

TOWN COUNCIL MEETING #06-2002

MARCH 19, 2002 - 7:00 P.M.

TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- 6:00 P.M. Meeting with Planning Board members to review the Proposed Subdivision Ordinance.
- ITEM #45-2002 To consider action relative to adopting the Consent Agenda for March 19, 2002.
- ITEM #46-2002 To consider action relative to adopting a New Subdivision Ordinance (Chapter 25). (Public Hearing)
- ITEM #47-2002 To consider action relative to amendments to the Zoning Ordinance Regarding Subdivisions(Chapter 21). (Public Hearing)
- ITEM #48-2002 To consider action relative to proposed amendments to the Town of Freeport Comprehensive Plan Concerning Rural Management Areas. (Public Hearing)
- ITEM #49-2002 To consider action relative to proposed amendments to the Zoning Ordinance concerning the Pesticide Spraying in the Resource Protection1 Zone (RP-1) (Chapter 21). (Public Hearing)
- ITEM #50-2002 To consider action relative to an amendment to the Administrative Code Concerning the Community Development Committee (Chapter 2). (Public Hearing)
- ITEM #51-2002 To consider action relative to the Capital Improvements Program for Fiscal Years 2003 to 2007. (Public Hearing)
- ITEM #52-2002 To consider action relative to the Webster Road Flood Mitigation Project – Phase II.
- ITEM #53-2002 To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning the Fee Structure (Chapter 31).
- ITEM #54-2002 To consider action relative to the approval of matching funds for the Land for Maine's Future Grant and accept a Casco Bay Land Opportunity Grant to acquire Florida Lake property.

OTHER BUSINESS:

1. Update from the Conservation Commission on the potential purchase of the Cummings Property adjacent to Florida Lake.
2. Discussion on a proposed donation of properties on the Grand Road from the Nature Conservancy.

Adjourn.

**AGENDA
FREEPORT TOWN COUNCIL MEETING #06-2002
TOWN HALL COUNCIL CHAMBERS
MARCH 19, 2002 – 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: Robert Stevens, Chairperson, Porters Landing
John Arsenault, Vice Chairperson, Prout Road
Kenneth Mann, Mann Road
David Soley, Arnold Road
Eileen Lowell, So. Freeport Road
Rod Regier, South Street
Susan Campbell, Hunter Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #05-2002, held on March 5, 2002 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 #06-2002
MARCH 19, 2002**

ITEM #45-2002 To consider action relative to adopting the Consent Agenda for March 19, 2002.

BE IT ORDERED: That the March 19, 2002 Consent Agenda be adopted.

ITEM #46-2002 To consider action relative to adopting a New Subdivision Ordinance (Chapter 25). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #46-2002 be tabled until April 2, 2002.

ITEM #47-2002 To consider action relative to proposed amendments to the Zoning Ordinance Regarding Subdivisions (Chapter 21). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #47-2002 be tabled until April 2, 2002.

ITEM #48-2002 To consider action relative to proposed amendments to the Town of Freeport Comprehensive Plan Concerning Rural Management Areas. (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #48-2002 be tabled until April 2, 2002.

ITEM #49-2002 To consider action relative to proposed amendments to the Zoning Ordinance concerning the Pesticide Spraying in the Resource Protection 1 Zone (RP-1) (Chapter 21). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved.

ITEM #50-2002 To consider action relative to an amendment to the Administrative Code Concerning the Community Development Committee (Chapter 2). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendment to the Administrative Code be approved.

ITEM #51-2002 To consider action relative to the proposed Capital Improvements Program for Fiscal Years 2003 to 2007.

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #52-2002 be tabled until April 2, 2002.

ITEM #52-2002 To consider action relative to the Webster Road Flood Mitigation Project - Phase II.

BE IT ORDERED: That the cost of the Webster Road Flood Mitigation Project - Phase II - be negotiated with the low bidder on Phase I of the project.

BE IT FURTHER ORDERED: That the Town Engineer and Town Manager be authorized to negotiate the price on behalf of the Town.

ITEM #53-2002 To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning the Fee Structure. (Chapter 31).

BE IT ORDERED: That a Public Hearing be scheduled for April 2, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Coastal Waters Ordinance.

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

ITEM #54-2002 To consider action relative to the approval of matching funds for the Land for Maine's Future Grant and accept a Casco Bay Land Opportunity Grant to acquire Florida Lake property.

BE IT ORDERED: That the following be accepted to provide for the purchase property outlined in the Grant applications (Rogers and Brewer/Hasted and Properties).

- Land for Maine's Future Grant - \$200,333
- Casco Bay Land Opportunity Grant - \$5,000

BE IT FURTHER ORDERED: That \$90,000 be expended from the Land Purchase Reserve Fund to provide for the Town's match.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the Project Agreement with the Department of Conservation on behalf of the Town of Freeport.

OTHER BUSINESS:

1. Update from the Conservation Commission on the potential purchase of the Cummings Property adjacent to Florida Lake.
2. Discussion on a proposed donation of properties on the Grant Road from the Nature Conservancy.

