

M I N U T E S
 FREEPORT TOWN COUNCIL MEETING #21-87
 FREEPORT HIGH SCHOOL - MEDIA CENTER
 7:30 P.M. OCTOBER 20, 1987

X Regular

 Special

<u>Chairperson's Call to Order</u>	Present	Absent	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>		

Moved and Seconded - To waive the reading of the Minutes of Meeting #20-87 held October 6, 1987, and accept the Minutes as printed.

(Councilors Hartnett & Curtis) (6 Ayes) (0 Nays)

Moved and Seconded - That the Council adjourn and the Licensing Board convene.

(Councilors Hartnett & Curtis) (6 Ayes) (0 Nays)

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

Moved and Seconded - That the following application for a Victualers License be subject to Public Hearing:

Barbara L. McGivaren, d/b/a Maple Hill Bed & Breakfast, 18 Maple Avenue.

(Members Hartnett & Curtis) (8 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed.

(Members Hartnett & Curtis) (8 Yes) (0 No)

ITEM #238-87 Be It Ordered - That the above named application for a Victualers License issued to Barbara L. McGivaren, d/b/a Maple Hill Bed & Breakfast, 18 Maple Avenue, be approved.
(Members Hartnett & Curtis)
(8 Yes) (0 No)

Moved and Seconded - That the Licensing Board adjourn and the Council reconvene.

(Members Hartnett & Curtis) (8 Yes) (0 No)

ITEM #239-87 Be It Ordered - That the Town Treasurer be authorized to issue a Quit-Claim Deed releasing any interest of the Town of Freeport for the following property:

Town of Freeport - Map 30, Lot 42
To: Wayne G. Estes for Tax Years 1978 and 1985
This property is located on Lady Slipper Lane.

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

ITEM #240-87

Be It Ordered - That a Public Hearing be scheduled for November 10, 1987 at 7:30 P.M. in the Media Center at Freeport High School to discuss proposed amendments to the Traffic and Parking Ordinance (Chapter 48).

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 Grady & Curtis)
(6 Ayes) (0 Nays)

ITEM #241-87

Be It Ordered - That a Public Hearing be scheduled for November 10, 1987 at 7:30 P.M. in the Media Center at Freeport High School to discuss an amendment to the Life Safety Code (Chapter 13).

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)
(6 Ayes) (0 Nays)

ITEM #242-87

WHEREAS, The Town Council of Freeport recognizes the critical need to clean up and close municipal solid waste landfills across this State because of their potential threat to ground water; and

WHEREAS, The cost of cleaning up and closing landfills is borne solely by municipal property taxpayers and can exceed One-Million Dollars per site if contamination has occurred; and

WHEREAS, The approval of an Eight-Million Dollar Bond Issue will be put to the Voters on the November 3 State Ballot to provide State assistance to municipalities to clean up and close the approximately 280 municipal landfills currently operating in the State of Maine; and

WHEREAS, This Bond Issue and its successor bond issues will pay for 75% of the costs of closing this municipality's landfill and 90% of any remediation costs;

NOW, THEREFORE, BE IT RESOLVED, That the Town Council of Freeport endorses Question #2, the proposed Eight-Million Dollar Bond Issue to Clean Up and Close Municipal Solid Waste Landfills and urges Voters to vote "Yes" on this Bond Issue on November 3, 1987.

(Councilors Phelps & Hartnett) (6 Ayes) (0 Nays)

ITEM #203-87 Be It Ordered - That \$4,500.00 be expended from the Miscellaneous and Contingency Account for the purpose of constructing and erecting a sign on Interstate 95 which would read as follows:
"Freeport - Next 4 Exits, Downtown Freeport Use Exits 19 and 20".
(Councilors Grady & Curtis)
(0 Ayes) (6 Nays)

Town Manager Olmstead reported that the Commissioner of the Maine Department of Transportation had contacted him and agreed to a "temporary" change which was to take out the word "South" from the sign.

ITEM #228-87 Be It Ordered - That the proposed amendments to the Freeport Building Code Ordinance, as submitted to Public Hearing on October 6, 1987, be approved.

Be It Further Ordered - That the income derived from the proposed fee increases and new fees implemented be used to fund a new Field Position for the Codes, Planning and Assessing Departments.
(Councilors Curtis & Hartnett)
(6 Ayes) (0 Nays)

ITEM #229-87 Be It Ordered - That the proposed Appropriation Ordinance for \$49,900.00 to Provide for Street and Sidewalk Improvements to Howard Place, as submitted to Public Hearing on October 6, 1987, be approved.
(Councilors Grady & Curtis)
(6 Ayes) (0 Nays)

ITEM #230-87 Be It Ordered - That the proposed Appropriation Ordinance for \$49,900.00 to Provide the Freeport Historical Society with Financial Assistance for the Construction of a Parking Lot, as submitted to Public Hearing on October 6, 1987, be approved.
(Councilors Curtis & Grady)
(6 Ayes) (0 Nays)

