

MINUTES
FREEPORT TOWN COUNCIL
MEETING #27-94
November 1, 1994 - 7:30 P.M.

CHAIRPERSON'S CALL TO ORDER

Elizabeth Ruff, Chairperson
Durham Road

Present Absent Excused

X

Randall Bennett
Park Street

X

Edward Bradley
Flying Point Road

X

Roger Wold
Staples Point Road

X

Gloria DeGrandre
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 #25-94 held on October 18, 1994 and Special Meeting #26-94 held on October 25, 1994, and accept the minutes as printed.

MOVED AND SECONDED: That the minutes of Meeting #25-94 held on October 18, 1994, amended to reflect that on page 4, Item 169-94, the motion to close the Public Hearing was rescinded was moved and seconded, 7 Ayes, 0 Nays, and the minutes of the Special Meeting #26-94 held on October 25, 1994, be accepted as amended. (Councilors Campbell & Bennett) (7 Ayes) (0 Nays)

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

1. Councilor Campbell stated that the Town of Freeport's High School Track team won the State Championship; he added that it is an extremely proud moment for the Town and especially for its elected officials, who extend that recognition and pride for the youth of Freeport.

Councilor Bradley added his thanks, that it is truly important what the team has done, that the team is basking in the glory of a State Championship, which has not happened in a long time! He stated that he offered his appreciation to the coach, Tim Donovan, for the special qualities he has brought to the children. He stated that the trophies won were the Boys Cross Country Western Regional Class D Championship and the Boys Cross Country Class D State Champions 1994. He then presented the Teams:

Carrie Harlow
Vanessa LeBlond
Felicity Soles
Amy Batchelor
Kendra Curry
Alex Montalvo
Erin Farrell

Brian Oickle
Travis Pryor
Zack White

D. C. Pummill
Dan Brown
David Maguire
Robert Maguire
Joel Osgood
Luke Williams
Nate Soles
Nate Rice
Matt Maguire
Neil Lowell
Kenny Dennison
Richard Moulton
Josh Jordan

Councilor Bradley, on behalf of the Council, presented the team members a token of appreciation (button/pin).

Tim Donovan offered his thanks to the Community for its support; he stated that in the State Meet, 6 Freeport people came in before any other team in the State had their 4th runner in; he added that the Team's new motto would be, "Now that we have kicked the door in, we are going to move in and will not give (the title) up for awhile!".

2. Chairperson Ruff stated she wished to honor the High School Student Council members for their efforts on Candidates' Night:

Jamie Brawn
Damien Howell
Jessica Taisey
Meleena Erickson
Shannen Kleitgen
Rachel Zur
Anna Brown
Heath Bumgardner
Ken Dennison
Beth Groves
Eliza Lowell
Andre Guimond
Ben Harding
Samantha Lincoln
Kadie York

3. Genie Beaulieu raised her concern for the need for an updated voters' list, as her candidate's mailing revealed a 14% of mail undeliverable as addressed.

Chairperson Ruff requested that other candidates who have made such a mailing and have experienced returns, bring them to the Town Office to update the voters' list.

Councilor Mann added that this should be addressed in the future.

4. Louis Marstaller thanked the current Council for working with the public on the Comprehensive Plan and other items.
5. Mary Kennedy requested that a date be set for the Recreation Committee to meet and elect officers.

Chairperson Ruff stated that it is being addressed and she would be hearing something soon.

Manager Olmstead stated that each member will be notified when a date has been set.

MOVED AND SECONDED: That the Public Comment Period be closed. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ITEM #169-94 CONTINUED FROM OCTOBER 18, 1994. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE WINSLOW PARK ORDINANCE CONCERNING THE FEE SCHEDULE. (CHAPTER 34) (PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE CONTINUED. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

1. Wayne Hollingworth reviewed the issues brought up at the last regular Council meeting. He stated that it is the feeling of the Commission that the user fees are an important part of the park's income; the park is "in the black", but needs to continue to be; a number of improvements have been made without Town subsidies, etc., they maintain the Town road, boat ramp, etc. He stated that the Commission has been frugal and has tried to maintain this. He stated that Freeport school children will get in free (a change to the fee schedule), and the fee for group areas is \$100.

Councilor Wold stated that the proposed fee schedules will enable the Commission to make the improvements for handicap accessible bathrooms and improvements to the playground.

Discussion followed re: seasonal camping fees, Harb Cottage usage, pre and post season usage, date to approve fee schedule, clarification on the fee schedule, that clam diggers are not charged for usage, etc.

