

COUNCIL MEETING #4-94
FREEPORT TOWN HALL COUNCIL CHAMBERS
March 1, 1994 - 7:00 P.M.

Chairperson's Call to Order

	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Elizabeth Ruff, Chairperson, Durham Road	X	(late)	
Randall Bennett, Vice-Chair, Park Street	X		
Edward Bradley, Flying Point Road	X		
Roger Wold, Staples Point Road	X	(late)	
Gloria DeGrandpre, Wolf Neck Road			X
Kenneth Mann, Mann Road	X		
Edward Campbell, Gay Drive	X		

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #3-94 held on February 15, 1994 and accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #3-94 held on February 15, 1994 and accept the minutes as printed. (Councilors Campbell & Bradley) (4 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.

MOVED AND SECONDED: To open the Public Comment Period. (Councilors Campbell & Bradley) (4 Ayes) (0 Nays)

Bruce Libby said that in 1991 the Rescue Unit was down to 12 members. He said the leadership was changed and membership rose to 45 members and response time decreased from 12 minutes to 3 minutes. In 1993 the Director was recognized with an award and the Unit received a \$1,000 prize and trophy for the Good Heart Program. In 1992 the unit leadership was directed to report to the Town Manager. The Manager allowed members to go against rules and procedures and go directly to him. He said unless the members are willing to follow chain-of-command, the unit will not be successful under anyone.

Mary Kennedy, speaking as a former member of the medical community, said that the council should look at the rescue unit and determine if the town is getting the services it should.

John Forrest asked what the status was of the lawyer interviewing the rescue unit grievance committee. Jackie Cohen said that the attorney was interviewing the members of the grievance committee and has not completed that process yet. She said there was one more individual to be interviewed. She said there was no report at this time. Mr. Forrest expressed concern about the length of time the process was taking. (Councilor Ruff arrived at 7:15)

Public Comment Period Continued

MOVED AND SECONDED: To close the Public Comment Period.
(Councilors Campbell & Wold) (5 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson:

**ITEM #30-94 TO CONSIDER ACTION RELATIVE TO A REQUEST FOR
INSTALLMENT OF A STREET LIGHT. (PUBLIC
HEARING)**

MOVED AND SECONDED: That the request for installment of a street light at the intersection of U.S. Route #1 North and Frost Brook lane be subject to Public Hearing. (Councilors Mann & Bennett) (5 Ayes) (0 Nays)

Councilor Campbell said that Mr. & Mrs. Wilson contacted him about a street light on U. S. Route 1 Northbound. The area is near Frost Brook Lane and Noble Drive. He said that the intersection is very dark and there are no sidewalks. He said it was this concern from the people in that area that caused the petition for a street light. (Mr. Wold arrived at 7:25.)

Councilor Bennett reported that he had looked at the area and wondered if the newer style of street lights might be better and located in a different place it would then cover both intersections. He said the current light isn't very effective.

Nancy Wilson said there are lots of people who jog in that area, students walk home, to and from school, and to and from a ball field at Mast Landing. She said there are no sidewalks in that area and cars don't obey the 35 miles per hour speed limit. She said that for safety sake, the neighbors feel that is a real need for a street light.

Councilor Bennett asked her if a newer style light was installed between Noble Drive and Frost Brook would that be OK? She said yes.

Bruce Libby said that he had changed the two lights there last week--he said he replaced them with a much stronger bulb than what normally is installed. He said that the newer style street lights are double or triple the brightness. He said that the CMP engineer could come in and give an estimate for cost and what would be best.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To amend Item #30-94 for the appropriation of money for installation or modification of the existing street light to illuminate U. S. Route 1 North and Frost Brook Lane in accordance with recommendations of the lighting engineer from CMP, the neighborhood, and a representative from the town office. (Councilors Bradley & Bennett) **ROLL CALL VOTE (6 Ayes) (0 Nays)**

BE IT ORDERED: That the request for installment of a street light at the intersection of U.S. Route #1 North and Frost Brook Lane be approved as amended. Note: Normally new lights are installed in June. The annual cost of a street light is approximately \$180. (Councilors Campbell & Wold) **ROLL CALL VOTE (6 Ayes) (0 Nays)**

ITEM #31-94 TO CONSIDER ACTION RELATIVE TO A MUTUAL AID AGREEMENT CONCERNING POLICE ACTIVITIES.

Mike Whitehouse stated that the police department and the Rescue/Fire Department have been participating in mutual aid since the 70's. He said there was an existing agreement signed in 1973, when weekend riots were popular, with Brunswick, Topsham, and Bath. This current agreement was designed to provide specific guidelines on how to conduct the mutual aid. He said that Portland is willing to sign agreements with all the communities in the Cumberland County area. He added that Brunswick has agreed to sign, Yarmouth is working on it, and Cumberland has also agreed.

Mr. Wold expressed concern with the wording on page 3 of the agreement, section 4.4 "In the event that the RESPONDING MUNICIPALITY does not approve a proposed settlement of RESPONDING MUNICIPALITY, or its officers or employees, which is otherwise acceptable to a claimant and to the REQUESTING MUNICIPALITY, the REQUESTING MUNICIPALITY shall be relieved of any further obligation which it may have to defend under Paragraph 4.1 and any obligation which it may have to indemnify or hold harmless under Paragraph 4.2, if said obligation is in excess of the proposed settlement offer." Then he said on page 4, of the Memorandum, under section 4.4 it reads: "Once a reasonable settlement offer is declined, however, the responding municipality becomes responsible for any judgment amount in excess of the declined offer." He said the two passages seem to be contradictory in the sense that in the agreement itself, the requesting municipality is relieved of its obligations both to indemnify and to hold harmless. He said it seems to leave the responding municipality with all of the liability and not just the liability that is in excess of the declined offer. He said he feels the two passages conflict.

Mr. Whitehouse said that the question is beyond what he is qualified to respond to and that the attorneys would have to respond. Mr. Whitehouse said that our attorney has looked at this agreement. Our attorney is the same as the one Brunswick and

Item #31-94 Continued

Yarmouth have. Yarmouth is not represented by MMA. He said that Freeport has responded to Bath and Bath has responded to Freeport. He said that mutual aid is traditionally done with Yarmouth--on average of four times a month--there is no written agreement. Freeport also respond to Brunswick and other surrounding towns.

Mr. Bradley said that if there is a claim against both parties and the responding municipality decides he doesn't want to accept the settlement of that claim, then the requesting municipality, who could approve the settlement, is relieved of the excess responsibility--not the responsibility up to the amount of the settlement which is accepted but the excess responsibility the responding municipality wouldn't have taken. Mr. Bradley suggested that a lawyer should be consulted on this question.

Mr. Wold asked if there was damage or loss to our own equipment would it be covered by our own insurance? Mr. Whitehouse said that the responding municipality is responsible for their own insurance.

Mr. Wold stated that under paragraph 5 in the agreement it says: "The municipal officers...shall designate the Chief of Police or other designee..." but in the memorandum under section 5 it says "...designate their Chief of Police..." He feels that this is also in conflict with each other.

Mr. Bradley said that the various insurances of all the towns should be looked into before we sign the agreement.

Chairman Ruff said that the concerns of the Council are: that the word "designee" be struck in section 5, page 3 of the Agreement; section 4.4 on page 3 of the agreement and 4.4 in the memorandum conflict with each other; and coverage of insurance of the towns. She asked that the Town Manager check on these issues.

BE IT ORDERED: That the agreement between municipalities in Cumberland County to provide mutual aid for police activities, be approved. (Councilors Bennett & Wold) **ROLL CALL VOTE**
(6 Ayes) (0 Nays)

**ITEM #32-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT
TO THE DESIGN REVIEW BOARD.**

Councilor Bennett reported that the Appointments Committee considered the following people as candidates for the two positions on the Design Review Board: Eric Huemme, George Fraser, John Arsenault, Elizabeth Hardin, Richard Doughty, Ed Campbell, Terry Brobst, Carla Skiffington, Gavin Keeney, Brian Maxwell, Philip Wagner, Carolyn Pitt, and Margaret Morfit. The Committee recommended Margaret Morfit.

