

**MINUTES  
FREEPORT TOWN COUNCIL  
April 18, 1995 - 7:00 P.M.**

**CHAIRMAN'S CALL TO ORDER**

Edward Campbell, Chairperson  
Gay Drive

**Present**

**Absent**

**Excused**

X

Gloria DeGrandpre  
Wolf Neck Road

X

Elizabeth Ruff  
Durham Road

X

Randall Bennett  
Park Street

X

Roger Wold  
Staples Point Road

X

Kenneth Mann  
Mann Drive

X

Charlotte Bishop  
Maquoit Drive

X

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #8-95 held on April 4, 1995 and accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #8-95 held on April 4, 1995 and accept the minutes as printed. (Councilors Wold & Mann) (4 Ayes) (0 Nays)

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

1. Elaine Carolyn raised concerns regarding the growth process having deterrent effects.

2. Chairman Campbell stated that he had received a petition from residents of Cross and Morse Streets, requesting that their petition be forwarded to the Planning Board for consideration. He added that the petition was similar to the one presented by the residents of Cushing Avenue.

**MOVED AND SECONDED:** To close the Public Comment Period.  
(Councilors Wold & DeGrandpre) (4 Ayes) (0 Nays)

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

**MOVED AND SECONDED:** To include an item not on the printed agenda. (Councilors Mann & Wold) (4 Ayes) (0 Nays)

**BE IT ORDERED:** That the Town Council refer the petition, requesting an amendment to the Zoning Map, from Residents of Morse and Cross Streets, to the Planning Board for consideration.

**BE IT FURTHER ORDERED:** That because of significant changes in the Village Commercial I zone that have occurred since discussions and the adoption of the Comprehensive Plan, the Planning Board also consider appropriate amendments, if necessary, to the Comprehensive Plan to support such an amendment.

**BE IT FURTHER ORDERED:** That the Planning Board report back to the Council with its recommendation within ninety (90) days of its May 3, 1995 meeting. (Councilors Mann & Wold) ROLL CALL VOTE (4 Ayes) (0 Nays)

Councilor Wold noted that this petition is a separate issue from the L. L. Bean request; it is not tacit indication of an approval of the L. L. Bean request.

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ITEM #79-85

TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR DENNIS DANIEL, CATHERINE CARTY-WILBUR, STEVE JAMES, CAROL WARENCHAK, PETER KELLOGG, KAREN DEMATOS, KENNETH MANN, ARCHIBALD CANDY, WEBBER OIL COMPANY, JAY YILMAZ, MARY ANN SHUKALO, FRIENDLY'S ICE CREAM CORP, PERRY WILLIAMS, LOREN GOODRIDGE. (PUBLIC HEARING)

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**MOVED AND SECONDED:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors DeGrandpre & Wold) (4 Ayes) (0 Nays)

**ROLL CALL OF MEMBERS:**

ELIZABETH RUFF - excused  
RANDALL BENNETT - excused  
ROGER WOLD  
CHARLOTTE BISHOP - excused  
DALE OLMSTEAD

GLORIA DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
PAT GOODWIN

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

DENNIS DANIEL, D/B/A THE BIG TOMATO, 49 MAIN STREET.

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CANDY SHOPPE, 13 BOW STREET.

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CHOCOLATE FACTORY, 11 INDEPENDENCE DRIVE.

STEVE JAMES, D/B/A FREEPORT VARIETY STORE, 9 MAIN STREET.

CAROL WARENCHAK, D/B/A THE ICE CREAM MACHINE, 2 DEPOT STREET.

PETER KELLOGG, D/B/A BAKERY -2, 176 SO. FREEPORT ROAD.

KAREN DEMATOS, D/B/A MONARCH LANDING B & B, 173 FLYING PT. ROAD.

KENNETH MANN, D/B/A MANN'S EXIT 21 SHOPPING CENTER, 328 US RTE #1, NORTH.

ARCHIBALD CANDY, D/B/A FANNY FARMER CANDY SHOP, 123 MAIN STREET.

WEBBER OIL COMPANY, D/B/A FREEPORT GENERAL STORE, US RTE #1, SOUTH.

WEBBER OIL COMPANY, D/B/A EXXON MINI MART, MALLETT DRIVE.

JAY YILMAZ, D/B/A HOT DOGS ET AL, (PEDDLER/PRIVATE PROPERTY) 42 MAIN STREET.

MARY ANN SHUKALO, D/B/A MERRYMAN INN B & B, 1 SUMMER STREET.

