMISSION. MY PREFERRED USE WOULD BE FOR A TOWN LANDING OR OTHER MARINE RELATED ACTIVITY.

A handwritten signature in black ink, appearing to read 'Charles R Lee', with a long, sweeping horizontal line extending to the right.

CHARLES R LEE

SHORT FORM QUITCLAIM DEED WITHOUT COVENANT

CHARLES R. LEE of Buzzard's Bay, Massachusetts ("Grantor") grants to the **TOWN OF FREEPORT**, a municipality chartered under the laws of the State of Maine ("Grantee"), with an address of 30 Main Street, Freeport, Maine, certain real property together with any improvements thereon (the "Property"), which Property is located in the Town of Freeport, Cumberland County and State of Maine, more particularly bounded and described as follows:

**SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

The Property is being given by Grantor to Grantee in memory of William D. Lee and Alice Lee Pearse.

WITNESS:

Gill Quinn
Gill Quinn

Charles R. Lee
CHARLES R. LEE

STATE OF MAINE
CUMBERLAND COUNTY, SS.

14 May, 1996

Personally appeared the above-named CHARLES R. LEE and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Christine Phelps
Attorney at Law/Notary Public
Christine Phelps
My Commission expires
5-30-98

Seller's Affidavit

On oath, the undersigned depose(s) and state(s) that in connection with the premises located at Bartol Island Road, Freeport, Maine which I now own and am conveying to the Town of Freeport,

I hereby certify that there are no tenants or other occupants presently in possession of the premises (other than the undersigned) and that there is no party not fully paid for labor, services or materials furnished in the erection, alteration, repair or removal of a building or structure upon the land by virtue of (a) an agreement with, or by the consent to the undersigned, or (b) a person having authority from or rightfully acting for the undersigned in contracting for or consenting to the furnishing of such labor, services or materials, for labor, services or materials furnished during the past 120 days. Furthermore I hereby certify that I have no knowledge of any real estate licensee (broker or agent) who may assert a lien against the property based on nonpayment of professional services rendered by the licensee to facilitate the sale of the property.

In the event that such debt is owed or that there is a claim by a tenant or a party in possession or that a party claims to have not been fully paid for furnishing labor, services or materials within the last 120 days, the undersigned hereby agree(s) to indemnify and hold harmless buyers from such claims and any and all costs in connection therewith including reasonable attorneys' fees.

Executed as a sealed instrument on this 14th day of

Aug, 1994 6

WITNESS:

Gill Quinn
GILL QUINN

By: Charles R. Lee
Charles R. Lee

State of Maine
Quartermaster, SS.

Subscribed and sworn to before me this 14 day of
August, 1994 6

Christine Phelps
Notary Public/Attorney at Law
Print Name: Christine Phelps
My commission expires: 5-30-95

EXHIBIT A

A certain lot or parcel of land situated in said Freeport, near the northern end of Bartol's Island, so-called, more particularly bounded and described as follows:

Beginning at the corner formed by the northeastern boundary line of the first parcel of land described in deed from Walter C. Paine et al to the Grantor herein recorded in the Cumberland County Registry of Deeds in Book 2638, Page 93, and the easterly line at high water mark, of the neck of land running from the main land to Bartol's Island, so-called; thence running in a general northeasterly direction along the shore of the Harraseeket River three hundred thirty (330) feet to a point; thence at an angle with the last mentioned bound, running in a general westerly direction, in line with a large oak tree standing near the southwesterly shore line of land formerly of Mabie, and running across the neck of land leading to Bartol's Island, two hundred fifteen (215) feet to an iron stake driven in the ground at a point distant two hundred (200) feet from said oak tree; thence at a right angle with the last mentioned bound and running in a general southerly direction three hundred (300) feet, more or less, to the northern boundary line of land of William T. Crawford and the low water mark on the shore of said Bartol's Island; thence at an angle with the last mentioned bound and running along the northern boundary line of land of said William T. Crawford in a general easterly direction one hundred twenty feet, more or less, across the said neck of land leading to Bartol's Island to the shore of the Harraseeket River, the eastern shore of the neck of land leading to Bartol's Island and to the point of beginning.

Together with a right of way in common with others as described in deed from James B. Satterthwaite et al to Charles R. Lee et al dated October 18, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3196, Page 458.

This property is conveyed with the benefit of and subject to the rights, reservations, restrictions and maintenance obligations set forth in deed from Charles R. Lee to Stanley M. Jacks et al dated July 29, 1970 and recorded in said Registry of Deeds in Book 3137, Page 335.

Being the second parcel of land described in the deed to the Grantor herein by Walter C. Paine and Eleanor C. Paine dated October 13, 1961 and recorded in said Registry of Deeds in Book 2638, Page 93.

**BUREAU OF
TAXATION**Property Tax Division
State House Station #24
Augusta, Maine 04333FILE BOTH COPIES
OF THIS FORM WITH
COUNTY REGISTRY OF DEEDS
DO NOT DETACH!