Adjourn.

**MINUTES
COUNCIL MEETING #06-2002
FREEPORT TOWN HALL COUNCIL CHAMBERS
March 19, 2002-7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
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Robert Stevens, Chairperson
Porters Landing

x

John Arsenault, Vice Chairperson
Prout Road

x

David Soley
Arnold Road

x

Susan Campbell
Hunter Road

x

Rod Regier
South Freeport Road

x

Kenneth Mann
Mann Road

x

Eileen Lowell
South Freeport Road

x

Vice Chair Arsenault called the meeting to order at 7:20 p.m. and announced that Councilors Soley, Stevens and Lowell are absent. He explained to members of the public that the public hearings scheduled this evening will be rescheduled and everyone will have an opportunity to speak at the rescheduled public hearings.

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #05-2002 HELD ON MARCH 5, 2002 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #05-2002 HELD ON MARCH 5, 2002 AND ACCEPT THE MINUTES AS PRINTED (Councilors Regier & Campbell) (4 Ayes) (3 Absent—Soley, Stevens & Lowell)

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

MOVED AND SECONDED: To open the Public Comment Period for Non-Agenda Items only. (Councilors Campbell & Regier) (6 Ayes) (1 Excused—Soley)

MOVED AND SECONDED: To close the Public Comment Period (Councilors Campbell & Regier) (6 Ayes) (1 Excused—Soley)

ITEM #45-2002 To consider action relative to adopting the Consent Agenda for March 19, 2002.

BE IT ORDERED: That the March 19, 2002 Consent Agenda be adopted. (Councilors Regier & Campbell). **ROLL CALL VOTE:** (4 Ayes) (3 Absent—Soley, Stevens & Lowell).

Councilor Mann proposed that the order be changed so that Comprehensive Plan hearings be done first because the base needs to be in the Comprehensive Plan before the Council can enact Ordinances. Other Councilors concurred.

MOVED AND SECONDED: To change the order so that Item #48 is ahead of Items #46 and #47. (Councilors Mann & Regier) **ROLL CALL VOTE:** (4 Ayes) (3 Absent—Soley, Stevens & Lowell).

Councilor Mann voiced his concerns with the Town Charter requirements regarding adequate public notice and publication. He noted that the Council is repealing Chapter 25 of the Ordinance and proposing a whole new Ordinance. He mentioned that he discovered that the Library does not have the old Ordinance containing the strike-out type highlighting the changes which would make it easy for residents to see what is being changed. This is a requirement of the Charter and needs to be provided. The Charter also requires that the complete text or a summary of the text be made available. The newspaper publications need to advertise where the copies will be located and the times and dates of the public hearings. He wants to be sure that all these things are done, particularly since the public hearings are being rescheduled. Discussion followed.

MOVED AND SECONDED: To continue Items 48-2002, 46-2002 and 47-2002 to April 2, 2002. (Councilors Regier & Campbell) **ROLL CALL VOTE:** (4 Ayes) (3 Absent—Soley, Stevens & Lowell).

MOVED AND SECONDED: To continue Items 49-2002, 50-2002 and 51-2002 and 54-2002 To March 26, 2002. (Councilors Regier & Campbell) **ROLL CALL VOTE:** (4 Ayes) (3 Absent—Soley, Stevens & Lowell).

Mr. Olmstead explained what the Council just did to members of the public.

Adjournment

MOVED AND SECONDED: To adjourn at 7:35 p.m. (Councilors Campbell & Mann) **VOTE:** (4 Ayes) (3 Absent—Soley, Stevens & Lowell).

Respectfully Submitted,

Sharon Coffin

Sharon Coffin
Council Secretary

**TOWN COUNCIL
CONSENT AGENDA
MARCH 19, 2002**

ITEM #41-2002 To consider action relative to re-application for Victualers Licenses.

BE IT ORDERED: That the following re-applications for Victualers Licenses be approved.

Viengxay Senesombath d/b/a Thai Garden Restaurant, 491 U.S. Route One
Freeport High School, F.H.S. Sports Boosters, Corner Bow/Main Streets
Mary Lou & Bart Carhart d/b/a The Village Store, Inc., 97 So. Freeport Road

ITEM #42-2002 To consider action relative to an application for a Malt, Spirituous and Vinous Liquor License.

BE IT ORDERED: That the following Malt, Spirituous and Vinous Liquor License application be approved:

Viengxay Senesombath d/b/a Thai Garden Restaurant, 491 U.S. Route One

ITEM #43-2002 To consider action relative to an application for a Malt, Spirituous and Vinous Liquor License.

BE IT ORDERED: That the following Malt, Spirituous and Vinous Liquor License application be approved.

Gerald Clements d/b/a Sam's Italian Sandwich Shoppe, 7 Main Street

ITEM #44-2002 To consider action relative to the 2002 Municipal Warrant for Unlicensed Dog Owners/Keepers.

BE IT ORDERED: That the 2002 Municipal Warrant for Unlicensed Dog Owners/Keepers be approved.

End of Consent Agenda