ITEM #231-87 Be It Ordered - That the proposed amendments to the Traffic and Parking Ordinance, as submitted to Public Hearing on October 6, 1987, be approved.
(Councilors Hartnett & Curtis)
(6 Ayes) (0 Nays)

ITEM #232-87 Be It Ordered - That the proposed Street Lighting Criteria Ordinance, as submitted to Public Hearing on October 6, 1987, be approved.
(Councilors Nelson & Curtis)
(3 Ayes) (3 Nays, Councilors Grady, Curtis & Hartnett) This order fails due to an affirmative vote in the majority of 4

Other Business:

1. Chairman Bonney stated that a letter has been received from Joseph Downey on behalf of his client appealing a decision of the Design Review Board regarding the State O'Maine Bar and Grill; the Minutes of the October 5 Meeting referred to a vote taken by the Design Review Board denying the use of the sign which the applicant had proposed to the Board; there was much discussion regarding the graphics, the colors and actual design of the sign being proposed by the State O' Maine Bar & Grill Restaurant; Edgar Leighton, Chairman of the Design Review Board presented the Board's views on why the proposed sign was denied; Jay Pryor of Design Review Board spoke as well as Benjamin Williams, owner of the restaurant; Council was concerned that the Design Review Board Minutes did not actually show a "Finding of Facts", thus, it was not clear why the proposed sign was denied.

Moved and Seconded - To introduce an item not on the printed Agenda.

(Councilors Hartnett & Curtis) (6 Ayes) (0 Nays)

ITEM #243-87

Be It Ordered - That the decision of the Design Review Board denying a sign to the State O'Maine Bar and Grill be upheld.

(Councilors Hartnett & Curtis)

(1 Aye) (5 Nays, Councilors Phelps, Curtis, Hartnett, Grady & Bonney)

2. Discussion on Fire Equipment; Fire Chief Fournier stated that bids went out for an aerial ladder truck; a bid was received on a 1976 100-foot aerial ladder truck, automatic transmission, power steering, hydraulic outrigger, and the ladder truck will be completely certified and tested - the asking price is \$125,000; Council was concerned that one fire equipment is being presented to the Voters at the November 3 Election and this request should perhaps wait until spring; Fire Chief Fournier has looked into leasing equipment and cited some figures from Northeast Lease Company in Portland; Town Manager Olmstead suggested that if leasing were to be considered, that the first payment might come out of the Equipment Reserve Account; Mr. Earl Morse from Kensington, New Hampshire, who represents Seagrove dealers for the States of Maine and New Hampshire stated he has been very successful in finding good, used equipment and cited the towns of Cumberland, Falmouth, Jay, Merrimac, Mass, and Pittsfield, New Hampshire as good references; Council suggested that Fire Chief Fournier stay in touch with Mr. Morse and this item might go to the Voters in the June Primary.

3. Discussion on downtown activities; Police Chief Stone explained that as a result of a meeting with Chairman Bonney, Councilor Grady and Town Manager Olmstead where concerns were stated regarding the "rowdy" groups that hang out downtown, he cited steps that police could and could not take, stressing that citizens have a right to "gather in groups peacefully"; Mr. Stone stressed that someone must make the complaint as soon as it occurs and must be available to testify in court otherwise the police have no case; Chief Stone stated that they have made 75 physical arrests, 33 were in the downtown area in question, 9 for disorderly conduct; Chief Stone also stated there is a new law on harrassment based on a person's characteristics; a suggestion was made that perhaps the merchants should get involved more to try and clear up the sidewalks.
4. Town Manager Olmstead gave a brief summary of the quarterly financial statements which ended in September; we should end up between 93 - 97% utilization at the end of the year; the school is monitoring their budget very closely to avoid overdrafts.

Moved and Seconded - To introduce an item not on the printed Agenda.
(Councilors Curtis & Nelson) (6 Ayes) (0 Nays)

Moved and Seconded - That the Council enter into Executive Session
to discuss pending litigation.
(Councilors Curtis & Nelson) (6 Ayes) (0 Nays)

Moved and Seconded - That the Council reconvene.
(Councilors Hartnett & Curtis) (6 Ayes) (0 Nays)

Moved and Seconded - That the Council adjourn at 11:12 P.M.
(Councilors Hartnett & Nelson) (6 Ayes) (0 Nays)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott
Council Secretary

Dist: Council, Auditor, Town Attorney, Town Clerk, Supt. of Schools,
Library, Police, Highway, Codes, Assessor, Fire, Planning,
Finance

Public Hearing Oct. 6, 1987

PROPOSED

AMENDMENTS TO THE TRAFFIC & PARKING ORDINANCE

(Chapter 48)

Section 48-224 No vehicle shall make a left turn onto Main Street
from the following named streets: Grove Street and School Street.

Section 48-225 Mill Street will be closed to traffic on the Main Street end
of Mill Street.

Section 48-303 One Hour Parking.

19. On the eastern side of Main Street from Bow Street to
Mechanic Street.

Section 48-306 Thirty minute parking

3. On the eastern side of Middle Street from the South entrance of
the Pharmacy Building (Map 13, Lot 1) to School Street.

