

**MINUTES
FREEPORT TOWN COUNCIL
MEETING #18-95
August 15, 1995 - 7:00 P.M.**

CHAIRPERSON'S CALL TO ORDER:

	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Edward Campbell, Chairperson Gay Drive	X		
Gloria DeGrandpre, Vice-Chairperson 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 #17-95 held on August 1, 1995 and accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of meeting #17-95 and accept the minutes as printed. (Councilors Wold & DeGrandpre)
(5 Ayes) (2 Excused - Ruff, Bishop)

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

1. David Cates read a letter from Carla Kerber re: Harraseeket Inn expansion.
2. Amy Cartmell asked for clarification of language in the Harraseeket Inn expansion proposal.
3. Ed Hassett raised concern re: Harraseeket Inn expansion.
4. Barbara McGivaren raised concern re: proposed zone changes.
5. Bill D'Amico added concerns re: proposed zone changes.
6. Barbara McGivaren provided her preference re: the format of Council minutes.

ITEM #169-95 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR LEONA SMITH, BEVERLY OAKES, MARY WADE, ALDEN GRANT, ROBERT J. COLE AND BONITA KIRBY (PUBLIC HEARING).

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MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Mann & Bennett) (5 Ayes) (2 Excused - Ruff, Bishop)

ROLL CALL OF MEMBERS:

ELIZABETH RUFF- excused
RANDALL BENNETT
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:

LEONA SMITH, D/B/A FALCON RESTAURANT, 8 BOW STREET, FREEPORT.

BEVERLY OAKES, D/B/A THE WINE CELLAR, 2 MECHANIC STREET, FREEPORT.

MARY WADE, D/B/A THE CORSICAN RESTAURANT, 9 MECHANIC STREET, FREEPORT.

ALDEN GRANT, D/B/A NICHOLSON INN, 25 MAIN STREET, FREEPORT

ROBERT J. COLE, D/B/A BOB'S TAKE-OUT, 292 U.S. ROUTE ONE SOUTH, FREEPORT.

BONITA KIRBY, D/B/A SANDY CEDAR HAVEN CAMPGROUND, 19 BAKER ROAD, FREEPORT.

(Councilors Mann & Wold) (7 Ayes) (2 Excused - Ruff, Bishop)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Mann & Bennett) (7 Ayes) (2 Excused - Ruff, Bishop)

BE IT ORDERED: THAT THE APPLICATIONS/RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE (Councilors Mann & Bennett) (7 Ayes) (2 Excused - Ruff, Bishop)

MOVED AND SECONDED: THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors Mann & Bennett) (7 Ayes) (2 Excused - Ruff, Bishop)

**COUNCIL MEETING #18-95
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ITEM #170-95 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A FISCAL YEAR 1996 TAX RATE.

BE IT ORDERED: THAT THE FISCAL YEAR 1996 TAX RATE OF \$17.15 THAT HAS BEEN ESTABLISHED BY THE TOWN'S ASSESSOR, BE CONFIRMED. ROLL CALL VOTE (Councilors Bennett & Wold) (5 Ayes) (2 Excused - Ruff, Bishop)

ITEM #171-95 TO CONSIDER ACTION RELATIVE TO THE FISCAL YEAR 1996 TAX DUE DATES AND INTEREST RATES.

BE IT ORDERED: THAT ONE-HALF OF THE FISCAL YEAR 1996 COMMITTED TAXES FOR REAL ESTATE BE PAYABLE ON NOVEMBER 15, 1995, WITH INTEREST AT THE RATE OF .90% PER MONTH OR 10.75% PER ANNUM, TO BE CHARGED FROM NOVEMBER 16, 1995, AND THAT THE SECOND-HALF OF THE FISCAL YEAR 1996 COMMITTED TAXES FOR REAL ESTATE BE PAYABLE ON MAY 15, 1996, WITH INTEREST AT THE RATE OF .90% PER MONTH OR 10.75% PER ANNUM, TO BE CHARGED FROM MAY 16, 1996.

BE IT FURTHER ORDERED: THAT THE FISCAL YEAR 1996 COMMITTED TAXES FOR PERSONAL PROPERTY BE PAYABLE ON OCTOBER 16, 1995, WITH INTEREST AT THE RATE OF .90% PER MONTH OR 10.75% PER ANNUM, TO BE CHARGED FROM OCTOBER 17, 1995.

BE IT FURTHER ORDERED: THAT AN INTEREST RATE OF .50% PER MONTH OR 6% PER ANNUM BE ESTABLISHED FOR OVER PAYMENT OF TAXES.