FRIENDLY'S ICE CREAM, D/B/A FRIENDLY'S RESTAURANT, 140 MAIN ST.

PERRY WILLIAMS, D/B/A THE OTHER BEAN, (PEDDLER/PRIVATE PROPERTY), 57 MAIN STREET.

LORIN GOODRIDGE, D/B/A SUBWAY, 223 US RTE #1, SOUTH

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

**BE IT ORDERED:** THAT THE APPLICATIONS/RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS, BE APPROVED.  
ROLL CALL VOTE (Councilors DeGrandpre & Wold) (5 Ayes) (1 Abstain - Mann)

**MOVED AND SECONDED:** THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors DeGrandpre & Wold) (6 Ayes) (0 Nays)

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**ITEM #80-85**

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING MAP CONCERNING THE PROPOSED EXPANSION OF THE VILLAGE COMMERCIAL I ZONE (TAX MAP 11) (PUBLIC HEARING)

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
((Councilors Wold & DeGrandpre) (4 Ayes) (0 Nays)

Bill Shea, representing L. L. Bean, presented the petition for rezoning behind the retail store. He reviewed the process undertaken in the development of the plan, the overview of the conceptual plan, and reasons for the need for a zoning change.

Susan Saunders, President of the Freeport Historical Society, stated that the Society is very pleased with Bean's decision to renovate and preserve the Freeport Hose Tower.

Frank Small offered his recommendation that the zone change be approved.

Joyce Gifford, Guptil Avenue, stated her concerns regarding traffic on Elm Street.

Joe Wishcamper, Wolf Neck Road, added his approval of the zone change.

Chris Hanson, Guptil Avenue, raised concerns regarding traffic in his area; he requested being included in any changes in that area.

Phil Jones thanked the Council for looking at the wider ramification of the proposed changes. He stated that there may be a need for an amendment to the Comprehensive Plan.

Shawn Riley encouraged the passage of the zone change.

Stanley Jacks, Bartol Island Road, reviewed a provision in the Comprehensive Plan, "...investigate zone and encourage businesses to expand and remain in Freeport..."; he stated that L. L. Bean's proposal is in concert with the Plan.

(Councilor Ruff arrived at this time, 8:05 P.M.)

Ruth Porter stated she favors the zone change.

Ann Jutras added her support to the zone change for the benefits to the Town which will receive.

Paul Kelly stated that L. L. Bean is a part of the solution to the existing problems in Freeport, traffic, parking, etc.

Councilor Ruff read a letter from Moira Simonds and Mark Nordenson regarding the L. L. Bean zone change, which included their feeling that there is no basis in the Comprehensive Plan for this zone change and that if the request is approved, Morse School will be surrounded by commercial development, something the School Committee has raised concerns about.

Councilor Mann stated that there are three issues the Council should address in the process of the consideration of a zone change, the merits of the proposal, basis (for this) in the Comprehensive Plan, and the need for the Council to review the rules and procedures used by the Council to accomplish a zone change.

Chairman Campbell stated he had received a letter from George Denney regarding support for the L. L. Bean zone change request.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Wold & DeGrandpre) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PROPOSED EXPANSION OF THE VILLAGE COMMERCIAL I ZONE BE TABLED UNTIL MAY 2, 1995.  
(Councilors Wold & Ruff) (5 Ayes) (0 Nays)

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ITEM #81-95

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH ORDINANCE CONCERNING LICENSING AND NIGHT HARVESTING.  
(CHAPTER 32) (PUBLIC HEARING)

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Wold & Ruff) (5 Ayes) (0 Nays)

Councilor Wold reviewed the changes to the proposed amendments.

Councilor Mann stated that the proposed amendments have the full support of the Shellfish Commission.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Wold & Ruff) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PROPOSED AMENDMENTS TO THE SHELLFISH ORDINANCE BE TABLED UNTIL MAY 2, 1995. (Councilors Wold & Ruff) (5 Ayes) (0 Nays)

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**ITEM #82-95** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PUBLIC PEDDLERS' ORDINANCE CONCERNING THE TWO LOCATIONS RESERVED FOR SCHOOL, MUNICIPAL AND PUBLIC SERVICE GROUPS. (CHAPTER 43) (PUBLIC HEARING)

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors DeGrandpre & Wold) (5 Ayes) (0 Nays)

Councilor Wold reviewed the proposed amendments.