BE IT ORDERED: That Margaret Morfit be appointed, effective immediately, to serve on the Design Review Board until October 1, 1994.

Item #32-94 Continued

The First Ballot Vote for Margaret Morfit was unanimous. There was an election.

BE IT FURTHER ORDERED: That Ms. Morfit qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Campbell & Wold) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #33-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE DESIGN REVIEW BOARD.

The Appointments Committee recommended Philip Wagner to be appointed to the Design Review Board.

BE IT ORDERED: That Philip Wagner be appointed, effective immediately, to serve on the Design Review Board until October 1, 1996.

The First Ballot Vote for Richard Wagner was unanimous. There was an election.

BE IT FURTHER ORDERED: That Mr. Wagner qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Bradley & Bennett) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #34-94 TO CONSIDER ACTION RELATIVE TO AN APPEAL OF A DECISION OF THE TOWN CLERK IN IMPLEMENTATION OF THE PEDDLERS' ORDINANCE. APPEAL BY BARBARA MCGIVAREN DATED JANUARY 26, 1994 (CHAPTER 43)

MOVED AND SECONDED: That the Appeals Hearing be opened. (Councilors Wold & Campbell) (6 Ayes) (0 Nays)

Barbara McGivaren asked that her appeal be rescheduled in light of some serious irregularities that she discovered in the gathering of evidence for her appeal. She said that she brought copies because she thought it critical that they be shared with the Council. She asked if she could pass them out to the Council.

Chairperson Ruff said she would take the documents under consideration as part of the appeal. Ms. McGivaren said the documents would prejudice the appeal and that is why she feels the appeal should not go forward until after the Council has reviewed the documents. Ms. McGivaren said that the Council had many of these documents already but she also had copies of documents obtained from the Town Clerk's office early in January. She received photocopies of those same (January copies) documents recently which she felt had been altered since that time.

Item #34-94 Continued

Ms. McGivaren said she didn't feel she could go forward with her appeal when there was an altered document involved.

Councilor Wold said that the real issue of this appeal is an interpretation of the ordinance. He said he doesn't see what a great body of evidence is going to change. He said the Council is being called upon to determine which interpretation of the ordinance is correct. He said whether or not the licensing and allocation of spaces on the part of the Town Clerk was in accordance with the ordinance or that it wasn't has been stated by Ms. McGivaren. He feels that the Council can deal with that issue without an enormous amount of evidence of other things before us. He said he feels prepared to make a decision about that interpretation of the ordinance without an enormous amount of evidence brought to bear on this appeal.

Councilor Bradley said that he realized that there could be circumstances that affect the facts that we assume to be true if the presence of altered documents were true. He gave an example of someone in the lottery, that was not a permit holder the previous year. He said that would affect what our sense of what the facts were. He asked that Ms. McGivaren tell the Council why it would affect the appeal and the facts as the Council understands them because it would help the Council understand whether they are facts that change the role here.

Ms. McGivaren said it would affect her hearing because the chronology of the documents has been altered. She feels that this evidence has been altered and can't be part of the appeal. She said that as of April 1st the peddlers can occupy their spots on Main Street. She said that where one is situated on Main Street is far less serious to her than conducting an appeal with falsified information. Tampering with public documents is a serious matter and she feels that should be important to the Council.

Chairman Ruff said that there were two separate issues here. She said that the Council is being asked to interpret an ordinance. Something that has happened with evidence is a separate issue than the original appeal.

Councilor Campbell said he was prepared to deal with the appeal interpretation but the issue of changed records would be a separate issue.

Councilor Mann said that Ms. McGivaren had come before the Council to ask to be rescheduled. He said public information that she needed for her appeal and that she asked for, had not been received. She asked for the information again at the agenda meeting and was told it was coming. The information did not completely come. He supports her request to have the appeal postponed because she still has not received all the information she requested. He said the other issue is that he had asked at the last meeting for a process to guide the Council and the applicant in an appeal so that the Council would know who would speak and how the rebuttals would be handled, etc. He said he never received that information that he requested. He said that as part of this appeal witnesses need to be called. Mr. Mann said that the Town

Item #34-94 Continued

Manager was very active in 1993 in redefining the ordinance in regards to reapplications by residents and Mr. Olmstead was not there. He said that Ms. McGivaren needs to call the Town Manager as a witness. He urged the Council to reschedule this appeal.

Mr. Wold said he was in favor of postponing the appeal. Mr. Bradley, Mr. Bennett, Mr. Campbell, and Mr. Mann were also in favor of postponing the appeal. The Chairman was not in favor of postponing the appeal.

Mr. Bradley suggested that a special hearing, outside the context of a Council meeting, be held so that we can give it the kind of attention it should get. Mr. Campbell said that the two issues should be handled separately.

Mr. Mann asked how the issue of altered documents should be handled. The Chairman said that the leadership should discuss and was not sure of the process. Mr. Wold said that the Chair and Vice-Chair should determine if the issue would fall under a Personnel issue and whether it was an appropriate topic for an Executive Session. Mr. Mann said it also could come under the section of the Charter where it says the Council can do an investigation.

MOVED AND SECONDED: To support the decision of the Chairman not to have public comment on this issue. (Councilors Wold & Campbell) (5 Ayes) (1 Nay - Mann)

MOVED AND SECONDED: That the Appeals Hearing be continued until a date to be determined ASAP and to separate from a regular council meeting. (Councilors Bradley & Wold) (6 Ayes) (0 Nays)

**ITEM #35-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT
TO THE COASTAL WATERS COMMISSION.**

Councilor Bennett reported that the committee had the following names to pick from for the two candidates for the Coastal Waters Commission: Charles Gould, Jonathan Robinson, Pamela Leone, Joseph Hahn, Patrick Norton, James Lumsden, James Hendry, Richard Doughty, Terry Brobst, Robert Prindall, Thomas Ring, Carol Chipman, David Soley, Brian Maxwell, Marjorie Schwietering, and Leland Dennett. The Appointments Committee recommended that Robert Prindall be appointed to the Coastal Waters Committee.

BE IT ORDERED: That Robert Prindall be appointed, effective immediately, to serve on the Coastal Waters Commission until April 1, 1997.

The First Ballot Vote for Robert Prindall was unanimous. There was an election.

BE IT FURTHER ORDERED: That Mr. Prindall qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Bennett & Campbell) **ROLL CALL VOTE (6 Ayes) (0 Nays)**

ITEM #36-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE COASTAL WATERS COMMISSION.

The Appointments committee recommended that Carol Chipman be appointed to the Coastal Waters Commission.

BE IT ORDERED: That Carol Chipman be appointed, effective immediately, to serve on the Coastal Waters Commission until April 1, 1997.

The First Ballot Vote for Carol Chipman was unanimous. There was an election.

BE IT FURTHER ORDERED: That Ms. Chipman qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Mann & Campbell) **ROLL CALL VOTE (6 Ayes) (0 Nays)**

ITEM #37-94 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

Councilor Bennett reported that the committee had the following names to pick from for the three candidates for the B. H. Bartol Library Board of Trustees: Gloria DeGrandpre, Mary Jane Krause, John Slavin, Thomas Skiffington, Genie Beaulieu, Barbara Makanowitzky, Sarena Kolb, J. Scott Simmonds, Evelyn Potter, Mark Nordenson, Linda DeGrandpre, Mandy Rowan, and E. Ann Westervelt. The committee recommended Jon Robinson be re-appointed to the Library Board of Trustees.

BE IT ORDERED: That Jon Robinson be re-appointed, effective immediately, to serve on the B. H. Bartol Library Board of Trustees until April 1, 1997.

