

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #13-87

7:30 P.M.

JUNE 2, 1987

FREEPORT HIGH SCHOOL - MEDIA CENTER

X Regular

 Special

<u>Chairperson's Call to Order</u>	Present	Abs.	Exc.
Edward Bonney, Chairperson, 21 Maple Avenue	<u>X</u>		
Robert Hartnett, Vice-Chairperson, Desert Road	<u>X</u>		
John Nelson, Church Street	<u>X</u>		
Vaughndella Curtis, Pine Street	<u>X</u>		
Hugh Phelps, Porters Landing	<u>X</u>		
William Ormsby, Lower Mast Landing	<u>X</u>		
William Grady, Elm Street Extension	<u>X</u>		

Vice-Chairperson Hartnett announced he was scheduling a neighborhood District 4 meeting with citizens on June 11 at 7:30 PM in the High School Media Center in order for residents to express their concerns with taxes and the budget.

Moved and Seconded - To waive the reading of the Minutes of Meeting #12-87 held May 26, 1987, and accept the Minutes as printed.

(Councilors Hartnett & Grady) (5 Ayes) (0 Nays)

For the record, Councilors Curtis and Nelson are in attendance at 7:35 P.M.

Moved and Seconded - That the Council adjourn and the Licensing Board convene.
(Councilors Hartnett & Curtis) (7 Ayes) (0 Nays)

Roll Call of Members	Present	Absent
Edward Bonney	X	
Robert Hartnett	X	
Vaughndella Curtis	X	
Hugh Phelps	X	
John Nelson	X	
William Ormsby	X	
William Grady	X	
Mary Wescott	X	
Dale Olmstead	X	

Moved and Seconded - That the following applications for Victualer Licenses be subject to Public Hearing:

RITA SCHAEGLER, d/b/a The Schaedler Homestead, Flying Point Road;

MELITTA E. FREESE, d/b/a Freese's Pastries, Flying Point Road.
(Members Curtis & Grady) (9 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed.
(Members Curtis & Grady) (9 Yes) (0 No)

ITEM #125-87 Be It Ordered - That the above named applications for Victualer Licenses be granted.
(Members Curtis & Hartnett) (9 Yes) (0 No)

Moved and Seconded - That the Licensing Board adjourn and the Council reconvene.
(Members Curtis & Grady) (9 Yes) (0 No)

Moved and Seconded - That the proposed Discontinuance of a Street Light located on the Pleasant Hill Road - Pole No.34 - be subject to Public Hearing.
(Councilors Nelson & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Nelson & Hartnett) (7 Ayes) (0 Nays)

ITEM #126-87 Be It Ordered - That the proposed Discontinuance of a Street Light located on the Pleasant Hill Road - Pole No.34 - be approved.
(Councilors Nelson & Curtis)
(7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Shellfish Conservation Ordinance be subject to Public Hearing.
(Councilors Ormsby & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Ormsby & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Shellfish Conservation Ordinance be tabled until June 16, 1987.
(Councilors Ormsby & Nelson) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed Flood Plain Management Ordinance be subject to Public Hearing.

(Councilors Phelps & Ormsby) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.

(Councilors Grady & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed Flood Plain Management Ordinance be tabled until June 16, 1987.

(Councilors Grady & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Traffic and Parking Ordinance be subject to Public Hearing.

(Councilors Hartnett & Curtis) (7 Ayes) (0 Nays)

A petition was presented to Chairperson Bonney by Mrs. Laura George requesting "no parking" signs be taken down on "Coffin's Loop".

Moved and Seconded - That the Public Hearing be closed.

(Councilors Hartnett & Curtis) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Traffic and Parking Ordinance be tabled until June 16, 1987.

(Councilors Hartnett & Curtis) (7 Ayes) (0 Nays)

ITEM #130-87

Be It Ordered - That a Public Hearing be scheduled for June 16, 1987 at 7:30 P.M. in the Media Center of the Freeport High School to discuss a proposed Appropriation Ordinance for \$31,000.00 to provide for the Purchase of a School Bus.

Be It Further Ordered - That 30 copies be printed and distributed equally between the Town Clerk's Office and the B.H.Bartol Library for inspection by citizens.

(Councilors Curtis & Hartnett)
(7 Ayes) (0 Nays)

ITEM #131-87

Be It Ordered - That a Public Hearing be scheduled for June 16, 1987 at 7:30 P.M. in the Media Center of the Freeport High School to discuss a proposed amendment to the Winslow Park Rules and Regulations.

