

**MINUTES
FREEPORT TOWN COUNCIL
MEETING #29-94
December 6, 1994 - 7:00 P.M.**

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #28-94 held on November 115, 1994 and accept the minutes as printed. (Councilors Wold & Ruff) (5 Ayes) (0 Nays)

ITEM #196-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS LITIGATION. (TOWN OF FREEPORT V OCEAN FARMS)

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION WITH THE TOWN'S ATTORNEY TO DISCUSS LITIGATION. (TOWN OF FREEPORT V OCEAN FARMS OF MAINE, INC.) (Councilors DeGrandpre & Wold) (5 Ayes) (0 Nays)

(Councilor Bennett arrived at 7:45 P.M.)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE. (Councilors Wold & Bennett) (6 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes

1. Councilor Mann raised concern about a culvert in disrepair on Bonney Street. He requested that the Council take action regarding this.

Manager Olmstead stated he would look into the matter for resolve.

2. Councilor Wold raised concern re: the use of the Public Access Channel on Election Day and the camera running at the polls. He stated he felt this to be an intrusion on voters and a very unproductive use of the facility. He stated that he had written a letter to the Regulatory Board expressing these concerns.

He stated that 69% of Freeport voters voted on Election Day; however, roughly 1/3 of these did not vote on the 2 local issues, the Dunning Boat Yard and the Councilor-At-Large seat. He requested that the Council think about ways to encourage the awareness of local issues.

He stated he wished to take notice of Councilor Bennett's willingness and ability to serve as Vice Chairperson the past year. He thanked him for his efforts.

Chairperson Campbell offered his thanks, as well.

MOVED AND SECONDED: To close the Public Comment Period. (Councilors Wold & 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 #197-94

TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL BENNETT, J. SEAN RILEY, MICHAEL DOHERTY AND ROGER BINTLIFF. (PUBLIC HEARING)

MOVED AND SECONDED: That the Council adjourn and the Licensing board Convene. (Councilors Bennett & Wold) (6 Ayes) (0 Nays)

ROLL CALL OF MEMBERS

EDWARD CAMPBELL
GLORIA DEGRANDPRE
ELIZABETH RUFF
RANDALL BENNETT
PAT GOODWIN

ROGER WOLD
KENNETH MANN
CHARLOTTE BISHOP (excused)
DALE OLMSTEAD

MOVED AND SECONDED: THAT THE FOLLOWING APPLICATIONS/RE-APPLICATIONS FOR VICTUALER'S LICENSES BE SUBJECT TO PUBLIC HEARING. (Councilors Bennett & Wold) (6 Ayes) (0 Nays)

PAUL BENNETT, JR., D/B/A BENNETT'S GUN SHOP, 243 US ROUTE #1 NORTH.

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

MICHAEL DOHERTY, D/B/A DOHERTY'S NORTH FREEPORT STORE, WARDTOWN ROAD.

ROGER BINTLIFF, D/B/A BINS EMPORIUM, 140 MAIN STREET.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Bennett & Wold) (6 Ayes) (0 Nays)

BE IT ORDERED: THAT THE APPLICATIONS/RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS, BE APPROVED. (Councilors Bennett & Ruff) ROLL CALL VOTE (8 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE LICENSING BOARD AND THE COUNCIL RECONVENE. (Councilors Bennett & Ruff) (6 Ayes) (0 Nays)

ITEM #198-94

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE LAND BANK ORDINANCE CONCERNING MANAGEMENT OF HEDGEHOG MOUNTAIN. (CHAPTER 35)

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR DECEMBER 20, 1994 AT 7:30 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE LAND BANK ORDINANCE.

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 Ruff & Wold) ROLL CALL VOTE (6 Ayes) (0 Nays)

Councilor Wold requested that in Section 35.15, the word "finally" be stricken.

Re: 35.9, 3rd paragraph, 4th line, he recommended amending it to read, "the approved budget shall be funded by the Hedgehog Mountain Fund".

He recommended that the following verbiage be added to the bottom, "which shall be segregated from any other land bank funds".

Following the above, he suggested inserting, "Expenditures from this fund shall not be subject to any of the restrictions set forth in 35-3, subparagraph 6A, B, and C".

He requested adding after the above statement, "An accounting of the Hedgehog Mountain Fund shall be submitted to the Town Council annually and shall accompany the budget".

Manager Olmstead stated that the above verbiage can be included in the proposed amendments to the Land Bank Ordinance.