The First Ballot Vote for Jon Robinson was unanimous. There was an election.

Item #37-94 Continued

BE IT FURTHER ORDERED: That Mr. Robinson qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Campbell & Wold) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #38-94 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE B.H. LIBRARY BOARD OF TRUSTEES.

The Appointments Committee recommended that Gail Rust be re-appointed to the Library Board of Trustees.

BE IT ORDERED: That Gail Rust be re-appointed, effective immediately, to serve on the B.H. Bartol Library Board of Trustees until April 1, 1997.

The First Ballot Vote for Gail Rust was unanimous. There was an election.

BE IT FURTHER ORDERED: That Ms. Rust qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Bradley & Wold) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #39-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

The Appointment Committee recommended that E. Ann Westervelt be appointed to the Library Board of Trustees.

BE IT ORDERED: That E. Ann Westervelt be appointed, effective immediately, to serve on the B.H. Bartol Library Board of Trustees until April 1, 1997.

The First Ballot Vote for E. Ann Westervelt was unanimous. There was an election.

BE IT FURTHER ORDERED: That Ms. Westervelt qualify by swearing an oath of office before the Town Clerk by March 10, 1994. (Councilors Wold & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

**ITEM #40-94 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE FREEPORT ADMINISTRATIVE
CODE (SEC.612).**

Chairman Ruff explained that this order is to change the composition of the Winslow Park Commission members. It is recommended that the Commission consist of seven appointed members as follows: one from the Town Council, one from Community Education, one from the Conservation Commission, and four citizens at large. The difference is that the Conservation Trust member will be eliminated and another at large position will be available.

BE IT ORDERED: That a Public Hearing be scheduled for March 15, 1994 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code. (Sec. 612) **BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the B. H. Bartol Library for inspection by citizens. (Councilors Bennett & Wold) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

**ITEM #24-94 TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION
RELATIVE TO A PROPOSED HEDGEHOG MOUNTAIN
PROPERTY MASTER PLAN AND IMPLEMENTATION
SCHEDULE.**

Bob Hartnett said that at the February 15th hearing of the proposed Hedgehog Mountain Property Master Plan two issues surfaced. The first issue was to be more specific about where motorized vehicles could go and the second issue had to do with land uses that could change on the property. The committee recommended adding the following on page 13: *#7 Limiting wheeled and / or motorized vehicles to the established and future trail systems except that such vehicles are restricted from the mountain and stream cut ravine slopes.* He said instead of saying where they (the motorized vehicles) can't go, the plan will say this is the only place they can go. He said this would also be easier than amending the map. Bob Hartnett suggested changing the last part of the sentence to read: "from the mountain, stream cut ravine slopes, and trails designated as Summit Trails."

Mr. Bradley expressed concern about the forest areas and the management of it. He asked if it mean that it may be cut at some point. Bob Hartnett said that forest management could mean cutting for a harvest or cutting to enhance the area. Mr. Bradley expressed concern about the method used and whether it would require motorized vehicles.

Councilor Mann said that before we put in that the Land Bank Commission takes over administration of Hedgehog Mountain, the Council should make sure that the Conservation Commission has to be the Commission that runs the park according to state statute.

Item #24-94 Continued

Councilor Bradley feels that some of the rules are not clear and should be corrected before the Council approves the document. Mr. Bradley said the second recommended amendment to the plan goes fifty percent of the way in addressing the question he had asked. He said that there were a couple of uses that were ruled out by the committee which, even if we adopted the suggestion of change to page 16 Administration, it would require a specific amendment to this document before the the Land Bank could come back here. One of those is the development of recreational facilities. He would like to see the Land Bank be able to come to the Council and recommend without having to first overcome an exclusion--recreational uses and facilities are excluded in the current plan. Mr. Bradley said he would like to see that exclusion taken out of the plan.

Bob Hartnett said that the Council charge to the committee was to "examine the property for potential uses including but not limited to...". He said the committee went through that list and picked the ones we thought were very important uses and promoted them in the report. There were some that were very inappropriate and we discarded them. He said the only ones in the plan are the ones approved and voted on by the committee.

Councilor Wold said that two terms have been mentioned: "recreational uses" and "recreational facilities." What is precluded is "recreational facilities" not "recreational uses". He asked for clarification between the two terms. Bob Hartnett said what the committee meant by "recreational facilities" was the wholesale clearing of land for athletic fields, track, playground equipment, etc.

Councilor Mann said he would like to table this item until the Council can hold another workshop on the plan.

Chairman Ruff asked the Council if it was prepared to vote tonight. Mr. Campbell, Mr. Bennett, and Ms. Ruff said they were prepared to vote tonight. Mr. Mann, Mr. Wold and Mr. Bradley said they would like to wait.

MOVED AND SECONDED: To table Item #24-94 until a workshop can be held with the Hedgehog Mountain Committee. (Councilors Mann & Wold) (3 Ayes) (3 Nays - Ruff, Campbell, and Bennett) **MOTION FAILS**

Bob Hartnett said the second recommended amendment is to add a second paragraph to section Administration on page 16: *The Land Bank Commission shall recommend to the Town Council administrative policies including, but not limited to: changes in land use priorities, rules for public use of the property, changes in the trail system, use of dedicated funds remaining from the purchase of the property, and annual budgets.* He said this was modeled after the Winslow Park Commission plan. He said that this amendment makes him very nervous. He said he is concerned that the characteristics of the property might be lost if recreational facilities were developed there. Mr. Hartnett pointed out that that everything in the plan speaks to the natural condition of the property and the natural uses going on there. The committee

found these uses and felt they should be valued and cherished. He said his concern is that with one stroke of the pen in an amendment we could open the door to a change in the use of the property which could preclude all the other things we speak to-- proper forest management plans, wildlife habitat, the passive recreation uses such as hiking or cross- country skiing, and the traditional uses such as hunting and snowmobiling. He said the second reason he finds this a dangerous amendment is that the property was sold to the public and to many private contributors (both private individuals and corporations) to protect the property from development. He said he felt that the public was sold on this as a way to protect this property. He said he doesn't feel that this amendment is a good one.

Councilor Bradley said he feels the amendment is a good one and a reasonable response to the need to properly maintain its potential. This amendment provides the flexibility that is needed.

Gary Profenno, a member of the Hedgehog Mountain Committee urged the Council to vote on the plan now and not prolong the process. He said the committee had worked very hard on the plan. He said there are places for the kids to run, hike and cross-country ski. He said the committee specifically wanted to leave out ball fields because there is only one area where a field could be put in--this would be deep into the property. He said in order to build a field it would require a major road being built which would dissect the property and preclude all of the other traditional uses because there would be a big hole in the property with a road running through the middle. He said these are some of the reasons we specifically left out these things. There are access problems--one end of the property is a mountain, one part is deep ravines and valleys, and the only viable piece is in the middle of the property and would be a major undertaking. One of the reasons we kept major projects such as buildings out of the plan was because we were trying to keep the property simple. Buildings require maintenance and require personnel to look after it--a lot more than is required in a traditional use such as hiking or cross-country skiing.

John Oliver, also a member of the Hedgehog Mountain Committee, suggested we find language to change page 13 rather than the Council adding an amendment. He suggested changing the word "rejected" to "considered inappropriate" in the last paragraph on page 13.