Councilor DeGrandpre moved (informally) that the seasonal camping resident fees stay at \$675, that the Harb Cottage weekly rates from July 1 through Labor Day for the Freeport residents remain at \$800 and the pre and post season weekly rates stay at \$600, including utilities for Freeport residents.

(Consensus for fee schedule as presented for proposed amendments was supported.)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE TABLED UNTIL DECEMBER 6, 1994. (Councilors Campbell & Bennett) (7 Ayes) (0 Nays)

ITEM #186-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR THE FREEPORT CAFE. (PUBLIC HEARING)

MOVED AND SECONDED: THAT THE FOLLOWING RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

J. SEAN RILEY, D/B/A FREEPORT CAFE, 335 US ROUTE #1 SOUTH FREEPORT. (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT THE RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT, BE APPROVED. ROLL CALL VOTE (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

ITEM #187-94 TO CONSIDER ACTION RELATIVE TO THE IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS. (PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.
(Councilors Campbell & Wold) (7 Ayes) (0 Nays)

1. Councilor Campbell explained the purpose for this public hearing - to meet the requirements of the CDBG for water and sewer infrastructure improvements.

Discussion followed re: options of expanding the project, list of priorities and Bonney Street not being included, etc.

2. Ken Guimond, the developer of the Healthsource project, stated that he wished to thank the Town, that the project will end well, that they expect to be done on time and on budget.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ITEM #188-94 TO CONSIDER ACTION RELATIVE TO AN APPROPRIATION ORDINANCE FOR \$150,000 FOR THE PURPOSE OF ACQUIRING THE DUNNING BOAT YARD.(PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.
(Councilors Wold & Mann) (7 Ayes) (0 Nays)

1. Manager Olmstead provided the background of the proposal to acquire the Dunning Boat Yard, adding that if all goes well, the closing will be July 30, 1995.

Discussion followed re: public access to the water, importance of the public voting on this referendum, the reasonable cost of the property, the Council's unanimous support for this, etc.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ITEM #189-94 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE PLANNING BOARD.

BE IT ORDERED: THAT GEORGE R. FRASER BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 1995. **BALLOT VOTE** (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT MR. FRASER QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY NOVEMBER 14, 1994. **ROLL CALL VOTE** (Councilors Bennett & Wold) (7 Ayes) (0 Nays)

ITEM #190-94 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF TODD BROOK ROAD.

BE IT ORDERED: THAT TODD BROOK ROAD BE ACCEPTED AS A TOWN WAY. **ROLL CALL VOTE** (Councilors Bradley & Campbell) (7 Ayes) (0 Nays)

ITEM #191-94 TO CONSIDER ACTION RELATIVE TO ACCEPTING BIDS FOR SURPLUS PROPERTY.

MOVED AND SECONDED: THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED. (Councilors DeGrandpre & Wold) (7 Ayes) (0 Nays)

Manager Olmstead reported on the bids received on the following:

6X5 Truck Cap - Steve Colby	\$10.00
1987 Ford Pick up - Mike Pottle	358.00
Rick Davis	502.00
Chevy Step Van. - Rick Davis	152.00
Rick Simard	100.00

BE IT ORDERED: THAT THE BID IN THE AMOUNT OF \$10.00 FROM STEVEN COLBY BE ACCEPTED FOR PURCHASE OF A USED PICKUP CAP. ROLL CALL VOTE (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT THE BID IN THE AMOUNT OF \$152.00 BE ACCEPTED FROM RICK DAVIS FOR A USED CHEVROLET STEP VAN. ROLL CALL VOTE (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT THE BID IN THE AMOUNT OF \$502.00 BE ACCEPTED FROM RICK DAVIS FOR THE PURCHASE OF A USED 1987 FORD PICKUP. ROLL CALL VOTE (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

ITEM #192-94 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A TOWN ATTORNEY.

MOVED AND SECONDED: To amend the Order to add that a re-evaluation of the performance of F. Paul Frinsko take place by October of next year. (Councilors Mann & Bradley) (4 Ayes) (3 Nays - Wold, Campbell, Ruff)

BE IT ORDERED: THAT F. PAUL FRINSKO FROM THE LAW FIRM BERNSTEIN, SHUR, SAWYER & NELSON, BE APPOINTED FREEPORT TOWN ATTORNEY. ROLL CALL VOTE (Councilors Campbell & Bennett) (5 Ayes) (2 Nays - Mann, Wold)

ITEM #193-94 TO CONSIDER ACTION RELATIVE TO ACCEPTING BIDS FOR CEMETERY LAWN MOWING.