ROLL CALL VOTE (Councilors DeGrandpre & Wold) (5 Ayes) (2 Excused - Ruff, Bishop)

ITEM #172-95 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM THE UNEMPLOYMENT COMPENSATION RESERVE ACCOUNT.

BE IT ORDERED: THAT UP TO \$10,000 BE EXPENDED FROM THE UNEMPLOYMENT COMPENSATION RESERVE ACCOUNT TO COVER CLAIMS FROM A PERIOD OF JULY 1, 1995 TO JUNE 30, 1996. ROLL CALL VOTE (Councilors Bennett & Wold) (5 Ayes) (2 Excused - Ruff, Bishop)

ITEM #173-95 TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$200,000 FOR THE REHABILITATION OF THE FIRE LADDER TRUCK.

BE IT ORDERED: THAT THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$200,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 5, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO ACCEPT PUBLIC COMMENT ON THE PROPOSED APPROPRIATION ORDINANCE.

THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$200,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF REHABILITATING THE FIRE LADDER TRUCK. 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 \$200,000 AND THE DISCRETION TO FIX THE DATE(S), MATURITY(IES), DENOMINATION(S), INTEREST RATE(S), PLACE(S), OF PAYMENT, FORM(S), AND OTHER DETAILS OF SAID SECURITIES, INCLUDING EXECUTION AND DELIVERY ON BEHALF OF THE TOWN OF FREEPORT, AND TO PROVIDE FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.

EXPLANATION .

THE FIRE DEPARTMENT LADDER TRUCK IS A 1982 MODEL AND WAS PURCHASED BY THE TOWN IN 1988. THE TRUCK IS CURRENTLY IN DISREPAIR AND NEEDS EXTENSIVE RUST AND BODY REPAIR. THIS EXPENDITURE WILL GIVE THE TRUCK AN ADDITIONAL FIFTEEN (15) YEARS OF LIFE. THE TRUCK IS USED TO FIGHT LARGE STRUCTURE AND CHIMNEY FIRES.

THE FIRE DEPARTMENT SUPPORTS THIS REQUEST.

MOVED AND SECONDED: That Item #173-95 be tabled indefinitely. (Councilors Wold & Bennett) (5 Ayes) (2 Excused - Ruff, Bishop)

ITEM #174-95 TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$125,000 FOR THE RENOVATION OF THE HEATING SYSTEM AT MORSE STREET SCHOOL.

BE IT ORDERED: THAT THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$125,000 BE SUBMITTED TO VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

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BE IT FURTHER ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 5, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO ACCEPT PUBLIC COMMENT ON THE PROPOSED APPROPRIATION ORDINANCE.

THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$125,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF RENOVATING THE HEATING SYSTEM AT THE MORSE STREET SCHOOL. 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 \$125,000 AND THE DISCRETION TO FIX THE DATE(S), MATURITY(IES), DENOMINATION(S), INTEREST RATE(S), PLACE(S) OF PAYMENT, FORM(S) AND OTHER DETAILS OF SAID SECURITIES, INCLUDING EXECUTION AND DELIVERY ON BEHALF OF THE TOWN OF FREEPORT, AND TO PROVIDE FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.

ROLL CALL VOTE (Councillors DeGrandpre & Wold) (5 Ayes) (2 Excused - Ruff, Bishop)

EXPLANATION AND RECOMMENDATIONS: THE PRESENT HEATING AND VENTILATION SYSTEM AT THE MORSE STREET SCHOOL WAS INSTALLED IN 1945. THE SYSTEM TODAY IS A COMBINATION OF BOILERS AND VENTILATORS USED FOR FORCED HOT AIR AND HOT WATER HEATING IN THE DIFFERENT WINGS. REPLACEMENT PARTS FOR THE 12 ORIGINAL VENTILATORS CAN NO LONGER BE OBTAINED.

THE PERFORMANCE OF THE HEATING SYSTEM HAS DEGRADED TO THE POINT THAT DRASTIC UNEVEN TEMPERATURES ARE EXPERIENCED IN MANY OF THE CLASSROOMS. INDIVIDUAL THERMOSTATS HAVE NO EFFECT ON THE CONTROL OF THE TEMPERATURE DIFFERENTIAL. DURING THE 1993-1994 SCHOOL YEAR, STUDENTS AND TEACHERS CONTINUOUSLY EXPERIENCED SOOT AND GRIME COMING FROM THE VENTILATORS.