John Swan stated that the Sports Boosters support the proposed amendments.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Wold & Ruff) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PROPOSED AMENDMENTS TO THE PUBLIC PEDDLERS ORDINANCE BE TABLED UNTIL MAY 2, 1995.  
(Councilors DeGrandpre & Wold) (5 Ayes) (0 Nays)

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**ITEM #83-95** TO CONSIDER ACTION RELATIVE TO A PROPOSED SOLID WASTE DISPOSAL ORDINANCE. (CHAPTER 28)

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR MAY 2, 1995 AT 7:00 PM IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED SOLID WASTE DISPOSAL 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.  
ROLL CALL VOTE (Councilors Ruff & DeGrandpre) (5 Ayes) (0 Nays)

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**ITEM #84-95** TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A FIRE/RESCUE ORGANIZATIONAL STRUCTURE REVIEW COMMITTEE.

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**BE IT ORDERED:** THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS MEMBERS OF A FIRE/RESCUE ORGANIZATIONAL STRUCTURE REVIEW COMMITTEE.

BRYAN SLOAT  
MIKE YATES  
PATRICIA MURTAGH  
EVARISTE BERNIER

DICK JARRETT  
KIM WORTHINGTON  
ELIZABETH RUFF  
ROGER WOLD

**BE IT FURTHER ORDERED:** THAT THE COMMITTEE BE GIVEN THE AUTHORITY TO SELECT A NINTH MEMBER OF THE COMMITTEE BY MAJORITY VOTE AND BE CHARGED WITH THE TASK OUTLINED IN A MEMO DATED APRIL 3, 1995 FROM THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE TOWN COUNCIL. **BALLOT VOTE** (for both orders) (Councilors Mann & Ruff) (5 Ayes) (0 Nays)

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ITEM #85-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CONSERVATION COMMISSION.

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**BE IT ORDERED:** THAT ALAN AZZARA BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CONSERVATION COMMISSION UNTIL SEPTEMBER 1, 1996. **BALLOT VOTE** (Councilors DeGrandpre & Ruff) (5 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. AZZARA QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995. **ROLL CALL VOTE** (Councilors DeGrandpre & Ruff) (5 Ayes) (0 Nay)

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ITEM #86-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CONSERVATION COMMISSION.

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**BE IT ORDERED:** THAT ERNIE SAVORY BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CONSERVATION COMMISSION UNTIL SEPTEMBER 1, 1997. **BALLOT VOTE** (Councilors Ruff & Wold) (5 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. SAVORY QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995. **ROLL CALL VOTE** (Councilors Ruff & Wold) (5 Ayes) (0 Nays)

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ITEM #87-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

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**BE IT ORDERED:** THAT MARK "TUX" TURKEL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE WINSLOW PARK COMMISSION UNTIL MARCH 1, 1998. **BALLOT VOTE** (Councilors Wold & DeGrandpre) (5 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT MR. TURKEL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995. **ROLL CALL VOTE** (Councilors Wold & DeGrandpre) (5 Ayes) (0 Nays)

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**ITEM #50-95**      **APPROVED APRIL 4, 1995. TO RECONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE COMPOSITION OF THE WINSLOW PARK COMMISSION. (CHAPTER 2)**

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**MOVED AND SECONDED:** THAT ITEM #50-95 APPROVED ON APRIL 4, 1995 BE RECONSIDERED. (Councilors Wold & Ruff) (5 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE COMPOSITION OF THE WINSLOW PARK COMMISSION, APPROVED ON APRIL 4, 1995, BE AMENDED AS FOLLOWS:

**SECTION 612      WINSLOW PARK COMMISSION**

**612.1 ESTABLISHMENT**

THE WINSLOW PARK COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS APPOINTED MEMBERS; ONE (1) FROM THE TOWN COUNCIL, ONE (1) FROM THE CONSERVATION COMMISSION, ONE (1) FROM THE COMMUNITY EDUCATION ADVISORY COMMITTEE AND FOUR (4) CITIZENS AT LARGE. ONE (1) APPOINTED FROM THE TOWN COUNCIL BY THE CHAIRPERSON OF THE TOWN COUNCIL AND SIX (6) WHO SHALL BE RESIDENTS OF THE TOWN OF FREEPORT AND APPOINTED BY THE TOWN COUNCIL.

