

M I N U T E S O F

FREEFORD TOWN COUNCIL MEETING #28-88

FREEPORT TOWN HALL COUNCIL CHAMBERS

7:30 P.M.

DECEMBER 20, 1988

X Regular

Special

Chairman's Call to Order

Present

Absent

Excused

John A Nelson, Chairman,
Church Street

$$\overline{\overline{x}}$$

Robert Stevens, Vice-Chairmann,
Porters Landing

X

William Grady,
Elm Street Extension

 \overline{x}

Kirk Goddard,
Mast Landing Road

 \overline{x}

John Paterson,
Flying Point Road

 \overline{x}

Edward Campbell,
Gay Drive

 \overline{x}

Edward Bradley,
Flying Point Road

$$\overline{x}$$

Moved and Seconded - To waive the reading of the Minutes of Meeting #27-88 held December 6, 1988, and accept the Minutes as printed.

(Councilors Paterson & Campbell) (7 Ayes) (0 Nays)

- ITEM #234-88 Be It Ordered - That \$1,978.87 be expended from the Dr. Gould Trust Fund to provide assistance to eleven recipients who have applied and qualified for these funds.
(Councilors Goddard & Grady) (7 Ayes) (0 Nays)
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- ITEM #235-88 Be It Ordered - That John W. Hoy be appointed, effective immediately, to serve as a member of the Cable T.V. Regulatory Board until October 1, 1991.
- Be It Further Ordered - That Mr. Hoy qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Campbell & Bradley) (7 Ayes) (0 Nays)
- ITEM #236-88 Be It Ordered - That William Jefferson be appointed, effective immediately, to serve as a member of the Cable T.V. Regulatory Board until October 1, 1991.
- Be It Further Ordered - That Mr. Jefferson qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Goddard & Stevens) (7 Ayes) (0 Nays)
- ITEM #237-88 Be It Ordered - That Robert J. Hoy be appointed, effective immediately, to serve as a member of the Cable T.V. Regulatory Board until October 1, 1990.
- Be It Further Ordered - That Mr. Hoy qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Campbell & Bradley) (7 Ayes) (0 Nays)
- ITEM #238-88 Be It Ordered - That Peter E. Cutler be appointed, effective immediately, to serve as a member of the Cable T.V. Regulatory Board until October 1, 1990.
- Be It Further Ordered - That Mr. Cutler qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Goddard & Stevens) (7 Ayes) (0 Nays)
- ITEM #239-88 Be It Ordered - That Barbara Guffin be reappointed, effective immediately, to serve as a member of the Cable T.V. Regulatory Board until October 1, 1991.
- Be It Further Ordered - That Ms. Guffin qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Campbell & Grady) (7 Ayes) (0 Nays)
-
- ITEM #240-88 Be It Ordered - That W. Scott Fox, Jr. be appointed, effective immediately, to serve as a member of the B.H. Bartol Library Board of Trustees until April 1, 1989.
- Be It Further Ordered - That Mr. Fox qualify by swearing an oath of office before the Town Clerk by December 30, 1988.
(Councilors Goddard & Grady) (7 Ayes) (0 Nays)
-

Moved and Seconded - To correct the names of the streets as follows:

"Tulip Avenue", "Daisy Drive", and "Buttercup Lane".*

(Councilors Bradley & Stevens) (7 Ayes) (0 Nays)

ITEM #241-88 Be It Ordered - That the streets within the Wardtown Estates Subdivision be accepted as Town Ways, as amended.*
(Tulip, Daisy and Buttercup)
(Councilors Paterson & Stevens) (7 Ayes) (0 Nays)

ITEM #242-88 RESOLUTION OF THE FREEPORT TOWN COUNCIL CONCERNING PROPERTY TAX RELIEF

WHEREAS, municipalities are almost exclusively dependent on property taxes as a source of municipal revenue for the operation of municipal programs; and

WHEREAS, the property tax is an inherently unfair way to raise taxes, since, among other things, it fails to reflect the ability of the taxpayer to pay such taxes; and

WHEREAS, State funding programs unfairly penalize municipalities which experience an increased property valuation without regard to whether that increased valuation fairly reflects an increased income level of the residents of any such municipality; and

WHEREAS, State mandated programs for municipalities without State financial assistance place an additional burden on cities and towns; and

WHEREAS, municipalities are powerless to remedy such problems unless the State enacts legislation which provides alternate or additional sources of revenue which are more fairly reflective of the taxpayers' ability to pay and which provide funding for State mandated programs; and

WHEREAS, increased property taxes create additional development pressure of towns by forcing landowners to consider the sale or subdivision of undeveloped land in response to rising property taxes; and

WHEREAS, rising property taxes also create an additional impediment to the development of affordable housing for persons of moderate income; and

WHEREAS, the Freeport Town Council has become increasingly concerned about all these problems and the growing property tax burden borne by the residents of Freeport;

Moved and Seconded - To include the following two paragraphs:*

WHEREAS, the impact of property tax inequity is experienced particularly by retired citizens and people living on fixed income; and

WHEREAS, the unfairness of the property tax is experienced disproportionately by towns such as Freeport which provide regional services but which must rely solely on local property taxes to pay for such services;

(Councilors Paterson & Bradley) (7 Ayes) (0 Nays)

CONTINUED -

RESOLUTION CONTINUED -

NOW, THEREFORE, BE IT RESOLVED THAT, The Freeport Town Council strongly urges its Maine Legislative Delegation to take an active leadership role in the enactment of meaningful tax relief for municipalities; and

The Freeport Town Council strongly urges its Maine Legislative Delegation to take an active leadership role in supporting new State mandates for municipalities only on the condition that the State pay for the same; and