Be It Further Ordered - That 30 copies be printed and distributed equally between the Town Clerk's Office and the B.H.Bartol Library for inspection by citizens.

(Councilors Nelson & Curtis)
(7 Ayes) (0 Nays)

ITEM #132-87

Be It Ordered - That a Public Hearing be scheduled for June 16, 1987 at 7:30 P.M. in the Media Center of the Freeport High School to discuss a proposed Appropriation Ordinance for \$30,000.00 to provide for the Purchase of a Fire Alarm Panel.

Be It Further Ordered - That 30 copies be printed and distributed equally between the Town Clerk's Office and the B.H. Bartol Library for inspection by citizens. (Councilors Hartnett & Curtis)
(7 Ayes) (0 Nays)

ITEM #133-87

WHEREAS: The President has declared a "War on Drugs"; and

WHEREAS: The United States Attorney - Maine District has established a Cumberland County Cocaine Task Force; and

WHEREAS: This Task Force is a necessary and important program for the community; and

WHEREAS: The funding for this Task Force has been delegated to the local property tax payer;

BE IT RESOLVED: That the Freeport Town Council strongly petition our Federal Representatives to support Federal participation in funding this program.

(Councilors Nelson & Ormsby) (7 Ayes) (0 Nays)

ITEM #111-87

Be It Ordered - That the proposed amendments to the Harbor Rules and Regulations, as submitted to Public Hearing on May 19, 1987, be approved.

(Councilors Nelson & Curtis)

(1 Aye) (6 Nays, Councilors Phelps, Ormsby, Nelson, Hartnett, Curtis & Grady)

*defeat
amended
attach*

Councilor Nelson proposed that a "Policy Resolution" be adopted by the Council.

"The Town of Freeport owns and operates one public Wharf and Float which provide the only all-tide public access to Harraseeket Harbor in the Town. The purpose of the Wharf and Float system maintained at public expense is to provide access to the water for the residents of the Town of Freeport, including Bustin's Island. In order to assure the facilities' use for the benefit of the residents of the Town and for traditional and historic purposes, the following policy is hereby adopted governing the use thereof.

- A. Use of the Town Wharf and Floats, which fits within the definitions of boat yard, marina and commercial fishery, as defined in the Freeport Zoning Ordinance, is permitted, consistent with the rules and regulations in the Freeport Harbor Rules and Regulations.

Continued next page -

"Policy Resolution" continued -

- B. Conduct on the Wharf. No person shall use the Wharf and Float to store fish bait or any other offensive or dangerous material for an unreasonable period of time. Persons may store equipment and other items necessary for their business for reasonable periods of time with the approval of the Harbor Master.
- C. General Authority of the Harbor Master. In addition to other authorities granted to the Harbor Master, the Harbor Master shall have the general authority of supervisor and control the use of the Wharf and Floats by any person. The Harbor Master shall strive to insure that all uses of the Wharf and Floats are consistent with this Policy and that all persons using the Wharf and Float do so in a safe manner."

(Councilors Nelson & Ormsby) (7 Ayes) (0 Nays)

Other Business:

1. Peter Kamplin is proposing construction of a parking lot on the corner of Oak and Grove Streets; the number of spaces being proposed are 76 and 64 should be for lease; would the Town be interested in leasing the spaces?; his proposal will be heard next by the Planning Board; Councilor Grady states that the Traffic and Parking Committee would like to recommend a policy on priorities for leased parking as the Historical Society has also made a request on the Town's interest in leased parking and would roughly involve 23 spaces; councilors agree that the Town lease on an "as needed" basis; the Traffic and Parking Committee will have a definite policy to present to Council.
2. Chairperson Bonney had received a letter from the Freeport Heritage Campaign of the Freeport Historical Society; they are requesting a donation from the unused funds originally allocated for the Mallet Building which amounts to \$15,000.
3. Ordinance Committee: are prepared to consider a petition from Al Childs and the Manters on Foster Avenue.
5. Mr. Bonney mentioned a letter from the Historical Society regarding their parking lot; the letter will be distributed to Council.
6. Chairperson Bonney is in receipt of a request to rename Mallet Avenue to Powers Avenue; the request will be referenced to the Planning Board.
7. Mr. Bonney announced that if any councilor is interested in attending the COG meeting scheduled on June 23, they should notify Mr. Olmstead; it will be held at the Holiday Inn.
8. Town Manager Olmstead received correspondence from Renwood Associates regarding public facilities; they do have ample parking; they have been approved by the Design Review Board; they are scheduled with the Planning Board tomorrow night; they will get back to Council on June 16.