MOVED AND SECONDED: To replace "specifically rejected" with "*considered inappropriate*" in the last paragraph on page 13 of the Hedgehog Mountain Report. (Councilors Bradley & Campbell) (5 Ayes) (1 Nay - Mann)

MOVED AND SECONDED: To amend the Hedgehog Mountain Planning Report on page 13 by adding #7 *Limiting wheeled and/or motorized vehicles to the public right of way, and established and future trail systems except those trails from which they are specifically prohibited.* (Councilors Bradley & Wold) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To amend the Hedgehog Mountain Report to add to page 16 to section Administration a second paragraph: *The Land Bank Commission shall recommend to the Town Council administrative policies including, but not limited to: changes in land use priorities, rules for public use of the property, changes in the trail system, use of dedicated funds remaining from the purchase of the property, and annual budgets.* (Councilors Wold & Bennett) (6 Ayes) (0 Nays)

BE IT ORDERED: That the proposed Hedgehog Mountain Property Master Plan and Implementation Schedule (Report of Hedgehog Mountain Planning Report) as amended, as submitted to Public Hearing on February 15, 1994, be approved as amended. (Councilors Bennett & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

MOVED AND SECONDED: To take an item out of order. (Councilors Campbell & Wold) (6 Ayes) (0 Nays)

DISCUSSION OF LAND BANK COMMISSION TAKING ON THE RESPONSIBILITY FOR HEDGEHOG MOUNTAIN.

Jackie Cohen reported that the Land Bank Commission in its ordinance has a statement that says they are authorized to spend 10% of their budget for the activities of the Land Bank. At this moment the Land Trust has \$14,000 in a special revenue account and Hedgehog Mountain has \$51,667. She said the Hedgehog Mountain funds are dedicated funds to Hedgehog Mountain. She said the Finance Director recommended that these amounts be left as is. She said as it stands now, the Land Bank can spend 10% of its budget but everything else has to come to the Council for approval anyway--unless you want to change the ordinance that governs the Land Bank. The Commission will have to come to the Council for any issue over \$1,400.

ITEM #26-94 TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48)

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance, as submitted to Public Hearing on February 15, 1994, be approved. (Campbell & Bennett) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

MOVED AND SECONDED: To take an item out of order. (Councilors Mann & Wold) (6 Ayes) (0 Nays)

OTHER BUSINESS:

1. DISCUSSION ON THE DEVELOPMENT OF A TOUR BUS PARKING AREA.

Jackie Cohen said that the Traffic and Parking Committee has been trying to find a locations for Tour Bus parking since there will only be a few spaces in the Municipal Parking Lot. Last summer we found locations along Mallett Drive for Tour Bus parking but it really isn't adequate so they are trying figure out some location for placing them on a permanent basis. One discussion that has come up a number of times is the possibility of the creation of a tour bus parking lot on the lot just north of McDonald's on Mallett Drive. That lot is owned by McDonald's. If the zoning ordinance is amended so that they could have a drive-up window, that would not exit on Main Street but would exit through their existing exit off Mallett Drive, they would be interested in developing that lot for Tour Bus parking. They would be interested in doing a lease (long term -- 20 years with future extension options) with the town for this lot.

Councilor Bennett said that many options have been explored for other locations, including out of town. He said that bus drivers did not like being down on Route 1 near Maggie's because it was not close to places to eat and bathroom facilities. It also wasn't within walking distance for their people to come back to the bus. Before the new Public Safety Building was built, there was adequate parking there for several tour buses and it didn't interfere with the Fire Department. He said he believes it is the responsibility of the Council to work with the merchants to find an adequate tour bus parking lot.

Councilor Mann said that the zoning issue of the drive-through window should be separated from the issue of Tour Bus Parking. On the question of a drive-through window on a survey done, respondents that filled out the survey were 2-1 against. He said this is a planning issue and should be separate from the Tour Bus issue.

Councilor Bradley would like the Merchants Association come in and present their plan for Tour Bus parking.

Jackie Cohen said this issue is on the Community Relations Committee Agenda for discussion at their next meeting.

2. UPDATE ON TOWN WHARF SITUATION.

Councilor Campbell said he, Randy, and Jackie met with engineers and the Municipal Facilities Committee to look over the immediate problem concerning the town wharf. He said what they come up with is a very short term safety remedy and have started on a more long term solution. Cement barriers have been placed to completely block off the extension port part of the town wharf. The reason is that there has been some washing out under the wharf and the asphalt is settling. The primary concern is that it is not known what is under the asphalt. The center of the wharf is fine. They plan to peel back the asphalt about five feet on both sides. If there is any washout,

Town Wharf Discussion continued

they will fill with gravel. As soon as the ice is off the outside, the engineers will get in to check and make a recommendation/estimate on what it would take to fix for a year. The cement barriers should be gone in a month. Mr. Campbell has notified the businesses there about what is going on.

OTHER BUSINESS:

Councilor Mann asked if we had had a response to the Council's questions to Bud Brown. Jackie Cohen said we haven't received an answer yet. Mr. Mann also asked for something in writing about the financing of the pick-up truck. Ms. Ruff said it had not been received yet. Mr. Mann asked if the Council would be getting a copy of Mr. Lloyd's results of his interviews with the Rescue Appeal Board. He also asked at what level of funding was approved for this issue.

Councilor Mann asked how the Council would handle a request for an Executive Session? Chairman Ruff said that Executive Sessions are held for Personnel issues or issues such as Property Tax Abatement, or things that are not for public knowledge. Ms. Ruff said she wasn't sure there was a procedure for citizens asking for Executive Sessions. Mr. Bradley said that the request should be made at an agenda setting meeting. Mr. Wold said a determination would have to be made whether it was a request from an employee or from a citizen—each would be handled differently.

Councilor Mann asked about the installation of equipment for the hearing impaired. Mr. Bennett said that it has been installed and two head sets are available for anyone to use. The Council will recommend that Rick put up signs to let people know how to get the head sets.

Jackie Cohen reported that the town has received a letter from the office of Economic and Community Development that we have been invited to make a full application for the CDBG Grant of \$400,000. As long as we do everything we need to do for that Phase II Application and we receive the EDA money, we should be able to move forward with the sewer and water project.

ITEM #29-94 TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION TO AN EXECUTIVE SESSION TO DISCUSS AN APPLICATION FOR A PROPERTY TAX ABATEMENT.

MOVED AND SECONDED: That the Council enter into Executive Session to discuss an Application for Property Tax Abatement due to poverty and/or disability. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council reconvene. (Councilors Campbell & Wold) (6 Ayes) (0 Nays)

BE IT ORDERED: To table till March 15, 1994 the Application for a Property Tax Abatement due to poverty and/or disability. (Councilors Wold & Campbell) (6 Ayes) (0 Nays)

ITEM #41-94 **TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.**

MOVED AND SECONDED: That the Council enter into Executive Session with the Freeport Water District Trustees to discuss the potential acquisition of the Freeport Water System. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

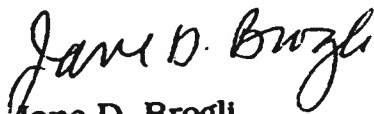
MOVED AND SECONDED: That the Council reconvene. (Councilors Wold & Campbell) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To take an item not on the printed agenda. (Councilors Bradley & Campbell) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the Chair put the funding request from the Water District on the March 15, 1994 agenda with an explanation of how it will be funded. (Councilors Bennett & Bradley) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To adjourn at 11:15 p.m. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

Respectfully submitted.



Jane D. Brogli
Council Recorder

COUNCIL MEETING #5-94
FREEPORT TOWN HALL COUNCIL CHAMBERS
March 15, 1994 - 7:00 P.M.

<u>Chairperson's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Elizabeth Ruff, Chairperson, Durham Road	x		
Randall Bennett, Vice-Chair, Park Street	x		
Edward Bradley, Flying Point Road	x late		
Roger Wold, Staples Point Road			x
Gloria DeGrandpre, Wolf Neck Road	x		
Kenneth Mann, Mann Road	x		
Edward Campbell, Gay Drive	x		

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #4-94 held on March 1, 1994 and accept the minutes as printed.