**NOTE:** COUNCILOR CAMPBELL HAS ASKED FOR RECONSIDERATION OF THIS ITEM. HE WAS ON THE PREVAILING SIDE OF THE APRIL 4, 1995 VOTE. **ROLL CALL VOTE** (Councilors Wold & Ruff) (4 Ayes) (1 Nay - Mann)

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**ITEM #60-95**      **TABLED APRIL 4, 1995. TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL PROGRAM FOR FISCAL YEAR 1996 TO FISCAL YEAR 2000.**

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**BE IT ORDERED:** THAT THE PROPOSED FISCAL YEARS 1996 TO 2000 CAPITAL IMPROVEMENTS PROGRAM, AS SUBMITTED TO PUBLIC HEARING ON APRIL 4, 1995, BE ADOPTED. **ROLL CALL VOTE** (Councilors DeGrandpre & Ruff) (5 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING ITEMS BE FUNDED FOR FISCAL YEAR 1996. **ROLL CALL VOTE FOR EACH ITEM INDIVIDUALLY**

**EDUCATION DEPARTMENT**

- |  |          |
|--|----------|
| 1. 78 PASSENGER SCHOOL BUS<br>(5 Ayes) (0 Nays)            | \$48,500 |
| 2. FHS IMPROVEMENTS<br>(5 Ayes) (0 Nays)                   | 10,000   |
| 3. REPLACE HIGH SCHOOL KITCHEN EQUIP.<br>(5 Ayes) (0 Nays) | 35,000   |
| 4. MIDDLE SCHOOL ADDITION PLANNING<br>(5 Ayes) (0 Nays)    | 15,000   |

### FIRE DEPARTMENT

- |   |        |
|---|--------|
| 1. CHIEF'S VEHICLE<br>(5 Ayes) (0 Nays) | 20,000 |
|---|--------|

### PUBLIC WORKS DEPARTMENT

- |  |        |
|--|--------|
| 1. DUMP TRUCK REPLACEMENT<br>(5 Ayes) (0 Nays) | 49,000 |
|--|--------|

- |   |        |
|---|--------|
| 2. PICK UP TRUCK REPLACEMENT<br>(5 Ayes) (0 Nays) | 16,000 |
|---|--------|

### SOLID WASTE/RECYCLING

- |  |        |
|--|--------|
| 1. OLD POWNAL ROAD LANDFILL CLOSURE<br>(5 Ayes) (0 Nays) | 49,000 |
|--|--------|

- |   |        |
|---|--------|
| 2. TRANSFER STATION CONSTRUCTION<br>(5 Ayes) (0 Nays) | 49,000 |
|---|--------|

- |   |        |
|---|--------|
| 3. GRANT MATCHING FUNDS FOR RECYCLING<br>TRANSFER IMPROVEMENTS<br>(5 Ayes) (0 Nays) | 35,000 |
|---|--------|

### COMPREHENSIVE TOWN IMPROVEMENTS

- |  |        |
|--|--------|
| 1. LOWER FLYING POINT ROAD RECONSTRUCTION<br>(5 Ayes) (0 Nays) | 45,000 |
|--|--------|

- |  |        |
|--|--------|
| 2. SIDEWALK RECONSTRUCTION - MAIN STREET<br>(DAVIS AVE. SOUTH 350 FEET)<br>(4 Ayes) (1 Nay - Mann) | 16,000 |
|--|--------|

- |   |        |
|---|--------|
| 3. SIDEWALK RECONSTRUCTION - MAIN STREET<br>(ELM STREET TO POST OFFICE)<br>(4 Ayes) (1 Nay- Mann) | 15,000 |
|---|--------|

- |   |       |
|---|-------|
| 4. TREE GRANT MATCHING FUNDS<br>(4 Ayes) (1 Nay-Mann) | 5,000 |
|---|-------|

### MUNICIPAL FACILITIES

- |   |        |
|---|--------|
| 1. LIBRARY PRELIMINARY DESIGN, ENGINEERING & LEGAL<br>(5 Ayes) (0 Nays) | 29,000 |
|---|--------|

- |   |        |
|---|--------|
| 2. PUBLIC RESTROOMS<br>(3 Ayes) (2 Nays-Wold, Mann) | 49,000 |
|---|--------|

- |  |        |
|--|--------|
| 3. AUTOMATED TELEPHONE SYSTEM - TOWN HALL<br>(Councilor Mann moved to reduce this amount to \$13,500, no second)<br>(0 Ayes) (5 Nays-Campbell, Wold, DeGrandpre, Mann, Ruff) | 25,000 |
|--|--------|

- |  |       |
|--|-------|
| 4. ENERGY CONSERVATION IMPROVEMENTS<br>(5 Ayes) (0 Nays) | 9,000 |
|--|-------|