PLEASE READ INSTRUCTIONS ON REVERSE BEFORE COMPLETING DECLARATION

REAL ESTATE TRANSFER TAX**DECLARATION**

TITLE 36, M.R.S.A., SECTIONS 4641 through 4641.

1. MUNICIPALITY OR TOWNSHIP

COUNTY

BOOK

PAGE

Freeport

Cumberland

(REGISTRY USE ONLY)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)
GRANTEE (BUYER)

Town of Freeport

3. NUMBER AND STREET

CITY OR TOWN

STATE AND ZIP CODE

30 Main Street

Freeport

ME 04032-1209

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)
GRANTOR (SELLER)

Charles R. Lee

5. NUMBER AND STREET

CITY OR TOWN

STATE AND ZIP CODE

62 Academy Drive

Buzzards Bay

MA 02532

PROPERTY

6. TAX MAP & LOT NUMBER (Required)

☐ MUNICIPALITY DOES NOT HAVE TAX MAPS (Please describe property)7. DATE OF TRANSFER MO. DAY YR.
(Use numerals)Warning to Buyer!
If the property is classified as
Farmland, Open Space, or Tree
Growth, a substantial financial penalty
could be triggered by development,
subdivision, partition, or change in use
of the property.☐ Applicable ☐ Not Applicable**CONSIDERATION**

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. If no consideration is involved, tax is to be computed based on the value of the property. Value is the estimated price or cash worth the property would bring in the open market. (Tax will be collected at the registry when the deed is recorded. The tax rate is \$2.20 per \$500, or fractional part thereof, of consideration or value. The tax incidence is equally divided between the buyer and seller.) If exempt, complete line 9 \$ 00 .00

EXEMPTION

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be exempt pursuant to M.R.S.A. 36 §4641-C)

1) Spouse to Spouse ☐3) Corrective Deed ☐5) Other: Please explain: Gift to Town to confirm tax taking2) Parent and Child ☐4) Deeds of Distribution ☐**SPECIAL
CIRCUMSTANCES**10. Were there special circumstances in the transfer which suggest that the price of the property was either more or less than its fair market value. (Such as the fact that transfer was a forced sale, foreclosure, intercorporate sale, exchange, or transfer tax was based on estimate value.) PLEASE EXPLAIN BASIS OF VALUE ☐ YES ☐ NO**INCOME TAX
WITHHELD**☐ Buyer(s) certify that they have withheld Maine income tax from the purchase price as required by § 5250-A and will remit to the Maine Bureau of Taxation within 30 days after date of transfer.☒ Buyer(s) not required to withhold Maine income tax because:☐ seller has qualified as a Maine resident.☐ a waiver has been received from the State Tax Assessor.☒ consideration for the property is less than \$50,000.☐ foreclosure sale: exempt per 36 M.R.S.A. §5250-A, sub§ 3-A**OATH**

12. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete

GRANTEE(S) or AUTHORIZED AGENT

DATE

GRANTOR(S) or AUTHORIZED AGENT

DATE

PREPARER13. Name and address of person or firm preparing this form Bernstein, Shur, Sawyer & Nelson
62 Portland Road, Kennebunk, ME 04043

P.H. - mtg # 26-96 (8/20/96)
APPROVED - mtg # 27-96 (9/3/96)
ITEM # 191-96

Adopted as amended
PROPOSED

AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE (CHAPTER 48)

SECTION 48-316 Fire Lanes

Fire Lanes are established for the purpose of promoting Public Health, Safety, and Welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the Town in which the public will have use of. These buildings or other areas must be provided prompt emergency services including access by firefighters and firefighting equipment and other emergency personnel and equipment in order to accomplish said purpose and effect the saving of life and property in emergency situations.

1. Maintenance and Identification of Fire Lanes

Fire Lanes established under this article shall be kept free of ice and snow and rubbish containers or other obstruction by the owner, or agent or occupant of any premises to which this article is applicable shall cause to be erected, installed and maintained by their own expense, permanent, adequate signs bearing the words "FIRE LANE - NO PARKING - VEHICLES WILL BE TOWED AT OWNER'S EXPENSE" in or adjacent to said Fire Lane.

2. Parking Prohibited

A. No person shall park or be permitted to stand a motor vehicle in any Fire Lane established in accordance with this article (Except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle).

B. Whenever any vehicle shall be found parking in violation of the regulations as established above, any Police Officer, Parking Ticket Officer, Fire Department Chief or Officer in Charge, may attach to such a vehicle a notice (parking ticket) to the owner or operator thereof that such vehicle has been parked in violation of the regulations. Such owner or operator shall pay to the town a sum of twenty five dollars (\$25), payment of which shall be due within five (5) business days of the issuance of the parking violation. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article in addition to the foregoing may be towed upon the direction of a Police Officer, Fire Chief or Officer in Charge, all expenses of such towing and any subsequent storage, shall be borne by the registered owner or operator of such vehicle.