ITEM #199-94

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE COASTAL WATERS COMMISSION.

BE IT ORDERED: THAT MARK THERIAULT BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 1997. (Councilors Bennett & Ruff) BALLOT VOTE (6 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT MR. THERIAULT QUALIFIED BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY DECEMBER 16, 1994. (Councilors Bennett & Ruff) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #200-94

TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE ZONING ORDINANCE CONCERNING OFF STREET LOADING STANDARDS. (CHAPTER 21

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR DECEMBER 20, 1994 AT 7:30 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENTS TO THE ZONING ORDINANCE.

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 & Wold) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #201-94

TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM THE FISCAL YEAR 1995 MISCELLANEOUS & CONTINGENCY ACCOUNT.

BE IT ORDERED: THAT \$375.00 BE EXPENDED FROM THE FISCAL YEAR 1995 MISCELLANEOUS & CONTINGENCY ACCOUNT TO PROVIDE ADDITIONAL FUNDING FOR HOLIDAY LIGHTING. (Councilors DeGrandpre & Bennett) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #202-94

TO CONSIDER ACTION RELATIVE TO THE AWARDING OF A TEMPORARY NOTE IN ANTICIPATION OF FEDERAL REIMBURSEMENT.

MOVED AND SECONDED: THAT THE TOWN MANAGER REPORT ON THE BIDS RECEIVED. (Councilors Wold & Bennett) (6 Ayes) (0 Nays)

Manager Olmstead read the bids received as follows:

Casco Northern	4.54%	\$13,657.32 interest
Fleet Bank	4.85%	\$14,526.00 interest
Key Bank of Maine	4.93%	\$14,749.48 interest
Bath Savings Bank	5.07%	\$15,221.00 interest
Peoples Heritage Bank	5.21%	\$15,630.00 interest

BE IT ORDERED: THAT UNDER AND PURSUANT TO TITLE 30-A, SECTION 5773 OF THE MAINE REVISED STATUTE, AS AMENDED AND SUPPLEMENTED, THERE BE AND HEREBY IS AUTHORIZED THE ISSUANCE OF UP TO \$600,000 PRINCIPAL AMOUNT OF GRANT ANTICIPATION NOTES OF THE TOWN IN ANTICIPATION OF THE RECEIPT OF PROCEEDS OF A GRANT FOR FEDERAL AID FROM THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, PROJECT NO. 01-49-03352 FOR WATER AND SEWER SYSTEM IMPROVEMENTS AND LAND ACQUISITION. SAID NOTES SHALL BE DATED DECEMBER 15, 1994, SHALL MATURE ON JUNE 15, 1995, SHALL BE SIGNED BY THE TREASURER AND COUNTERSIGNED BY THE CHAIRMAN OF THE TOWN COUNCIL, SHALL BEAR INTEREST AT THE RATE OF 4.54% PER ANNUM, SHALL BE PAYABLE AT CASCO NORTHERN BANK AND OTHERWISE BE IN SUCH FORM AND BEAR SUCH DETAILS AS THE SIGNERS MAY DETERMINE.

THAT SAID NOTES ARE HEREBY SOLD AND AWARDED TO CASCO NORTHERN BANK.

SAID NOTES ARE HEREBY DESIGNATED QUALIFIED TAX EXEMPT OBLIGATIONS OF THE TOWN FOR THE 1994 CALENDAR YEAR PURSUANT TO THE INTERNAL REVENUE CODE OF 1986.

THAT ALL THINGS HERETOFORE DONE AND ALL ACTION HERETOFORE TAKEN BY THE TOWN, ITS MUNICIPAL OFFICERS AND AGENTS IN THE AUTHORIZATION OF SAID NOTES ARE HEREBY RATIFIED, APPROVED AND CONFIRMED AND THE TREASURER AND CHAIRMAN ARE EACH HEREBY AUTHORIZED TO TAKE ANY AND ALL ACTIONS NECESSARY OR CONVENIENT TO CARRY OUT THE PROVISIONS OF THIS VOTING, INCLUDING DELIVERING SAID NOTES AGAINST PAYMENT THEREFOR. (Councilors Wold & Bennett) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #203-94

TO CONSIDER ACTION RELATIVE TO A RELEASE DEED (BOUNDARY CONFIRMATORY DEED) BETWEEN THE TOWN OF FREEPORT AND THE FREEPORT MERCHANTS LIMITED PARTNERSHIP.