MOVED AND SECONDED: THAT THE TOWN MANAGER REPORT ON THE BIDS RECEIVED. (Councilors Bennett & Wold) (7 Ayes) (0 Nays)
Manager reported on the bids for cemetery mowing for three calendar years received as follows:

James Morrill, Yarmouth	\$50,625
David Stilkey, Freeport	17,200
Grant Enterprises, Portland	17,340
Brent Moon, Freeport	14,000
Ed Harding & Marelli Portland	16,500

BE IT ORDERED THAT THE BID FROM BRENT MOON IN THE AMOUNT OF \$14,000 BE ACCEPTED FOR CEMETERY LAWN MOWING FOR CALENDAR YEARS 1995, 1996 & 1997. ROLL CALL VOTE (Councilors Wold & Bennett) (6 Ayes) (1 Absent - Campbell)

ITEM #167-94 TABLED OCTOBER 18, 1994. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PEDDLERS ORDINANCE. (CHAPTER 43)

MOVED AND SECONDED: That the proposed amendments to the Peddlers Ordinance be tabled to the meeting of December 6, 1994. (Councilors Wold & Mann) (6 Ayes) (1 Absent - Campbell)

ITEM #168-94 TABLED OCTOBER 18, 1994. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING THE REZONING OF TAX MAP 12, LOTS 31A AND 33A FROM VILLAGE I TO VILLAGE COMMERCIAL II. (CHAPTER 21)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE AND ZONING MAP, AS SUBMITTED TO PUBLIC HEARING ON OCTOBER 18, 1994, BE APPROVED. ROLL CALL VOTE (Councilors Bradley & Wold) (5 Ayes) (1 Abstain - Bradley) (1 Absent - Campbell)

OTHER BUSINESS:

1. RECOGNITION OF RECENT LANDFILL ACTIVITIES.

Chairperson Ruff stated that she wished to commend the Landfill for their efforts in making the landfill available on two weekends to take all the trash; she is in hopes that the Council will consider doing this again next year.

2. REPORT ON BOW STREET.

Manager Olmstead provided an update on the Bow Street Project; re: trees - he stated that several trees had been cut; there is money in the Budget to replace some of them; he will be applying for grant funds to provide enhancements in the area. Re: the speeding issue - he stated he had talked with Chief Schofield and Michael Whitehouse, who have committed to do what they can to monitor the speed on Bow Street, request for street lettering in the school zone and procure additional signage. He stated that he had met with Alden Small, requesting that MDOT increase their commitment to the project by some \$28,000. Re: paving and sewer responsibility for that paving, Manager Olmstead stated he had talked to Tom Allen of the Sewer District, who assured that in areas where they removed pavement to install the sewer line outside of the project area, they did repave and pay for that, but did not pay for any new overlays where the pavement was removed because of the overall project. As far as putting a new overlay on that section from Dennison to Lower Mast Landing Road, once the project is complete, a request has been made to the State to pave that section in the Spring. The State has agreed to review the area at project completion. He stated that Peter Tubbs said the project is near completion and Peter is recommending one addition to the budget, an estimated \$200 - \$300, to do additional work to Janet O'Brien's driveway, to try to improve that situation - this will be eligible for cost sharing.

Councilor Bradley requested that Peter Tubbs speak with the residents on the downside slope of the project area.

Discussion followed re: striping on the road, driveway improvement funding, question of use of Town grader (used in conjunction with sewer).

John Forrest raised concerns re: road patches, trees and his water pipe.

Janet O'Brien reiterated her concern for safety, re: her driveway.

ITEM #194-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS POLICE/DISPATCH CONTRACT NEGOTIATIONS AND MEET WITH THE TOWN ATTORNEY TO DISCUSS LITIGATION (TOWN OF FREEPORT V TY LIN).