THE BOND WOULD RUN FOR A PERIOD OF TEN (10) YEARS WITH A FINANCIAL RESPONSIBILITY ON THE AVERAGE HOME OWNER OF \$4.30 PER YEAR.

ITEM #175-95 TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$300,000 FOR THE PURCHASE AND DEVELOPMENT OF PROPERTY LISTED ON THE TOWN OF FREEPORT MAP 22 LOT 40 TO PROVIDE FOR AN OUTDOOR RECREATIONAL FACILITY.

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BE IT ORDERED: THAT THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$300,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 5, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO ACCEPT PUBLIC COMMENT ON THE PROPOSED APPROPRIATION ORDINANCE.

THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$300,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING AND DEVELOPING PROPERTY LISTED ON THE TOWN OF FREEPORT PROPERTY MAP 22, LOT 40, LOCATED OFF THE HUNTER ROAD. 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 \$300,000 AND THE DISCRETION TO FIX THE DATE(S), MATURITY(IES), DENOMINATION(S), INTEREST RATE(S), PLACE(S) OF PAYMENT, FORM(S) AND OTHER DETAILS OF SAID SECURITIES, INCLUDING EXECUTION AND DELIVERY ON BEHALF OF THE TOWN OF FREEPORT, AND TO PROVIDE FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.

ROLL CALL VOTE (Councilors Wold & DeGrandpre) (5 Ayes) (2 Excused - Ruff, Bishop)

EXPLANATION AND RECOMMENDATIONS:

RECOGNIZING THAT FREEPORT HAS UNSUCCESSFULLY SOUGHT ADDITIONAL RECREATION SPACE FOR SEVERAL YEARS AND RECOGNIZING THAT SUBSTANTIAL TRACTS OF LAND ARE NOT READILY AVAILABLE IN THIS TOWN; THE RECREATION COMMITTEE UNANIMOUSLY RECOMMENDS THAT THE CITIZENS OF FREEPORT BE OFFERED THE OPPORTUNITY TO PURCHASE NINETY-TWO (92) ACRES OF LAND LOCATED ADJACENT TO TOWN AND PROPERTY AT HEDGEHOG MOUNTAIN AND THE RECYCLING CENTER.

THIS SITE SATISFIES MANY OF THE NEEDS IDENTIFIED IN THE COMPREHENSIVE PLAN, INCLUDING HIKING TRAILS, PICNIC AREAS, CONSERVATION AREAS, OPEN SPACE FOR PLAYING FIELDS AND, COMBINED WITH THE ADJACENT FACILITIES, PROVIDES AN ALL SEASON SITE ACCESSIBLE TO A MAJORITY OF FREEPORT RESIDENTS.

THE RECREATION COMMITTEE IS PARTICULARLY INTERESTED IN PROMOTING PARTNERSHIPS BETWEEN THE TOWN AND CITIZEN GROUPS TO DEVELOP THIS TOWN RECREATION FACILITY.

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ITEM #176-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING RENDERING THE CHARTER GENDER NEUTRAL.

BE IT ORDERED: THAT PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT RENDERING THE CHARTER GENDER NEUTRAL BE CONSIDERED.

BE IT FURTHER ORDERED: THAT A PUBLIC HEARING SHALL BE CONDUCTED ON THE SUBJECT MATTER OF THIS PROPOSED CHARTER AMENDMENT ON SEPTEMBER 19, 1995 AT 7:00 P.M. AT THE FREEPORT TOWN HALL, NOTICE OF WHICH, TOGETHER WITH THE TEXT OF THIS PROPOSED AMENDMENT, SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TOWN AT LEAST SEVEN (7) DAYS BEFORE THE HEARING.

MOVED AND SECONDED: That Item #176-95 be tabled to the September 5, 1995 meeting. (Councilors DeGrandpre & Mann) (3 Ayes) (2 Nays - Bennett, Wold) (2 Excused - Ruff, Bishop)

**ITEM #166-95 - TABLED AUGUST 1, 1995
TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING CAPITAL PURCHASES OR IMPROVEMENTS.**

BE IT ORDERED: THAT THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT SHOULD BE CONSIDERED:

ARTICLE VII, SEC. 803 OF THE CHARTER OF THE TOWN OF FREEPORT IS REPEALED AND A NEW SECTION 8.03 IS ENACTED AS FOLLOWS:

ORDINANCES SUBMITTED TO POPULAR VOTE: THE TOWN COUNCIL SHALL SUBMIT ANY ORDINANCE APPROPRIATING \$133,500 OR MORE FOR A SINGLE CAPITAL IMPROVEMENT, AND ANY ORDINANCE AUTHORIZING GENERAL OBLIGATION BOND ISSUES OF \$133,500 OR MORE FOR CAPITAL IMPROVEMENTS TO THE VOTERS AT A REGULAR OR SPECIAL ELECTION. THE ABOVE LIMITS OF \$133,500 SHALL BE ADJUSTED UPWARDS ANNUALLY, COMMENCING IN 1996, BY THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX.