9. Chairperson Bonney announced the Council is scheduled to meet with the School Committee tomorrow night at a workshop.
10. Steve Peters representing Coastal Waters would like to propose some changes for consideration and wished these presented to public hearing; Council will schedule a public hearing.

Moved and Seconded - That the Council adjourn at 9:40 P.M.
(Councilors Ormsby & Nelson) (7 Ayes) (0 Nays)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott, Council Secretary

Dist: Council, Attorney, Auditor, Clerk, Library, Codes, Police, Highway, Fire, Planner, Finance

Public Hearing May 19, 1987

No
App
6/2

PROPOSED
AMENDMENT TO THE HARBOR RULES & REGULATIONS

ARTICLE VII- Town Landings.

- A. The Town of Freeport owns and operates one public wharf and float which provides the only all-tide public access to Harraseeket Harbor in the Town. The purpose of the wharf and float system maintained at public expense is to provide access to the water for the residents of the Town of Freeport, including Bustin's Island. In order to assure the facility is used for the benefit of the residents of the town; is used for traditional and historic purposes, the following Ordinance is hereby adopted governing the use of the wharf and floats.
- B. Definitions:
1. Commercial Marine Use & Wholesale sales means the use of the wharf and floats to transact business relating to the wholesaling of fish and shellfish, use of the wharf and floats for the purpose of conducting the business of being a clam digger, lobster fisherman or a scallop/mussell fisherman, a wholesale buyer or seller. It shall include the incidental and occasional use of the wharf and floats for the retail delivery of goods and supplies from the mainland to any island. A Commercial Marine Vendor is a person engaged in Commercial Marine uses or wholesale sales.
 2. Retail Marine Sales means the business of offering for sale to the general public shellfish/finfish or lobsters. A retail Marine vendor is a person engaged in retail marine sales.
 3. Other Marine Services means the use of the wharf and floats to transact any business including but no limited to the wholesaling and retailing of marine related goods, providing a service for compensation to the public including but not limited to boat repairs, launch services, mooring services, the transportation of persons and goods for hire. A marine services vendor is a person engaged in the sale of other marine services.
 4. Person as used in this ordinance shall mean an individual, partnership or corporation.
- C. General Conditions of Retail Marine Sales and Other Marine Services Permits. In order to obtain and maintain a permit to conduct retail marine sales or offer other marine services a written application shall be filed with the Town Clerk under oath. The application shall contain the person's name and resident address. The application shall contain a certification statement that says the applicant is a resident of Freeport or that Freeport is the principal location of the partnership or corporation. The operator of the Bustin Island Ferry Service shall not be required to obtain an Other Marine Services permit.

If the applicant has been issued a Retail Marine Sales or Other Marine Services permit during the preceding year the application shall have attached to it a written statement of the Harbor Master commenting on the nature of complaints, if any, concerning the manner in which the applicant conducted their business the preceding year. Applicants shall have an opportunity to attach their response to the comments of the Harbor Master to the application. Said application and attachments shall be returned to the Town Clerk, who shall then forward them to the Secretary of the Coastal Water Commission. The Coastal Waters Commission shall then hold a public hearing upon said application, and may approve the application under such limitation and conditions as they may deem appropriate. The permit shall specify the location in which said retail marine vendor shall operate. Factors to be considered by the Coastal Waters Commission in determining whether or not to grant a permit to a marine vendor or in determining what, if any, limitations or conditions they shall consider the likelihood of the marine vendor or his patrons disrupting the normal flow of commerce and traffic across the Town Wharf and Floats. If the Coastal Waters Commission approves the application, the Secretary of the Coastal Waters Commission shall return this application, with notation of such limitations and conditions under which it has been issued, to the Town Clerk. The Town Clerk, upon payment of the prescribed permit fee, shall deliver to the applicant his permit. The permit shall be for one year from January 1 to December 31. Successful applicants must agree to use their permits. Applications must be received by the Town Clerk no later January 31st of each year.

- D. General Conditions of Other Marine Services Permits. The same conditions as outlined in paragraph C. shall apply, with an additional restriction that Other Marine Service providers must not interfere with Commercial Marine users.