4. On the eastern side of Main Street from Mechanic Street to School
Street

Section 48-312 Handicapped Parking

5. On the eastern side of Middle Street in front of the Pharmacy Building
(Map 13, Lot 1).

Approved Council Meeting #21-87
October 20, 1987

CHAPTER 17 STREET LIGHTING CRITERIA ORDINANCE

Section 17-101 Purpose and Authority

This Ordinance is enacted pursuant to 30 M.R.S.A., Section 2151 and 30 M.R.S.A., Section 1917 to promote the public health, welfare and safety by providing for the appropriate location of street lights on public ways within the Town of Freeport.

Section 17-102 Town Council

The Town Council of the Town of Freeport shall have the authority to determine the appropriate locations for street lights within the Town of Freeport and to regulate the placement or removal of street lights on public ways according to the criteria set forth in this Ordinance.

Section 17-103 Procedures

A request for placement or removal of a street light shall be initiated either by the Town Council or by a citizen. If the request is initiated by a citizen, it shall be submitted in the form of a petition, signed by a majority of the owners of property within 200 feet of the proposed street light location requesting the street light placement or removal, and an accompanying fee which shall be set by the Town Council.

Before making a decision, the Council shall hold a public hearing. Notice shall be sent to all owners of property within 200 feet of the proposed street light location. Before the hearing, the Police Chief shall make a recommendation to the Council based on the criteria listed in Section 17-104.

A final decision requires a majority vote.

Section 17-104 Criteria

The Town Council shall approve the location of every street light prior to installation. In general, unless a proposed location involves at least two factors, the location shall not be considered as an appropriate place to locate a street light. The following factors shall be used by the Town Council as criteria in evaluating possible locations for street lights:

1. Intersection of major road with side road;
2. Safety hazards, including but not limited to: bad curves, crest of hills, railroad crossings, complex intersections, unclear road situation, bridges;
3. High use public facilities such as schools;
4. Public parking area;
5. Areas with potential vehicle and pedestrian conflicts;

6. High accident locations;

7. High vandalism areas.

Section 17-105 Validity and Effective Date

A. Validity and Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court to be invalid for any reason, such a decision shall not affect the validity of the other sections, subsections or other portions of this Ordinance.

B. Effective Date

This Ordinance shall take effect and be in full force on

Public Hearing October 6, 1987

PROPOSED

APPROPRIATION ORDINANCE FOR \$49,900

TO PROVIDE FOR STREET AND SIDEWALK IMPROVEMENTS TO HOWARD PLACE

The Town of Freeport Hereby Ordains - That a sum not to exceed Forty Nine Thousand Nine Hundred Dollars (\$49,900) is hereby appropriated for the purpose of providing for Street and Sidewalk Improvements to Howard Place; and to meet said appropriation, the Chairman of the Town Council and the Town Treasurer are authorized to issue general obligation securities of the Town of Freeport in a total principal amount not to exceed \$49,900, with discretion to fix the date, place of payment, forms, and other details of the securities, and providing the sale thereof delegated to the Chairman of the Town Council and the Town Treasurer.

Approved Council Meeting #21-87
October 20, 1987

Public Hearing October 6, 1987

PROPOSED

APPROPRIATION ORDINANCE FOR \$49,900

TO PROVIDE THE FREEPORT HISTORICAL SOCIETY WITH FINANCIAL ASSISTANCE FOR THE CONSTRUCTION OF A PARKING LOT FACILITY.

The Town of Freeport Hereby Ordains - That a sum not to exceed Forty Nine Thousand Nine Hundred Dollars (\$49,900) is hereby appropriated for the purpose of providing the Freeport Historical Society with financial assistance for the construction of a parking lot; and to meet said appropriation, the Chairman of the Town Council and the Town Treasurer are authorized to issue general obligation securities of the Town of Freeport in a total principal amount not to exceed \$49,900, with discretion to fix the date, place of payment, forms, and other details of the securities, and providing the sale thereof delegated to the Chairman of the Town Council and the Town Treasurer.

Approved Council Meeting #21-87
October 20, 1987

TOWN OF FREEPORT

Municipal Offices

(207) 865-4743



Public Hearing October 6, 1987

Proposed

Amendments to the Freeport Building Code Ordinance.

Section 2. c., Subsection 118. 3.1.

Fee and Fine Schedule.

\$0.20 ~~\$0.15~~ per square foot for residential.

\$0.23 ~~\$0.18~~ per square foot for commercial, industrial and agricultural structures.

\$ 40.00 plus \$0.20 per square sheds, barns, garages.
foot over 700 sq. ft.

\$50.00 per lot \$100/00/dp/td/s Subdivision
or units lot/dtd/\$25/00
pet/lot/dtdtd/s

\$50.00 \$25/00 Miscellaneous applications to Planning Board

\$25.00 Electrical Permit

\$10.00 Well Permit

\$50.00 Minor Amendment to Site Plan

\$250.00 Major Amendment to Site Plan

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October 20, 1987

Public Hearing
Oct. 6, 1987

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