BE IT ORDERED: THAT A RELEASE DEED (BOUNDARY CONFIRMATORY DEED) BETWEEN THE TOWN OF FREEPORT AND THE FREEPORT MERCHANTS LIMITED PARTNERSHIP, BE APPROVED. (Councilors DeGrandpre & Ruff) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #167-94 **TABLED OCTOBER 18 & NOVEMBER 1, 1994. TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A PUBLIC PEDDLERS ORDINANCE. (CHAPTER 43)**

BE IT ORDERED: THAT THE PROPOSED PUBLIC PEDDLERS ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON OCTOBER 18, 1994, BE ADOPTED. (Councilors Wold & Bennett) ROLL CALL VOTE (6 Ayes) (0 Nays)

BE IT FURTHER ORDERED: THAT THE CURRENT PUBLIC PEDDLERS ORDINANCE BE VACATED. (Councilors Wold & Ruff) ROLL CALL VOTE (6 Ayes) (0 Nays)

ITEM #169-94 **TABLED NOVEMBER 1, 1994. TO CONSIDER ACTION RELATIVE TO THE WINSLOW PARK ORDINANCE CONCERNING THE PARK FEE SCHEDULE. (CHAPTER 34)**

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE, AS SUBMITTED TO PUBLIC HEARING ON OCTOBER 18, 1994 AND CONTINUED ON NOVEMBER 1, 1994, BE APPROVED AS AMENDED. (Councilors Ruff & Bennett) ROLL CALL VOTE (6 Ayes) (0 Nays).

MOVED AND SECONDED: To amend the fee schedule as follows:

Harb Cottage resident weekly rental rates remain at \$800, July 1 - Labor day; pre/post season rates at \$600; and, seasonal camping rates at \$675. (Councilors Ruff & DeGrandpre) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That a statement be added in the fee schedule to stating that Freeport School students may use the park free of charge provided the activity is school sponsored and that the park is notified in advance. (Councilors Mann & Wold) (6 Ayes) (0 Nays)

OTHER BUSINESS:

1. REPORT ON PROVIDING DISPATCHING SERVICES TO THE TOWN OF POWNAL.

Manager Olmstead provided an overview of the request made, including a \$7000 new - found revenue.

Discussion followed re: question of liability, impact on Freeport's radio

equipment, no additional charge to the Town, etc.

Councilor Wold requested an annual report be submitted to the Council.

MOVED AND SECONDED: That the Town of Freeport begin immediately providing dispatching services to the Town of Pownal for a fee of \$7,000 annually and an annual report be submitted to the Council for evaluation during the budget process. (Councilors Ruff & Wold) (5 Ayes) (1 Nay - Mann)

2. DISCUSSION ON THE TOWN OF FREEPORT BECOMING A "LEAD COMMUNITY" TO PASS THROUGH A COMMUNITY DEVELOPMENT BLOCK GRANT TO THE GREATER PORTLAND COUNCIL OF GOVERNMENTS.

Manager Olmstead reviewed the cost-free transaction process involved in Freeport becoming the pass-through community for Cumberland County.

MOVED AND SECONDED: To accept the position of being a lead community to pass through a community development block grant to the Greater Portland Council of Governments. (Councilors Wold & Ruff) (5 Ayes) (1 Nay - Mann)

3. REPORT FROM THE MUNICIPAL FACILITIES COMMITTEE ON THE PROPOSED CONSTRUCTION OF A SALT SHED.

Councilor Wold provided a report on this issue - size needed, funding, etc.

Discussion followed re: salt and sand mix, size of salt shed needed, "hot sand", a new product, using pure salt, etc.

4. Councilor Mann raised concerns re: agenda meetings, use of Town grader at Bow Street and the grade change impact of the Forrest property due to work done on the O'Brien and Ryan driveways.

MOVED AND SECONDED: That the Council adjourn at 9:55 P.M. (Councilors Wold & Bennett) (5 Ayes) (1 Nay - Mann)



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: Edward Campbell, Chairperson, Gay Drive
Gloria DeGrandpre, Vice-Chairperson, Wolf Neck Road
Elizabeth Ruff, Durham Road
Randall Bennett, Park Street
Roger Wold, Staples Point Road
Kenneth Mann, Mann Road
Charlotte Bishop, Maquoit Drive

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #28-94 held on November 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.