Chair Ruff pointed out that on Page 15 under "Other Business" she was quoted as saying "it had not been received yet" which appeared to be in reference to the pick-up truck. What she was actually referring to was the estimate from Mr. Brown. The sentence should have been moved up.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #4-94 held on March 1, 1994 and accept the minutes as amended. (Councilors Campbell & Bennett) (5 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 minutes.
Chair Ruff asked if there were any public comments.

Mary Kennedy registered her concern with an article that appeared in the SUNDAY TELEGRAM on March 6 outlining the tax dispute between the City of Bath and Bath Iron Works. It made her aware that the law firm that defended the City of Bath is the same firm that represents Freeport. She feels they have a history of long costly law suits, a history of stonewalling without negotiation and a history of losing cases. She suggested that the Council review the law firm that it is presently using.

Deborah Libby called the Council's attention to a gray envelope that was provided to each councilor and explained that it held a petition that has been signed by 314 citizens of Freeport expressing dissatisfaction with the way town affairs are being managed. She urged councilors to go out and speak to their constituents and see how people feel about this.

Councilor Mann inquired if Mrs. Libby would be interested in continuing to circulate the petition since he has received calls from citizens who indicated they would be willing to sign it. Mrs. Libby indicated that the petition could be recirculated if there are people interested in signing it.

Bruce Libby explained that he feels the Town Manager works for the Town Council and the Council works for the citizens. New councilors indicated that they want to do the best they can for citizens. He requested that councilors go out and talk to citizens. Chair Ruff pointed out that the Council has received the petition and it will be discussed by the Council at another meeting.

MOVED AND SECONDED: That the Public Comment Period be Closed. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

ITEM #25-94

**CONTINUED FROM FEBRUARY 15, 1994. TO
CONSIDER ACTION RELATIVE TO THE FREEPORT
COMPREHENSIVE PLAN. (PUBLIC HEARING)**

MOVED AND SECONDED: That the Public Hearing on the adoption of revisions to the Freeport Comprehensive Plan be continued. (Councilors Bennett/Campbell) (5 Ayes) (0 Nays)

Caroline Thorne-Lyman, Co-Chair of the ATL Advisory Committee explained that her committee submitted a letter to the Council asking for consideration in putting in language that would strengthen the ATL policies. She indicated that the changes would provide more of a framework when they propose the comprehensive alternative transportation lane plan. The changes recommended are:

VII-16, 4. Add the Alternative Transportation Advisory Committee to the list of organizations involved in providing recreational facilities and services.

VII-19, Goal #2 - Improve the safety of Route One, the major access to and from Freeport, for motorists, pedestrians and bicyclists

VII-19, Goal #3 -Encourage pedestrian and bicycle safety in the downtown

VII-19, Goal #4 - Support improvements to existing downtown parking and loading and increase parking opportunities, including bicycle parking facilities where feasible.

VII-19, Goal #5 - Provide and maintain safe pedestrian, bicycle and vehicular access to schools, municipal buildings and residences located in and near the downtown.

VII-19, 1. B - Develop new standards for public and private roads which meet safety requirements and include adequate alternative transportation facilities while retaining rural appearances.

VII-20, 2. Route One - add: The State should be encouraged to construct Alternative Transportation facilities according to the American Association of State Highway and Transportation Official Guidelines when it reconstructs road sections.

Route One will be their main focus. Funding is a major concern and their proposal needs to be in by June 1. They are putting together a survey for townspeople and hope to get it out by mid-April. They are hoping for a Master Plan in place before Fall.

Eric Brandt-Myer of Good Earth Farm explained that he is concerned with the Resource Protection zone which includes his farm and several abutting properties. He has met with the Town Planner and realizes that this will soon be a legal document and is fearful that he might not be able to continue farming or sell off a building lot to help finance his children's education.

Councilor Campbell indicated that it is not the intention of the Council to prevent Mr. Brandt-Myer from farming. Chair Ruff explained the process to him. Councilor Bradley indicated that he feels the Council should be made aware why this area was included in the more restrictive Resource Protection Zone. He indicated that Ms. Cohen should go through the Planning Board's minutes and come up with the reasoning. Councilor Mann asked Mr. Brandt-Myer to make an attempt to attend the next meeting but indicated that he would try to get some answers for him.

Councilor Bennett explained that he feels the brook is the biggest reason why this was put into Resource Protection and inquired if Mr. Brandt-Myer would be opposed to having only the area surrounding the brook placed into the Resource Protection Zone. Mr. Brandt-Myer pointed out that he would not be opposed to having the brook area zoned Resource Protection. He indicated that there are steep bluffs that appear on his property that go down to the stream. Councilor

Bennett suggested that he visit Jackie Cohen and work out something. Councilor Bradley is concerned that there might be other areas that have been changed at some point and that the landowners should be notified and he would like to have Mrs. Cohen report back to the Council. Chair Ruff indicated that there appears to be a lot of support for this matter and the subject will be on the workshop agenda next Tuesday.

Cliff Goodall, Attorney for Harraseeket Inn, explained that he sent a letter to the Council discussing expansions of non-conforming uses. He indicated that he is concerned with the proposed language dealing with forbidding non-conforming businesses to expand in appropriate places in the section dealing with the Local Economy. He had an amendment to share with the Council. He urged the Council to look at the Land Use Section as well as the Local Business District. Since the expansions require Site Plan Review, he is requesting that the Planning Board have criteria that they make a judgment with that the transition character of that V-1 zone is protected with these expansions such as impacts on residential areas within so many feet, the type of the dominant use of the area within 1,000 feet, etc. He feels it is a simple change and could be approved on a case by case basis. Councilor Bradley asked Mr. Goodall to come up with examples of the criteria that are do-able and Mr. Goodall indicated that he would be very willing to do this. Mr. Goodall explained the difference in contract zoning and spot zoning and cautioned that contract zoning poses the danger that it be construed as rezoning for sale. Some of the things that can be negotiated are user fees, donations, public space, etc. He feels the condition must be what impacts the site itself not a donation of a large sum of money. Councilor Campbell suggested that this type of mechanism should be put into place before proposals are considered. Councilor Mann indicated that he is concerned that the average person will be ruled out in contract zoning if the Council or Planning Board gets accustomed to obtaining a level of benefits in proposals.

Louis Marstaller explained that he attended last week's workshop and appreciated the way the Council conducted the meeting. He is concerned with the words "scenic opportunity" that appear in the Comprehensive Plan. He wanted permission to bring in the wording that neighboring Brunswick uses to the next meeting. He also indicated that under Section VIII-1--Action Plan Matrix refers to a committee and stipulates who should be on it. He feels it should be a broad-based committee or not say anything about it. He hopes it comes up at the next work shop.

Chair Ruff explained that there will be other opportunities for additional public input. All of the public input is valuable and she urged the public to bring in their feedback.

ITEM #25-94
Cont'd.

MOVED AND SECONDED: That the Public Hearing be continued until April 5, 1994. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

ITEM #42-94

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE DEALING WITH THE COMPOSITION OF THE WINSLOW PARK COMMISSION. (CHAPTER 2) PUBLIC HEARING

MOVED AND SECONDED: That the proposed amendments to the Administrative Code be subject to public hearing. (Councilors DeGrandpre & Bradley) (6 Ayes) (0 Nays)

Councilor Bennett explained that this is an attempt to get a broader representation of townspeople for what should take place at Winslow Park. There will now be three designated seats on the commission and four seats at large from the public. The designated seats will be filled by a representative from the Council, the Conservation Commission and the Community Ed Advisory Committee and four citizens at large. The proposal will eliminate a seat held by the Conservation Trust and to date there has been no objections received. Chair Ruff indicated that she will be the Council Representative for 1994.

Wayne Hollingworth, Chair of the Winslow Park Commission is the representative of the Community Ed Advisory Committee, indicated that the commission feels there is value in having designated seats. They are supportive of the resolution as proposed. They feel it is a good compromise and should work well.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the proposed amendments to the Administrative Code be tabled until April 5, 1994. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

Wayne Hollingworth pointed out that he will stay on as Chair until the new appointments are made to the commission.