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS POLICE/DISPATCH CONTRACT NEGOTIATIONS AND MEET WITH THE TOWN ATTORNEY TO DISCUSS LITIGATION (TOWN OF FREEPORT V TY LIN). (Councilors Bradley & Bennett) (6 Ayes) (1 Absent - Campbell)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE. (Councilors Wold & Bennett) (5 Ayes) (0 Nays)

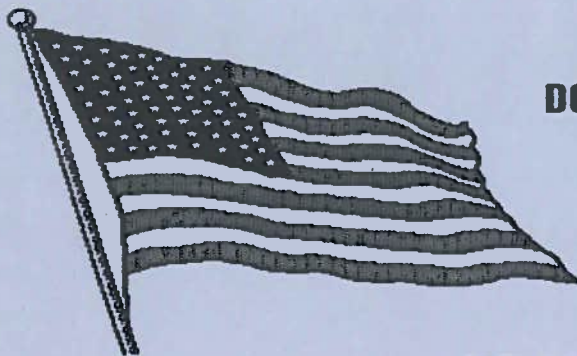
MOVED AND SECONDED: That the meeting be adjourned at 11:28 p.m. (Councilors Wold & Bennett) (5 Ayes) (0 Nays)

COUNCILOR CAMPBELL EXCUSED AT 10:00 P.M.

COUNCILOR BRADLEY EXCUSED AT 11:15 P.M.

Respectfully submitted,

Pat Goodwin, Recording Secretary



DON'T FORGET TO VOTE!
NOVEMBER 8, 1994

A G E N D A

COUNCIL MEETING #27-94

COUNCIL CHAMBERS

NOVEMBER 1, 1994 - 7:30 PM

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

FROM: DALE C. OLMSTEAD, JR.

TO: 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 #25-94 held on October 18, 1994 and Special Meeting #26-94 held on October 25, 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.

ITEM #169-94 CONTINUED FROM OCTOBER 18, 1994. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE WINSLOW PARK ORDINANCE CONCERNING THE FEE SCHEDULE. (CHAPTER 34) (PUBLIC HEARING)

MOTION: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE CONTINUED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE TABLED UNTIL DECEMBER 6, 1994.

ITEM #186-94 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE FOR THE FREEPORT CAFE. (PUBLIC HEARING)

MOTION: THAT THE FOLLOWING RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

J. SEAN RILEY, D/B/A FREEPORT CAFE, 335 US ROUTE #1 SOUTH FREEPORT.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT, BE APPROVED.

ITEM #187-94 TO CONSIDER ACTION RELATIVE TO THE IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS. (PUBLIC HEARING)

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

ITEM #188-94 TO CONSIDER ACTION RELATIVE TO AN APPROPRIATION ORDINANCE FOR \$150,000 FOR THE PURPOSE OF ACQUIRING THE DUNNING BOAT YARD. (PUBLIC HEARING)

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

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BE IT ORDERED: THAT GEORGE R. FRASER BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 1995.

BE IT FURTHER ORDERED: THAT MR. FRASER QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY NOVEMBER 14, 1994.

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MOTION: THAT THE TOWN MANAGER REPORT ON BIDS RECEIVED.

BE IT ORDERED: THAT THE BID IN THE AMOUNT OF \$10.00 FROM STEVEN COLBY BE ACCEPTED FOR PURCHASE OF A USED PICKUP CAP.

BE IT FURTHER ORDERED: THAT THE BID IN THE AMOUNT OF \$152.00 BE ACCEPTED FROM RICK DAVIS FOR A USED CHEVROLET STEP VAN.

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BE IT ORDERED THAT THE BID FROM BRENT MOON IN THE AMOUNT OF \$14,000 BE ACCEPTED FOR CEMETERY LAWN MOWING FOR CALENDAR YEARS 1995, 1996 & 1997.

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PROPOSED AMENDMENTS TO THE PEDDLERS ORDINANCE. (CHAPTER 43)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE
PEDDLERS ORDINANCE AS SUBMITTED TO PUBLIC HEARING ON OCTOBER
18, 1994, BE APPROVED.

ITEM #168-94 TABLED OCTOBER 18, 1994. TO CONSIDER ACTION RELATIVE TO
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP
CONCERNING THE REZONING OF TAX MAP 12, LOTS 31A AND 33A FROM
VILLAGE I TO VILLAGE COMMERCIAL II. (CHAPTER 21)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE
FREEPORT ZONING ORDINANCE AND ZONING MAP, AS SUBMITTED TO
PUBLIC HEARING ON OCTOBER 18, 1994, BE APPROVED.

OTHER BUSINESS:

1. RECOGNITION OF RECENT LANDFILL ACTIVITIES.
2. REPORT ON BOW STREET.

ITEM #194-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION/POLICE
CONTRACT.

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO
DISCUSS THE POLICE CONTRACT.

MOTION: THAT THE COUNCIL RECONVENE.