ITEM #196-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO
DISCUSS LITIGATION. (TOWN OF FREEPORT V OCEAN FARMS)

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION WITH
THE TOWN'S ATTORNEY TO DISCUSS LITIGATION. (TOWN OF
FREEPORT V OCEAN FARMS OF MAINE, INC.)

MOTION: THAT THE COUNCIL RECONVENE.

ITEM #197-94 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-
APPLICATIONS FOR VICTUALER LICENSES FOR PAUL BENNETT, J.
SEAN RILEY, MICHAEL DOHERTY AND ROGER BINTLIFF. (PUBLIC
HEARING)

MOTION: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD
CONVENE.

ROLL CALL OF MEMBERS

EDWARD CAMPBELL	ROGER WOLD
GLORIA DEGRANDPRE	KENNETH MANN
ELIZABETH RUFF	CHARLOTTE BISHOP
RANDALL BENNETT	DALE OLMSTEAD
PAT GOODWIN	

MOTION: THAT THE FOLLOWING APPLICATIONS/RE-APPLICATIONS
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PAUL BENNETT, JR., D/B/A BENNETT'S GUN SHOP, 243 US ROUTE #1
NORTH.

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

MICHAEL DOHERTY, D/B/A DOHERTY'S NO. FREEPORT STORE,
WARDTOWN ROAD.

ROGER BINTLIFF, D/B/A BINTLIFF'S EMPORIUM, 140 MAIN STREET.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED THAT THE APPLICATIONS/RE-APPLICATIONS ISSUED
TO THE ABOVE NAMED APPLICANTS, BE APPROVED.

MOTION: THAT THE LICENSING BOARD AND THE COUNCIL
RECONVENE.

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LAND BANK ORDINANCE CONCERNING MANAGEMENT OF
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COASTAL WATERS COMMISSION.

BE IT ORDERED: THAT MARK THERIAULT BE APPOINTED, EFFECTIVE
IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS
COMMISSION UNTIL APRIL 1, 1997.

BE IT FURTHER ORDERED: THAT MR. THERIAULT QUALIFY BY
SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY
DECEMBER 16, 1994.

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SUPPLEMENTED, THERE BE AND HEREBY IS AUTHORIZED THE
ISSUANCE OF UP TO \$600,000 PRINCIPAL AMOUNT OF GRANT
APPLICATION NOTES OF THE TOWN IN ANTICIPATION OF THE
RECEIPT OF PROCEEDS OF A GRANT FOR FEDERAL AID FROM THE U.S.
DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT
ADMINISTRATION, PROJECT NO. 01-49-03352 FOR WATER AND SEWER
SYSTEM IMPROVEMENTS AND LAND ACQUISITION. SAID NOTES
SHALL BE DATED DECEMBER 15, 1994, SHALL MATURE ON JUNE 15, 1995,
SHALL BE SIGNED BY THE TREASURER AND COUNTERSIGNED BY THE
CHAIRMAN OF THE TOWN COUNCIL, SHALL BEAR INTEREST AT THE
RATE OF _____ PER ANNUM, SHALL BE PAYABLE AT _____
AND OTHERWISE BE IN SUCH FORM AND BEAR SUCH DETAILS AS THE
SIGNERS MAY DETERMINE.

THAT SAID NOTES ARE HEREBY SOLD AND AWARDED TO

SAID NOTES ARE HEREBY DESIGNATED QUALIFIED TAX EXEMPT
OBLIGATIONS OF THE TOWN FOR THE 1994 CALENDAR YEAR
PURSUANT TO THE INTERNAL REVENUE CODE OF 1986.

THAT ALL THINGS HERETOFORE DONE AND ALL ACTION
HERETOFORE TAKEN BY THE TOWN, ITS MUNICIPAL OFFICERS AND
AGENTS IN THE AUTHORIZATION OF SAID NOTES ARE HEREBY
RATIFIED, APPROVED AND CONFIRMED AND THE TREASURER AND
CHAIRMAN ARE EACH HEREBY AUTHORIZED TO TAKE ANY AND ALL
ACTIONS NECESSARY OR CONVENIENT TO CARRY OUT THE
PROVISIONS OF THIS VOTING, INCLUDING DELIVERING SAID NOTES
AGAINST PAYMENT THEREFOR.

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2. DISCUSSION ON THE TOWN OF FREEPORT BECOMING A "LEAD COMMUNITY" TO PASS
THROUGH A COMMUNITY DEVELOPMENT BLOCK GRANT TO THE GREATER PORTLAND
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