ITEM #43-94

TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL PROGRAM FOR FISCAL YEAR 1995 TO FISCAL YEAR 1999.

ITEM #43-94
Cont'd.

BE IT ORDERED: That a Public Hearing be scheduled for April 5, 1994 at 7:30 P.M. in the Town Hall Council Chambers to discuss the proposed five year capital program.

BE IT FURTHER ORDERED: That 30 copies be made and distributed equally between the Town Clerk's office and the B. H. Bartol Library for inspection by citizens. (Councilors Mann & Campbell) (6 Ayes) (0 Nays)

Mr. Olmstead explained that the Council has been furnished with two documents. A revised version of the Comprehensive Plan (destroy the one in the packets) and a letter from Bob Lyman outlining the discovery of a leaking underground fuel tank which needs to be dealt with at Morse Street School. He advised that he does not feel it is appropriate to go over each item in detail since everyone can read it for themselves. He suggested turning to the next to the last page of the Capital Plan and walking through the various departmental requests. He pointed out that department heads can provide more details on the numbers. Education has requested \$96,000 and does not include the storage tank which surfaced today. The Fire Department has requested an extraction tool which they would like to upgrade. The Rescue Unit is requesting an upgrading of radios and pagers. The Public Works request totals \$72,000 and includes the replacement of a pick-up, the replacement of a dump truck and the repairs of a loader and grader. The Solid Waste and Recycling request totals \$127,000 and includes the replacement of a vehicle at the landfill and monies raised to assist in the development of a demolition material site in Freeport. A committee is working on this issue and it is still unclear what the final recommendation will be. The Comprehensive Town Improvements totals \$136,500 which includes the Burnett Bridge reconstruction, Litchfield Road reconstruction, Lower Mast Landing Road reconstruction from Torrey Hill to South Freeport Road. Upgrade the sidewalk from Elm Street to the Post Office. Repair a portion of sidewalk on Bow Street and make all of our existing sidewalks handicap accessible. The Municipal Facilities Budget totals \$94,500 and includes funds to bring the Town Hall into ADA compliance. It also requests funding for a salt shed and an adjustment made today was putting into this budget a request for some matching funds for the EDA Grant Application. The Library has requested \$17,500 for a computer upgrade and a furnace replacement. The Police Department has requested \$43,500. The replacement of the Special Enforcement Officer's Pick-up has already been funded by the Council. The other requests are for a computer upgrade and an outboard motor for the Shellfish Warden. The Coastal Waters Commission is requesting upgrading the Harbor Master's boat and the acquisition of a trailer. \$300,000 has also been put in to totally renovate the Town Pier which is in distress. A study is underway and the Town

is looking at short term repairs to get through this summer. It is his intention to position the Council so that if by the middle of April when the Council adopts a plan, it appears that this expenditure is necessary, the Council could then decide when it will go to the voters as a referendum issue as well as the demolition site issue. The total requests are \$953,000 and computes to 9 cents effect on the first year tax rate and 27 cents on the second year. He pointed out that Freeport's legal debt limit allowed by the State is \$89,400,000 and Freeport's total indebtedness is currently 13.4 million which is considered fairly low.

Councilor Bradley feels that the Council should deal with the leaking storage tank immediately to avoid ground water contamination. Councilor Bennett agreed with Councilor Bradley. Mr. Olmstead indicated that meetings took place today to identify the problem and address it quickly. Councilor Mann cautioned about rushing to take care of this and suggested soliciting bids. Mr. Olmstead suggested using a Town crew supervised by the DEP and an environmental firm from Portland in order to reduce the cost. Chair Ruff suggested looking at the most cost effective and expeditious means of handling this matter.

MOVED AND SECONDED: To take an item not on the printed agenda. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

ITEM #50-94

MOVED AND SECONDED: To fund through Miscellaneous & Contingency Fund when it is approved and authorized an expenditure up to \$28,500 for the removal of an 8,000 gallon underground tank at the Morse Street School, clean and dispose; and installation of a new double wall steel 6,000 gallon underground tank with cathodic protection, fill spill protection, containment piping sump, level gauge, electronic leak detection system, overfill alarm, water-tight manhole (36"), alarm bell and warning sign for delivery driver (Councilors Bradley & Campbell) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To waive the second reading. (Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

ITEM #44-94

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE LAND BANK COMMISSION.

The Appointments Committee recommended that Gary Profenno be appointed to the Land Bank Commission.

ITEM #44-94
Cont'd.

BE IT ORDERED: That Gary Profenno be appointed, effective immediately to serve on the Land Bank Commission until January 1, 1996.

The first ballot vote for Gary Profenno was unanimous.
There was an election.

BE IT FURTHER ORDERED: That Gary Profenno qualify by swearing an oath of office before the Town Clerk by March 25, 1994. (Councilors Bradley & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #45-94

**TO CONSIDER ACTION RELATIVE TO AN
APPOINTMENT TO THE LAND BANK COMMISSION.**

The Appointments Committee recommended that David Stilkey be appointed to the Land Bank Commission.

BE IT ORDERED: That David Stilkey be appointed, effective immediately to serve on the Land Bank Commission until January 1, 1996.

The first ballot vote for David Stilkey was unanimous.
There was an election.

BE IT FURTHER ORDERED: That David Stilkey qualify by swearing an oath of office before the Town Clerk by March 25, 1994. (Councilors DeGrandpre & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #46-94

**TO CONSIDER ACTION RELATIVE TO AN
APPOINTMENT TO THE LAND BANK COMMISSION.**

The Appointments Committee recommended that Annee Tara be appointed to the Land Bank Commission.

BE IT ORDERED: That Annee Tara be appointed, effective immediately to serve on the Land Bank Commission until January 1, 1997.

The first ballot vote for Annee Tara was unanimous.
There was an election.

ITEM #44-94
Cont'd.

BE IT FURTHER ORDERED: That Annee Tara qualify by swearing an oath of office before the Town Clerk by March 25, 1994. (Councilors Mann & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

ITEM #47-94

TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE LAND BANK COMMISSION.

The Appointments Committee recommended that Alison Truesdale be re-appointed to the Land Bank Commission.

BE IT ORDERED: That Alison Truesdale be re-appointed effective immediately to serve on the Land Bank Commission until January 1, 1997.

The first ballot vote for Alison Truesdale was unanimous. There was an election.

BE IT FURTHER ORDERED: That Alison Truesdale qualify by swearing an oath of office before the Town Clerk by March 25, 1994. (Councilors Campbell & Mann) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

OTHER BUSINESS:

1. Report from the Municipal Facilities Committee on the re-establishment of a town boundary line and resolution of a dispute over a boundary line. (Hedgehog Mountain)

Mr. Campbell explained that the stone marker at the boundaries of Freeport, Pownal and Durham was removed by a private citizen sometime ago. In working with representatives from Pownal and Durham, they have come up with a solution which is to have the property surveyed and share the cost of \$3,700. Freeport and Pownal will each pay 40% and Durham will pay 20%. While they wanted to avoid spending money, this situation has a significant impact since it is the boundary for three towns. Mr. Olmstead pointed out that Pownal plans to budget for it in the next fiscal year and feels Freeport should do the same. He has not spoken to anyone from Durham.

In the deliberations, it was decided to split the cost of surveying a small piece of property that abuts Hedgehog Mounting in order to clarify the boundary with a small landowner.

2. Update on the Water Company Rate Case

Mr. Olmstead explained that the Town Council asked that a public hearing be held in Freeport on the water rate projected increase that had been filed with the PUC. The Public Utilities Commission has honored this request and there will be a public hearing held on March 30 at 6:30 p.m. in the Media Center of Freeport High School. Formal notification will be sent out by the PUC and Freeport will be advertising it in THE SHOPPING NOTES.