### POLICE DEPARTMENT

- |  |       |
|--|-------|
| 1. CRUISER RADIO UPDATE<br>(5 Ayes) (0 Nays) | 9,000 |
|--|-------|



- |  |       |
|--|-------|
| 2. MOBILE VIDEO RECORDING SYSTEM FOR CRUISERS<br>(4 Ayes) (1 Nay-Mann) | 4,500 |
| 3. TELETYPE SYSTEM REPLACEMENT/UPGRADE<br>(5 Ayes) (0 Nays)            | 4,000 |

**BOARDS AND COMMITTEES**

- |   |       |
|---|-------|
| 1. CONSERVATION COMMISSION<br>POLLUTION PREVENTION PROGRAM<br>MATCHING GRANT FUNDS<br>(4 Ayes) (1 Nay-Mann) | 5,000 |
|---|-------|

**BE IT ORDERED :** THAT A SUM NOT TO EXCEED \$470,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING THE APPROVED CAPITAL ITEMS, AND TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$470,000 WITH THE DISCRETION TO FIX THE DATE, PLACE OF PAYMENT, FORMS AND OTHER DETAILS OF THE SECURITIES, AND PROVIDING THE SALES THEREOF DELEGATED TO THE CHAIRPERSON OF THE TOWN AND THE TOWN TREASURER.

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING CAPITAL BUDGET EXPENDITURES BE APPROVED FOR WINSLOW PARK FOR FISCAL YEAR 1998.

- |                                   |        |
|-----------------------------------|--------|
| 1. ADA RESTROOM COMPLIANCE        | 12,000 |
| 2. GROUP AREA CANOPY              | 1,900  |
| 3. ROAD AND BOAT RAMP RESURFACING | 4,000  |
| 4. GATEHOUSE INTERIOR             | 2,100  |
| 5. HARB COTTAGE DOCK RAMP         | 3,000  |
| 6. EROSION CONTROL                | 500    |

**NOTE:** ITEMS 5 & 6 WOULD ONLY BE APPROVED IF COUNCIL AGREES TO AN 18 MONTH BUDGET MOVING WINSLOW PARK TO A CALENDER YEAR.

**MOVED AND SECONDED:** That Items 5 and 6 would only be approved if Council AGREES to an 18 month budget moving Winslow park to a calendar year. (Councilors Mann & Wold) (5 Ayes) (0 Nays)

**ROLL CALL VOTE ON ORDER** (Councilors DeGrandpre & Ruff) (5 Ayes) (0 Nays)

**OTHER BUSINESS:**

1. DISCUSSION ON REQUEST TO FORM A MEMORIAL DAY COMMITTEE.

Chairman Campbell stated that the Council has received a letter from Philip Marston, requesting this committee to be formed.

The consensus of the Council was for this committee to be formed.

## **2. DISCUSSION ON THE POSSIBILITY OF MOVING TOWARDS A USER FEE SYSTEM FOR SOLID WASTE.**

Councilor Wold stated that one of the concerns which had come up was that of waste from apartments; discussion of fairness, user fees, etc.

Manager Olmstead added that tipping fees will be increasing.

Councilor Wold requested that the Committee look into the whole idea of a "paper bag" system and report back to the Council. He asked the Chair and the Town Manager to approach the Committee regarding this.

Councilor Mann requested that the Committee not be steered in, i.e., the "paper bag" system, etc.

### **CHAIRMAN AND COMMITTEE REPORTS:**

There were no reports this evening.

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**ITEM #88-95**

**TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.**

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**MOVED AND SECONDED:** THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY, I.E., THE DUNNING BOAT YARD AND LIBRARY SITE. (Councilors Wold & Ruff) (5 Ayes) (0 Nays)

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

**MOVED AND SECONDED:** THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE FOLLOWING SALES AGREEMENT (Councilors Wold and Ruff) (5 Ayes)(0 Nays):

### **AGREEMENT**

On this 13th day of April, 1995, the Town of Freeport, by it's Town Manager, Dale Olmstead, hereby exercises its option to purchase Dunning's Boatyard at Porter's Landing, Freeport, Maine for the sum of One Hundred Thirty Five Thousand Dollars (\$135,000).

It is understood that Mr. Dunning is to incur no more expense which may be involved with this sale, and that a closing shall take place according to the original terms of the option.

Upon acquisition, the Town of Freeport claims no right to the service moorings which have been paid for the remainder of this year by Mr. Dunning.