*insert:
National
Fire
Protection
Code 101*

*Approved Sept. 17, 1996
Meeting # 28-96; Item # 197-
P.H. Mtg # 27-96 (9/13/96)*

Adopted
**Draft Amendments
Freeport Zoning Ordinance
Chapter 21**

Section 202.B.6. Resource Protection I: A residential use which becomes non-conforming as a result of its location under this Ordinance in a Resource Protection I District may be expanded, reconstructed, or accessory buildings added, if the Planning Board determines that the project meets the criteria listed in Section 602.F.1.L. of the Site Plan Review regulations and the requirements of Section 507 and is subject to the restrictions described below:

- a. Total lifetime expansion on the parcel is limited to either the addition of 500 square feet or 25% of the gross floor area of all to existing buildings existing as of September 7, 1988, whichever is less.
If any portion of the expansion is located within the required shore setback, that portion may be expanded by no more than 30 percent of the floor area existing within the setback area and no more than 30 percent of the volume existing within the setback area, and only upon the granting of a variance by the Zoning Board of Appeals.
- b. A seasonal use shall not be converted to a year-round use;
- c. The expansion shall not increase the non-conformance of any existing shore setback.
- d. If the Zoning Board of Appeals grants a setback variance request under the Section C.1. below, it shall be counted in the maximum total lifetime expansion area permitted.

Notwithstanding anything to the contrary in the Ordinance or Section 302 of Title 1 of MRSA, this Section 202.B.(6) shall apply to any application for any permit or approval filed on or after September 7, 1988.

Section 406. Medium Density Districts - "MD-A and MD-B"

A. Purpose:

It is the intent of this District to maintain the present balance between residential and limited business uses in an area which includes some moderately densely developed areas containing structures of historical significance in sections which are more rural in nature. Route 1 is the major roadway in this District and extends from the Village to the Town of Brunswick border. Provisions below are intended to encourage a more limited commercial development pattern than is planned for or exists in the rest of Route 1.

B. Permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526.

The following uses are subject to site review regardless of size:

7. Municipal Facility
8. Planned Unit Development (subject to provisions of Article V, Section 504)
9. Multiple Family Dwelling
10. Hotel/Motel - Maximum of 30 units
11. Commercial Recreation - Outdoor
12. Commercial Recreation - Indoor
13. Public Utilities
14. Business and Professional Office
15. Hospital
16. Nursing Home
17. Religious Institution
18. School
19. Cemeteries
20. Private Assembly
21. Animal Husbandry and Animal Feedlots
22. Bed and Breakfast Inn
23. Convenience Store limited to a maximum of 1500 square feet of gross floor area
24. Junkyard
25. Mobile Home Park subject to the requirements of Article V, Section 524
26. Day Care Center Facilities

The following use is subject to a Planning Board permit as described in Section 507.R.

27. Aquaculture

TOWN OF FREEPORT

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



Dale C. Olmstead, Jr.
Town Manager

August 7, 1996

MEMO:

To: Freeport Town Council
From: Freeport Planning Board
Subject: Zoning Ordinance Amendments

On August 7, 1996, The Freeport Planning Board held a public hearing to review proposed amendments to two sections of the Freeport Zoning Ordinance. Both amendments were sponsored by the Planning Board. They were proposed as amendments after it came to our attention that residents who were planning building activities could not follow through because of Ordinance restrictions and/or omissions.

1. Section 202.B.6. -Resource Protection I (Residences)

This section, as written, poses a hardship for residents with existing buildings which are quite small and in poor condition since they cannot be replaced economically. Small mobile homes are not being built, so the 25% expansion limitation prevents the replacement of small mobile homes which are in dangerous condition. Small stick built homes in dangerous condition also cannot be replaced with a mobile home because of size differentials. The proposed 500 square foot maximum expansion will accommodate two residents with homes that are presently in dangerous condition and need to be replaced.

This amendment is consistent with the Freeport Comprehensive Plan which recommends minimizing the regulatory burden. DEP has approved the amendment language.

2. Section 406. MD-A and B Districts.

Day Care Center Facilities were inadvertently omitted from the permitted uses in the original MD District. The Ordinance permits this use in the following districts: RR-I, V-I, V-II, C-IV and VC-I.. The MD District is a combined residential and commercial district and Day Care Center Facilities is an appropriate use in this District.

The Planning Board voted unanimously to support the following motion:

"Be it ordered to recommend to the Town Council the amendment to Section 202.B.6 to permit expansions up to 500 square feet of gross floor area to existing residential uses in the RP-I District and to Section 406 to add "Day Care Center Facilities: to the MD-A and B Districts. Both amendments are consistent with the Comprehensive Plan which recommends streamlining regulatory procedures and reviewing permitted uses in the MD District."