Mr. Olmstead learned today from Pat Scully of Bernstein Shur that they have negotiated the 34% increase down to 12% and by getting the company to agree to exclude certain things from the request for new revenue, they might be able to get this figure down to 8% or possibly lower. Chair Ruff encouraged councilors to try to attend the public hearing.

ITEM #29-94

TABLED FEBRUARY 15 AND MARCH 1, 1994. TO CONSIDER ACTION TO AN EXECUTIVE SESSION TO DISCUSS AN APPLICATION FOR A PROPERTY TAX ABATEMENT.

MOVED AND SECONDED: That the Council enter into Executive Session to discuss an application for property tax abatement due to poverty and/or disability. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council reconvene. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To approve a request for a partial abatement in the amount of \$528.42 for years 1991-92 with the understanding that it is without prejudice for the applicant to reapply for the abatement considered but not granted by motion. (Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To waive all interest to accrue for 1993-94 taxes on applicants' property (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

ITEM #49-94

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS LITIGATION WITH THE TOWN ATTORNEY (GILLIAM V TOWN OF FREEPORT).

MOVED AND SECONDED: To enter into Executive Session (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: To reconvene (Councilors Bennett and Campbell (6 Ayes) (0 Nays)

MOVED AND SECONDED: To adjourn at 9:58 p.m. (Councilors Campbell and Bennett) (6 Ayes) (0 Nays)

Recorded by

Sharon Coffin

Sharon Coffin

Approved 3/1/94
494

WE THE UNDERSIGNED PETITION THE FREEPORT TOWN COUNCIL
FOR A STREET LIGHT NEAR THE INTERSECTION OF U.S. ROUTE 1 NORTH AND
FROST BROOK LANE FOR REASONS OF SAFETY.

PLEASE PRINT:

NAME:

ADDRESS:

DATE:

(P.O. Box 134)
Nancy S. Wilson 224 US Rte. 1 North, Freeport 11-23-93

Maurice F. Wilson - 224 US Rte. 1 North Freeport 11-23/93

Norman V. Pierce 3 Frostbrook Ln. Freeport, Me. 11-23-93

Martha L. Pierce 3 Frostbrook Ln. Freeport, Me. 11-23-93

ALFRED BOWETTE JR 3 FROSTBROOK LANE FREEPORT, ME 11-23-9

Carol J. Thelander 2 Frost Brook Lane Freeport, Me. 11-23-

CHARLES BAXTER, Route 4 Box 4435 Frost Brook Lane 11

BETTY BAXTER, Route 4, Box 4435 Frost Brook Lane 11/24

HOWARD MEHOREN 8 Frostbrook Lane 11/25/93

Joyce McKenna 8 Frost Brook Lane 11/25/93

Vicki Gordon 226 Route 1 N, Freeport, ME 11/26/93

Robert Gordon 226 Route 1 N Freeport ME 11/26/93

Michael McDonald 229 US Rte 1 N, Freeport, Me. 11/29/93

Carol McDonald 229 US Rte 1 N, Freeport ME 11/30/93

Elizabeth Ann Westervelt 6 Frost Brook Lane Freeport 11/12-22

STREET LIGHTING CRITERIA

Section 17-101 Purpose and Authority

This criteria 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 herein.

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.



FREEPORT POLICE DEPARTMENT

16 MAIN STREET • FREEPORT, MAINE 04032 • (207) 865-4800

GERALD B. SCHOFIELD
CHIEF OF POLICE

TO: Dale C. Olmstead, Jr.
Town Manager

FROM: Gerald B. Schofield
Chief of Police

DATE: January 28, 1994

RE: Street Light Request

I have reviewed the area of U. S. Route 1 and Frost Brook Lane for the possible installation of a street light.

In reviewing the area, I used the criteria established in Section 17-104 of the Street Light Ordinance. Sections 1 and 2 are applicable to this request.

1. Frost Brook Lane intersects with U. S. Route 1. Almost adjacent to this area is an intersection with U. S. Route 1 and Noble Drive.
2. To the south of the intersection, there is an uphill grade as you drive north. To the north of the intersection is a curve to the left.

Sections 3--7 do not apply to this request.

Even though we have had no problem with accidents in the area, we do receive complaints of speeding vehicles which is addressed by the use of radar. It is an area where the speed limit is 35 mph and changes to 50 mph just north of Larue Drive.

If a street light were to be installed, I would recommend using CMP Pole 36. This may help illuminate both of the intersections with U. S. Route 1.



Approved 3/11/11
4-94

DRAFT AMENDMENTS

CHAPTER 48. TRAFFIC & PARKING ORDINANCE

ARTICLE III - PARKING PROVISIONS

SECTION 48-303

One Hour Parking Zones

6. On the east side of Main Street from the northern corner of the Congregational Church driveway (Map 11, Lot 122) extending northerly 166 feet.
7. On the west side of Main Street beginning 40 feet from the southerly corner of Nathan Nye and Main Street intersection extending in a southerly direction 155 feet except for the following condition:

Between the hours of 7 a.m. to 9 a.m. only, on the westerly side of Main Street between forty (40) feet and extending in a southerly direction to one hundred (100) feet south of the Nathan Nye intersection, no vehicle shall stop, stand or park except for the purpose of loading and unloading and for no longer than fifteen (15) minutes. At all other times, this area shall operate as a one hour vehicle parking zone.

SECTION 48-305

THIRTY MINUTE PARKING ZONES

- ~~3.~~ ~~On the east side of Main Street from the northern corner of the Congregational Church driveway (Map 11, Lot 122) extending northerly 166 feet.~~
- ~~4.~~ ~~On the west side of Main Street beginning 70 feet from the southerly corner of the Nathan Nye and Main Street intersection extending in a southerly direction 155 feet.~~

5.3

6.4

A G E N D A

COUNCIL MEETING #4-94

FREEPORT TOWN HALL COUNCIL CHAMBERS

MARCH 1, 1994 - 7:00 P.M.

SPECIAL NOTE: This Agenda is a working Agenda that includes background information and is for the distribution to Council members only.

FROM: Dale C. Olmstead, Jr

TO: Elizabeth Ruff, Chairperson, Durham Road
Randall Bennett, Vice-Chair, Park Street
Edward Bradley, Flying Point Road
Roger Wold, Staples Point Road
Gloria DeGrandpre, Wolf Neck Road
Kenneth Mann, Mann Road
Edward Campbell, Gay Drive

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #3-94 held on February 15, 1994 and accept the minutes as printed.

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.



COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #30-94 TO CONSIDER ACTION RELATIVE TO A REQUEST FOR
INSTALLMENT OF A STREET LIGHT. (PUBLIC HEARING)

MOTION: That the request for installment of a street light at the intersection of US Route #1 North and Frost Brook lane be subject to Public Hearing.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the request for Installment of a street light at the intersection of US Route #1 North and Frost Brook Lane be approved.

Note: Normally new lights are installed in June. The annual cost of a street light is approximately \$180.

ITEM #31-94 TO CONSIDER ACTION RELATIVE TO A MUTUAL AID
AGREEMENT CONCERNING POLICE ACTIVITIES.

BE IT ORDERED: That the agreement between municipalities in Cumberland County to provide mutual aid for police activities, be approved.

ITEM #32-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE DESIGN REVIEW BOARD.

BE IT ORDERED: That Margaret Morfit be appointed, effective immediately, to serve on the Design Review Board until October 1, 1994.

BE IT FURTHER ORDERED: That Ms. Morfit qualify by swearing an oath of office before the Town Clerk by March 10, 1994.



COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #33-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE DESIGN REVIEW BOARD.

BE IT ORDERED: That Phillip Wagner be appointed, effective immediately, to serve on the Design Review Board until October 1, 1996.