**MOVED AND SECONDED:** That the meeting be adjourned at 9:55 P.M. (Councilors Wold & Ruff) (5 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary



## **AGENDA**

**COUNCIL MEETING #9-95**

**COUNCIL CHAMBERS**

**APRIL 18, 1995 - 7:00 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:** 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 #8-95 held on April 4, 1995 and accept the minutes as printed.

**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 Minutes  
(Non-agenda items only)

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

COUNCIL MEETING #9-95  
APRIL 18, 1995

ITEM #79-95

TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR DENNIS DANIEL, CATHERINE CARTY-WILBUR, STEVE JAMES, CAROL WARENCHAK, PETER KELLOGG, KAREN DEMATOS, KENNETH MANN, ARCHIBALD CANDY, WEBBER OIL COMPANY, JAY YILMAZ, MARY ANN SHUKALO, FRIENDLY'S ICE CREAM CORP, PERRY WILLIAMS, LOREN GOODRIDGE. (PUBLIC HEARING)

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

ROLL CALL OF MEMBERS:

ELIZABETH RUFF  
RANDALL BENNETT  
ROGER WOLD  
CHARLOTTE BISHOP

GLORIA DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
PAT GOODWIN

*Dale Christensen*

MOTION: THAT THE FOLLOWING APPLICATIONS/RE-APPLICATIONS FOR VICTUALER'S LICENSES BE SUBJECT TO PUBLIC HEARING.

DENNIS DANIEL, D/B/A THE BIG TOMATO, 49 MAIN STREET.

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CANDY SHOPPE, 13 BOW STREET.

CATHERINE CARTY-WILBUR, D/B/A WILBUR'S CHOCOLATE FACTORY, 11 INDEPENDENCE DRIVE.

STEVE JAMES, D/B/A FREEPORT VARIETY STORE, 9 MAIN STREET.

CAROL WARENCHAK, D/B/A THE ICE CREAM MACHINE, 2 DEPOT STREET.

PETER KELLOGG, D/B/A BAKERY -2, 176 SO. FREEPORT ROAD.

KAREN DEMATOS, D/B/A MONARCH LANDING B & B, 173 FLYING PT. ROAD.

KENNETH MANN, D/B/A MANN'S EXIT 21 SHOPPING CENTER, 328 US RTE#1, NORTH.

ARCHIBALD CANDY, D/B/A FANNY FARMER CANDY SHOP, 123 MAIN STREET.

WEBBER OIL COMPANY, D/B/A FREEPORT GENERAL STORE, US RTE #1, SOUTH.

WEBBER OIL COMPANY, D/B/A EXXON MINI MART, MALLETT DRIVE.

JAY YILMAZ, D/B/A HOT DOGS ET AL, (PEDDLER/PRIVATE PROPERTY) 42 MAIN STREET.

MARY ANN SHUKALO, D/B/A MERRYMAN INN B & B, 1 SUMMER STREET.

FRIENDLY'S ICE CREAM, D/B/A FRIENDLY'S RESTAURANT, 140 MAIN ST.

PERRY WILLIAMS, D/B/A/ THE OTHER BEAN, (PEDDLER/PRIVATE PROPERTY), 57 MAIN STREET.

LORIN GOODRIDGE, D/B/A SUBWAY, 223 US RTE #1, SOUTH

**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 ADJOURN AND THE COUNCIL RECONVENE.

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ITEM #80-95

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING MAP CONCERNING THE PROPOSED EXPANSION OF THE VILLAGE COMMERCIAL I ZONE (TAX MAP 11) (PUBLIC HEARING)

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED EXPANSION OF THE VILLAGE COMMERCIAL I ZONE BE TABLED UNTIL MAY 2, 1995.

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ITEM #81-95

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH ORDINANCE CONCERNING LICENSING AND NIGHT HARVESTING. (CHAPTER 32) (PUBLIC HEARING)

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED AMENDMENTS TO THE SHELLFISH ORDINANCE BE TABLED UNTIL MAY 2, 1995.

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ITEM #82-95

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PUBLIC PEDDLERS' ORDINANCE CONCERNING THE TWO LOCATIONS RESERVED FOR SCHOOL, MUNICIPAL AND PUBLIC SERVICE GROUPS. (CHAPTER 43) (PUBLIC HEARING)

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED AMENDMENTS TO THE PUBLIC PEDDLERS' ORDINANCE BE TABLED UNTIL MAY 2, 1995.