The Freeport Town Council strongly urges its Maine Legislative Delegation to take an active leadership role in supporting the reform of Maine's Educational Funding Law to reduce the adverse impact experienced by towns such as Freeport which have realized substantial growth and increased tax valuation, and as a result, have incurred a loss of State revenue; and

The Freeport Town Council requests its Maine Legislative Delegation to consult with the Town Council during the legislative process with respect to the foregoing and to report regularly to the Council with respect to all the above, as amended.*

(Councilors Paterson & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That new language be inserted in the 2nd paragraph in the 2nd line after the date December 6, 1988 as follows: "when after the hearing, the hearing was closed and then continued again until December 20, 1988..".*
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the Decision and Order dated December 20, 1988 with respect to the property as shown on the Tax Assessor's Map as Map 19 Lot 76 be adopted by the Freeport Town Council, as amended.*
(Councilors Paterson & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That on the 2nd page - 1st paragraph beginning with Be It Further Ordered.....after 17 M.R.S.A. Sub-section 2853, take out the period, insert a comma and add: "after consultation and approval by the Town Council."*
(Councilors Paterson & Bradley) (5 Ayes) (2 Nays, Councilors Goddard & Stevens)

Moved and Seconded - That the Decision and Order dated December 20, 1988 with respect to the property as shown on the Tax Assessor's Map as Map 19 Lot 77A be adopted by the Town Council with a substitution in the 2nd line of the 2nd paragraph following December 6, 1988 as follows: "when after the hearing, the hearing was closed and then continued again until December 20, 1988..as amended.*
(Councilors Stevens & Campbell) (5 Ayes) (2 Nays, Councilors

Moved and Seconded - To table Item #226-88 (action relative to proposed amendments to the Traffic and Parking Ordinance) indefinitely.
(Councilors Grady & Stevens) (7 Ayes) (0 Nays)

ITEM #227-88 Be It Ordered - That the proposed amendments to the Freeport Zoning Ordinance dealing with Morse, Cross and Nathan Nye Streets from VI to VCI), as submitted to Public Hearing on December 6, 1988, be approved.
(Councilors Paterson & Stevens) (0 Ayes) (7 Nays)

Moved and Seconded - To change from CI to CIII and add the following language:
"If the Zoning amendment is approved, to take steps to insure that the developer's offer can be enforced by the Town and that the Town Council reserves the discretion to determine the application of the value of the offer to appropriate public purposes including affordable housing.

(Councilors Bradley & Stevens) (1 Aye) (6 Nays, Councilors Grady, Goddard, Stevens, Campbell, Paterson and Nelson)

ITEM #228-88 Be It Ordered - That the proposed amendments to the Freeport Zoning Ordinance, as submitted to Public Hearing on December 6, 1988 (Lower Main Street from Commercial III to Commercial I) be approved.
(Councilors Campbell & Goddard) (5 Ayes) (2 Nays, Councilors Stevens & Paterson)

ITEM #229-88 Be It Ordered - That the proposed amendments to the Freeport General Assistance Guidelines, as submitted to Public Hearing on December 6, 1988, be approved.
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

Other Business:

1. Discussion of letter from the U.S. District Attorney requesting that \$650.00 be returned from the Cocaine Task Force; Council agreed the money would be given over to the Freeport Police Department and used as an educational tool toward a drug program in the schools.
2. Town Manager Olmstead explained a police cruiser and deer collided; the insurance settlement would be \$8,000; Police Chief Schofield suggested that the Clam Warden's vehicle be used as a cruiser, and use the \$8,000 to buy a small pickup truck for the Clam Warden; Council agreed.

Moved and Seconded - To introduce an item not on the printed Agenda.
(Councilors Stevens & Paterson) (7 Ayes) (0 Nays)

Moved and Seconded - That Section 411. Commercial District III "C-III" of the Freeport Zoning Ordinance be amended to delete as Permitted Uses "Restaurant and Restaurant - Carry Out"; this amendment to be effective December 20, 1988 upon adoption.

(Councilors Stevens & Paterson) (7 Ayes) (0 Nays) ** amended 1/5/89 Meeting #1-89 delete vote **

Moved and Seconded - To table the above motion until receipt of a report from the Planning Board on the proposed amendments and to refer it to the Planning Board for consideration.

(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

3. Councilor Paterson brought out the fact that Freeport High School is one of two schools in the State being recommended for the Regional School of Excellence Award.
 4. Councilor Nelson stated Winslow Park Commission had recently met; they are concerned with erosion on the bank; they need Council's permission to cut some 2 or 3 oak trees for the time being; Council agreed.
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COUNCIL MEETING #28-88
DECEMBER 20, 1988

Moved and Seconded - That the Council enter into Executive Session to discuss pending litigation (Ocean Farms and Brickyard Cove Associates) and contract negotiations with the Police Union.

(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the Council reconvene.

(Councilors Stevens & Paterson) (7 Ayes) (0 Nays)

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

(Councilors Paterson & Bradley) (7 Ayes) (0 Nays)

ITEM #245-88 Be It Ordered - That the Town's Legal Counsel be authorized to file suit against Brickyard Cove Associates for violations of the Freeport Zoning Ordinance.

(Councilors Paterson & Stevens) (7 Ayes) (0 Nays)

ITEM #246-88 Be It Ordered - That the Council accept the Agreement with the Freeport Police Union dated November 2, 1988, and also increase the Health Insurance Cap from 1983 to 1988 premium rates.

(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the Council adjourn at 11:58 P.M.

(Councilors Stevens & Paterson) (7 Ayes) (0 Nays)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott, Council Secretary

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