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EXPLANATION

THE PROPOSED AMENDMENT WOULD INCREASE THE AMOUNT THE TOWN COUNCIL MAY, BY ORDINANCE, APPROPRIATE OR BORROW FOR CAPITAL IMPROVEMENTS WITHOUT SUBMITTING THE ORDINANCE TO A POPULAR VOTE. THE CURRENT LIMIT IS \$50,000 AND WAS ESTABLISHED IN 1976. THE PROPOSED AMENDMENT WOULD INCREASE THAT AMOUNT TO REFLECT INFLATION FROM 1976 TO 1996.

BE IT FURTHER ORDERED: THAT A PUBLIC HEARING SHALL BE CONDUCTED ON THE SUBJECT MATTER OF THIS PROPOSED CHARTER AMENDMENT ON SEPTEMBER 5, 1995 AT 7:00 P.M. AT THE FREEPORT TOWN HALL, NOTICE OF WHICH, TOGETHER WITH THE TEXT OF THIS PROPOSED AMENDMENT, SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TOWN AT LEAST SEVEN (7) DAYS BEFORE THE HEARING.

MOVED AND SECONDED: That Item #166-95 be tabled to the September 5, 1995 meeting. (Councilors DeGrandpre & Mann) (5 Ayes) (2 Excused - Ruff, Bishop)

OTHER BUSINESS:

2. UPDATE ON THE FORMER LOWER FLYING POINT ROAD.

Manager Olmstead provided a review of the history of the former Lower Flying Point Road and the area between the roads.

Discussion followed: right-of-ways, quit claim deeds, etc.
(This item will be placed on a future agenda.)

1. DISCUSSION ON THE SALE OF THE FREEPORT CABLE TV FRANCHISE.

John Arsenault stated that the franchise has been sold to Frontier Vision Operating Partners.

Discussion followed re: the consent resolution authorizing the transfer, FCC rules, franchise renewal, etc.

William Mahon, Jr., from Frontier Vision, answered Council questions.

Manager Olmstead suggested a workshop with the Council and consultants on September 26, 1995.

ITEM #177-95 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.

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MOVED AND SECONDED: To table Item #177-95 indefinitely.
(Councilors Bennett & Wold) (5 Ayes) (2 Excused - Ruff, Bishop)

1.

OTHER BUSINESS continued:

3. Councilor Mann provided an update of the Dunning Boat Yard Committee's efforts. He stated that Dick Merrick will be resigning from this committee; it was suggested that Bob Stevens be appointed as his replacement.

BE IT ORDERED: That Robert Stevens be appointed effective immediately to serve on the Dunning Boat Yard Committee. **BALLOT VOTE** (Councilors Mann & DeGrandpre) (5 Ayes) (2 Excused - Ruff, Bishop)

BE IT FURTHER ORDERED: That Mr. Stevens swear an oath of office before the Town Clerk by September 25, 1995. **ROLL CALL VOTE** (Councilors Mann & DeGrandpre) (5 Ayes) (2 Excused - Ruff, Bishop)

4. Manager Olmstead reviewed the letter from the Town Clerk re: two proposed charter changes, to reflect the State law and allow more time to prepare the ballots. (This item will be placed on the September 5, 1995 agenda.)

CHAIRPERSON AND COMMITTEE REPORTS.

1. Chairman Campbell reviewed the Library Funding Model (revenues, expenditures), etc.

2. Councilor Wold stated that the Rescue Organization Committee is making great progress; the members of the committee are very active and very committed; it is hoped that there will be a report ready by September 30, 1995.

3. Chairman Campbell thanked Councilor Mann for his work on the Dunning Boat Yard Committee.

He announced that the Maguire twins have invited the Council to attend the ceremony when they will become Eagle Scouts.

4. Councilor Wold requested that the Freeport Baseball Team be acknowledged at a future council meeting, for winning the State championship.

MOVED AND SECONDED: That the meeting be adjourned at 9:57 P.M.

Respectfully submitted,

Pat Goodwin, Recording Secretary