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ITEM #83-95

TO CONSIDER ACTION RELATIVE TO A PROPOSED SOLID WASTE DISPOSAL ORDINANCE. (CHAPTER 28)

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR MAY 2, 1995 AT 7:00 PM IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED SOLID WASTE DISPOSAL 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.

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ITEM #84-95

TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A FIRE/RESCUE ORGANIZATIONAL STRUCTURE REVIEW COMMITTEE.

---

**BE IT ORDERED:** THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS MEMBERS OF A FIRE/RESCUE ORGANIZATIONAL STRUCTURE REVIEW COMMITTEE.

BRYAN SLOAT  
MIKE YATES  
PATRICIA MURTAGH  
EVARISTE BERNIER

DICK JARRETT  
KIM WORTHINGTON  
ELIZABETH RUFF  
ROGER WOLD

**BE IT FURTHER ORDERED:** THAT THE COMMITTEE BE GIVEN THE AUTHORITY TO SELECT A NINTH MEMBER OF THE COMMITTEE BY MAJORITY VOTE AND BE CHARGED WITH THE TASK OUTLINED IN A MEMO DATED APRIL 3, 1995 FROM THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE TOWN COUNCIL.

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ITEM #85-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CONSERVATION COMMISSION.

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**BE IT ORDERED:** THAT ALAN AZZARA BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CONSERVATION COMMISSION UNTIL SEPTEMBER 1, 1996.

**BE IT FURTHER ORDERED:** THAT MR. AZZARA QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995.

ITEM #86-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CONSERVATION COMMISSION.

**BE IT ORDERED:** THAT ERNIE SAVORY BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CONSERVATION COMMISSION UNTIL SEPTEMBER 1, 1997.

**BE IT FURTHER ORDERED:** THAT MR. SAVORY QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995.

ITEM #87-95

TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

**BE IT ORDERED:** THAT MARK "TUX" TURKEL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE CONSERVATION COMMISSION UNTIL MARCH 1, 1998.

*Winslow Park*

**BE IT FURTHER ORDERED:** THAT MR. TURKEL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 28, 1995.

ITEM #50-95

APPROVED APRIL 4, 1995. TO RECONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE COMPOSITION OF THE WINSLOW PARK COMMISSION. (CHAPTER 2)

**MOTION:** THAT ITEM #50-95 APPROVED ON APRIL 4, 1995 BE RECONSIDERED.

**BE IT ORDERED:** THAT THE PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE COMPOSITION OF THE WINSLOW PARK COMMISSION, APPROVED ON APRIL 4, 1995, BE AMENDED AS FOLLOWS:

SECTION 612 WINSLOW PARK COMMISSION

612.1 ESTABLISHMENT

THE WINSLOW PARK COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS ~~APPOINTED MEMBERS: ONE (1) FROM THE TOWN COUNCIL, ONE (1) FROM THE CONSERVATION COMMISSION, ONE (1) FROM THE COMMUNITY EDUCATION ADVISORY COMMITTEE AND FOUR (4) CITIZENS AT LARGE/~~ ONE (1) APPOINTED FROM THE TOWN COUNCIL BY THE CHAIRPERSON OF THE TOWN COUNCIL AND SIX (6) WHO SHALL BE RESIDENTS OF THE TOWN OF FREEPORT AND APPOINTED BY THE TOWN COUNCIL.

**NOTE:** COUNCILOR CAMPBELL HAS ASKED FOR RECONSIDERATION OF THIS ITEM. HE WAS ON THE PREVAILING SIDE OF THE APRIL 4, 1995 VOTE.

ITEM #60-95

TABLED APRIL 4, 1995. TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL PROGRAM FOR FISCAL YEAR 1996 TO FISCAL YEAR 2000.

**BE IT ORDERED:** THAT THE PROPOSED FISCAL YEARS 1996 TO 2000 CAPITAL IMPROVEMENTS PROGRAM, AS SUBMITTED TO PUBLIC HEARING ON APRIL 4, 1995, BE ADOPTED.

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING ITEMS BE FUNDED FOR FISCAL YEAR 1996.