BE IT FURTHER ORDERED: That Mr. Wagner qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

ITEM #34-94 TO CONSIDER ACTION RELATIVE TO AN APPEAL OF A
DECISION OF THE TOWN CLERK IN IMPLEMENTATION OF
THE PEDDLERS ORDINANCE. APPEAL BY BARBARA
MCGIVAREN DATED JANUARY 26, 1994 (CHAPTER 43)

MOTION: That the Appeals Hearing be opened.

MOTION: That the Appeals Hearing be closed.

BE IT ORDERED: That the Town Clerk's decision allocating peddler spots on Main Street for 1994, be upheld.

OR:

BE IT ORDERED: That the Town Clerk is hereby instructed to conduct a lottery for peddler's licenses for 1994 in accordance with Article II - Section 43-202 - Subsections O & P.

BE IT FURTHER ORDERED: That the lottery applications be received by 1 PM on March 18 and that the lottery drawing will be held on Monday, March 21, 1994 at 10:00 AM.



**COUNCIL MEETING #4-94
MARCH 1, 1994**

**ITEM #35-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE COASTAL WATERS COMMISSION.**

BE IT ORDERED: That Robert Prindall be appointed, effective immediately, to serve on the Coastal Waters Commission until April 1, 1997.

BE IT FURTHER ORDERED: That Mr. Prindall qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

**ITEM #36-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE COASTAL WATERS COMMISSION.**

BE IT ORDERED: That Carol Chipman be appointed, effective immediately, to serve on the Coastal Waters Commission until April 1, 1997.

BE IT FURTHER ORDERED: That Ms. Chipman qualify by swearing an oath of office before the Town Clerk by March 10, 1994.



COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #37-94 TO CONSIDER ACTION RELATIVE TO A RE- APPOINTMENT TO
THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

BE IT ORDERED: That Jon Robinson be re-appointed, effective immediately, to serve on the B. H. Bartol Library Board of Trustees until April 1, 1997.

BE IT FURTHER ORDERED: That Mr. Robinson qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

ITEM #38-94 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO
THE B.H. LIBRARY BOARD OF TRUSTEES.

BE IT ORDERED: That Gail Rust be re-appointed, effective immediately, to serve on the B.H. Bartol Library Board of Trustees until April 1, 1997.

BE IT FURTHER ORDERED: That Ms. Rust qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

ITEM #39-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

BE IT ORDERED: That E. Ann Westervelt be appointed, effective immediately, to serve on the B.H. Bartol Library Board of Trustees until April 1, 1997.

BE IT FURTHER ORDERED: That Ms. Westervelt qualify by swearing an oath of office before the Town Clerk by March 10, 1994



COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #40-94 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE
(SEC.612).

BE IT ORDERED: That a Public Hearing be scheduled for March 15, 1994 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code. (Sec. 612)

BE IT FURTHER ORDERED: That 30 copies be made and distributed equally between the Town Clerk's Office and the B.H. Bartol Library for inspection by citizens.

ITEM #24-94 TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION
RELATIVE TO A PROPOSED HEDGEHOG MOUNTAIN
PROPERTY MASTER PLAN AND IMPLEMENTATION
SCHEDULE.

BE IT ORDERED: That the proposed Hedgehog Mountain Property Master Plan and Implementation Schedule, as submitted to Public Hearing on February 15, 1994, be approved.

ITEM #26-94 TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION
RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC
AND PARKING ORDINANCE. (CHAPTER 48)

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance, as submitted to Public Hearing on February 15, 1994, be approved.



COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #29-94

TABLED FEBRUARY 15, 1994. TO CONSIDER ACTION TO AN EXECUTIVE SESSION TO DISCUSS AN APPLICATION FOR A PROPERTY TAX ABATEMENT.

MOTION: That the Council enter into Executive Session to discuss an Application for Property Tax Abatement due to poverty and/or disability.

MOTION: That the Council reconvene.

BE IT ORDERED: That the Application for a Property Tax Abatement because of poverty and/or disability, be approved.

Note: The Council has the option of approving the full or partial abatement. Of course the Council can deny the request depending on the results of the hearing.

OTHER BUSINESS:

1. DISCUSSION ON THE DEVELOPMENT OF A TOUR BUS PARKING AREA.
2. DISCUSSION OF LAND BANK COMMISSION TAKING ON THE RESPONSIBILITY FOR HEDGEHOG MOUNTAIN.

ITEM #41-94

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

MOTION: That the Council enter into Executive Session with the Freeport Water District Trustees to discuss the potential acquisition of the Freeport Water System.

MOTION: That the Council reconvene.

END OF AGENDA



A G E N D A

COUNCIL MEETING #4-94

FREEPORT TOWN HALL COUNCIL CHAMBERS

MARCH 1, 1994 - 7:00 P.M.

SPECIAL NOTE: This Agenda is a working Agenda that includes background information and is for the distribution to Council members only.

FROM: Dale C. Olmstead, Jr

TO: Elizabeth Ruff, Chairperson, Durham Road
Randall Bennett, Vice-Chair, Park Street
Edward Bradley, Flying Point Road
Roger Wold, Staples Point Road
Gloria DeGrandpre, Wolf Neck Road
Kenneth Mann, Mann Road
Edward Campbell, Gay Drive

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #3-94 held on February 15, 1994 and accept the minutes as printed.

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #30-94 TO CONSIDER ACTION RELATIVE TO A REQUEST FOR
INSTALLMENT OF A STREET LIGHT. **(PUBLIC HEARING)**

MOTION: That the request for installment of a street light
at the intersection of US Route #1 North and Frost Brook lane
be subject to Public Hearing.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the request for installment of a
street light at the intersection of US Route #1 North and Frost
Brook Lane be approved.

Note: Normally new lights are installed in June. The annual
cost of a street light is approximately \$180.

ITEM #31-94 TO CONSIDER ACTION RELATIVE TO A MUTUAL AID
AGREEMENT CONCERNING POLICE ACTIVITIES.

BE IT ORDERED: That the agreement between municipalities
in Cumberland County to provide mutual aid for police activities,
be approved.

ITEM #32-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE DESIGN REVIEW BOARD.

BE IT ORDERED: That Margaret Morfit be appointed, effective
immediately, to serve on the Design Review Board until October 1,
1994.

BE IT FURTHER ORDERED: That Ms. Morfit qualify by
swearing an oath of office before the Town Clerk by March 10,
1994.

COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #33-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE DESIGN REVIEW BOARD.

BE IT ORDERED: That Philip Wagner be appointed, effective immediately, to serve on the Design Review Board until October 1, 1996.

BE IT FURTHER ORDERED: That Mr. Wagner qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

ITEM #34-94 TO CONSIDER ACTION RELATIVE TO AN APPEAL OF A
DECISION OF THE TOWN CLERK IN IMPLEMENTATION OF
THE PEDDLERS ORDINANCE. APPEAL BY BARBARA
MCGIVAREN DATED JANUARY 26, 1994 (CHAPTER 43)

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COUNCIL MEETING #4-94
MARCH 1, 1994

ITEM #35-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE COASTAL WATERS COMMISSION.

BE IT ORDERED: That Robert Prindall be appointed, effective immediately, to serve on the Coastal Waters Commission until April 1, 1997.

BE IT FURTHER ORDERED: That Mr. Prindall qualify by swearing an oath of office before the Town Clerk by March 10, 1994.

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COUNCIL MEETING #4-94
MARCH 1, 1994

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THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

BE IT ORDERED: That Jon Robinson be re-appointed, effective immediately, to serve on the B. H. Bartol Library Board of Trustees until April 1, 1997.

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THE B.H. BARTOL LIBRARY BOARD OF TRUSTEES.

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COUNCIL MEETING #4-94
MARCH 1, 1994

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AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE
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COUNCIL MEETING #4-94
MARCH 1, 1994

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MOTION: That the Council reconvene.

END OF AGENDA