E. Suspension:

Any permits issued by the Coastal Water Commission may be suspended by the Harbor Master for a period of up to 7 days for cause. Any suspension in excess of 7 days may only be made by the Coastal Waters Commission. Suspensions must be reported to the Secretary or Chairman of the Coastal Waters Commission within 24 hours of issuance. Upon receipt of notice of suspension, the Coastal Water Commission shall determine if a hearing shall be held.

F. Revocation:

Permits issued under the provisions of this ordinance may be revoked, or suspended by the Coastal Waters Commission after notice and public hearing.

The following may be cause for revocation or suspension of a permit.

1. Violation of this Ordinance or conditions of the permit.
2. Conduct on the floats, municipal wharf or public way adjacent to the municipal wharf which constitutes a nuisance, as defined by State Statute, to individuals or the public.

3. False statement or misrepresentations contained in the application for the permit.
4. Failure to follow any reasonable order or request of the Harbor Master.

The minutes of the public hearing shall contain in those instances where revocation or suspension of a permit decision is made, a finding of fact and shall state the period of revocation or suspension. A certified copy of this section of the minutes shall be filed as soon as practicable, but in all instances no more than five (5) days after the decision is made, with the Town Clerk and the Harbor Master.

G. Appeal:

Any person aggrieved by the action of the Coastal Water Commission in the denial of an application for permit as provided in this Ordinance shall have the right of appeal as outlined in Article XI of this Ordinance.

H. Indemnification.

Any person holding a permit to use the Wharf and Floats shall agree to indemnify and hold harmless the Town of Freeport and its officers from all claims, damages, and losses of any kind whatsoever that may arise as the result of the conduct of their business on the municipal wharf, float and public way adjacent to the municipal wharf. The permit holder shall maintain an liability insurance policy for \$300,000 naming the Town as additional insured to satisfy this provision and shall file a certificate of said insurance issued by the carrier with the Town Clerk. Failure to maintain this insurance policy shall be grounds for immediate revocation of the permit. The operator of the Bustin Island Ferry shall not be exempt from the provision of this section of the ordinance.

I. Permittee Conduct

No permittee shall use the wharf and float to store fish bait or any other offensive material. The permittee may store equipment and other items necessary for this business for reasonable periods of time with the approval of the Harbor Master. The permittee shall provide the Harbor Master any information requested by him regarding the permittee's commercial use for the purpose of enforcing this Article.

J. Other Permit Conditions:

No permit issued under the provisions of this Ordinance shall be used at any time by any person other than the one to whom it is issued. In the case of jointly held permits only one of the joint applicants may operate the business at any one given time.

K. Activity Limitations:

Nothing in this subsection shall limit the activities of shell fish/finfish/lobster wholesalers properly licensed by the Department of Marine Resources of the State of Maine purchasing shellfish/lobsters/finfish from licensed fishermen.

L. Number of Retail Marine and Other Marine Services Vendor Permits:

The number of Retail Marine Vendor permits at any one time shall be limited to two (2). The number of Other Marine Service permits at any one time shall be limited to two (2). Joint applications for one license may be made by up to three (3) persons. The first year that this ordinance is effective, the granting of permits, if more qualified applicants exist than there are available spaces, shall be by lottery. The lottery shall be conducted by the Town Clerk. Thereafter, previous permit holders shall be given renewal preference.

M. Duties of the Coastal Waters Commission and the Harbor Master as they Relate to this Ordinance.

Duties, unless otherwise reserved to others, to implement and enforce the provisions of this ordinance shall rest with the Coastal Waters Commission and the Harbor Master. These provisions shall include: the monitoring of the wharf, floats and adjacent public way to insure compliance with the ordinance; insuring that only permitted uses are being conducted on the wharf and floats and the prevention of any individual or group from obstructing or interfering with uses defined in this ordinance on the wharf and float and adjacent public way.

N. Permit fees.

At the time of filing an application a fee of \$50 shall be paid to the Town Clerk to cover the cost of investigation and administration of this ordinance. A permit fee of \$100 per quarter shall be required.

O. General Authority of the Harbor Master

In addition to other authorities granted to the Harbor Master, the Harbor Master shall have the general authority of supervisor and control the use of the wharf and floats by any person. The Harbor Master shall strive to insure that all uses of the wharf and floats are consistent with this ordinance and that all persons using the wharf and floats do so in a safe manner.