**EDUCATION DEPARTMENT**

- |                                       |          |     |
|---------------------------------------|----------|-----|
| 1. 78 PASSENGER SCHOOL BUS            | \$48,500 | F-C |
| 2. FHS IMPROVEMENTS                   | 10,000   | F-C |
| 3. REPLACE HIGH SCHOOL KITCHEN EQUIP. | 35,000   | F-C |
| 4. MIDDLE SCHOOL ADDITION PLANNING    | 15,000   | F-C |

108,500

**FIRE DEPARTMENT**

- |                    |        |     |
|--------------------|--------|-----|
| 1. CHIEF'S VEHICLE | 20,000 | F-C |
|--------------------|--------|-----|

**PUBLIC WORKS DEPARTMENT**

- |                              |        |     |
|------------------------------|--------|-----|
| 1. DUMP TRUCK REPLACEMENT    | 49,000 | F-C |
| 2. PICK UP TRUCK REPLACEMENT | 16,000 | F-C |

65,000

**SOLID WASTE/RECYCLING**

- |  |        |       |
|--|--------|-------|
| 1. OLD POWNAL ROAD LANDFILL CLOSURE                            | 49,000 | - F-C |
| 2. TRANSFER STATION CONSTRUCTION                               | 49,000 | - F-C |
| 3. GRANT MATCHING FUNDS FOR RECYCLING<br>TRANSFER IMPROVEMENTS | 35,000 | - F-C |

133,000

**COMPREHENSIVE TOWN IMPROVEMENTS**

- |   |        |            |
|---|--------|------------|
| 1. LOWER FLYING POINT ROAD RECONSTRUCTION                               | 45,000 | F-C        |
| 2. SIDEWALK RECONSTRUCTION - MAIN STREET<br>(DAVIS AVE. SOUTH 350 FEET) | 16,000 | 4-1 MAINT. |
| 3. SIDEWALK RECONSTRUCTION - MAIN STREET<br>(ELM STREET TO POST OFFICE) | 15,000 | 4-1 MAINT. |
| 4. TREE GRANT MATCHING FUNDS  | 5,000  | 4-1 MAINT. |

81,000

**MUNICIPAL FACILITIES**

- |  |        |                   |
|--|--------|-------------------|
| 1. LIBRARY PRELIMINARY DESIGN, ENGINEERING & LEGAL | 29,000 | F-C               |
| 2. PUBLIC RESTROOMS                                | 49,000 | 3-2 MAINT & COLD. |
| 3. AUTOMATED TELEPHONE SYSTEM - TOWN HALL          | 25,000 | 0-5               |
| 4. ENERGY CONSERVATION IMPROVEMENTS                | 29,000 | F-C               |

132,000  
35,000

continued on next page





POLICE DEPARTMENT

1. CRUISER RADIO UPDATE
2. MOBILE VIDEO RECORDING SYSTEM FOR CRUISERS
3. TELETYPE SYSTEM REPLACEMENT/UPGRADE

9,000 -5-C  
4,500 -4-1 MAJOR  
4,000 -5-C  
17,500

BOARDS AND COMMITTEES

1. CONSERVATION COMMISSION  
POLLUTION PREVENTION PROGRAM  
MATCHING GRANT FUNDS

5,000 -4-1

BE IT ORDERED : THAT A SUM NOT TO EXCEED 470,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING THE APPROVED CAPITAL ITEMS, AND TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED 470,000 WITH THE DISCRETION TO FIX THE DATE, PLACE OF PAYMENT, FORMS AND OTHER DETAILS OF THE SECURITIES, AND PROVIDING THE SALES THEREOF DELEGATED TO THE CHAIRPERSON OF THE TOWN AND THE TOWN TREASURER.

BE IT FURTHER ORDERED: THAT THE FOLLOWING CAPITAL BUDGET EXPENDITURES BE APPROVED FOR WINSLOW PARK FOR FISCAL YEAR 1996.

1. ADA RESTROOM COMPLIANCE
2. GROUP AREA CANOPY
3. ROAD AND BOAT RAMP RESURFACING
4. GATEHOUSE INTERIOR
5. HARB COTTAGE DOCK RAMP
6. EROSION CONTROL

12,000  
1,900  
4,000  
2,100  
3,000  
500

} 5-C

NOTE: ITEMS 5 & 6 WOULD ONLY BE APPROVED IF COUNCIL AGREES TO AN 18 MONTH BUDGET MOVING WINSLOW PARK TO A CALENDER YEAR.

OTHER BUSINESS:

1. DISCUSSION ON REQUEST TO FORM A MEMORIAL DAY COMMITTEE.
2. DISCUSSION ON THE POSSIBILITY OF MOVING TOWARDS A USER FEE SYSTEM FOR SOLID WASTE.

*Chair Report - Councillor*

ITEM #88-95

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.

MOTION: THAT THE COUNCIL RECONVENE.

*Def. Warrant*

