

**MINUTES
FREEPORT TOWN COUNCIL
MEETING #19-95
September 5, 1995**

CHAIRPERSON'S CALL TO ORDER:

Edward Campbell, Chairperson
Gay Drive

Present

X

Absent

Excused

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 #18-95 held on August 15, 1995, and accept the minutes as printed. (Councilors DeGrandpre & Wold) (7 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.
(There were no public comments this evening.)

MOVED AND SECONDED: To close the Public Comment Period. (Councilors Wold & DeGrandpre) (7 Ayes) (0 Nays)

ITEM #178-95 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. (PUBLIC HEARING)

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.

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 MEETING #19-95

September 5, 1995

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.

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.

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

Bob Lyman, Superintendent of Schools provided an overview of the referendum proposed.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Ruff & DeGrandpre) (7 Ayes) (0 Nays)**

**MOVED AND SECONDED: THAT THE PROPOSED APPROPRIATION ORDINANCE BE TABLED UNTIL SEPTEMBER 19, 1995.
(Councilors Ruff & Wold) (7 Ayes) (0 Nays)**

ITEM #179-95

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 (PUBLIC HEARING).

COUNCIL MEETING #19-95
September 5, 1995

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

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, FORMS(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 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 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.

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

Chris Pinkham reviewed the efforts of the Recreation Committee to date.

Sarah Marshall described the proposed site, cost estimate, etc.

John Hoy, Ruby McDermott and Mary Kennedy, Committee members added their endorsement, listing needs of the Community.

COUNCIL MEETING #19-95
September 5, 1995

Alison Trussdale, Land Bank Commission, raised concern re: school bus access.

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

MOVED AND SECONDED: THAT THE PROPOSED APPROPRIATION ORDINANCE BE TABLED UNTIL SEPTEMBER 19, 1995.
(Councilors Mann & Ruff) (7 Ayes) (0 Nays)

ITEM #180-95

TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING NOMINATIONS AND ELECTIONS.

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

ARTICLE VII, SECTION 7.02(B) AND 7.08 OF THE CHARTER OF THE TOWN OF FREEPORT IS REPEALED AND NEW SECTIONS 7.02(B) AND 7.08 ARE ENACTED AS FOLLOWED:

7.02 (B): FILING AND ACCEPTANCE OF NOMINATIONS PETITIONS. ALL SEPARATE PAPERS COMPRISING A NOMINATING PETITION SHALL BE ASSEMBLED AND FILED WITH THE MUNICIPAL CLERK AS ONE INSTRUMENT NOT EARLIER THAN 90 DAYS OR LATER THAN THE CLOSE OF NORMAL OFFICE HOURS 45 DAYS BEFORE THE ELECTION. THE CLERK SHALL MAKE A RECORD OF THE EXACT TIME WHEN EACH PETITION IS FILED. NO NOMINATING PETITION SHALL BE ACCEPTED UNLESS ACCOMPANIED BY A SIGNED ACCEPTANCE OF THE NOMINATION.

7.08: ORDERING CANDIDATE SURNAMES. WHERE TWO OR MORE CANDIDATES HAVE BEEN NOMINATED FOR ANY OFFICE, THE NAMES OF SAID CANDIDATES SHALL APPEAR ON THE BALLOT IN THE ORDER DETERMINED BY LOT. NO LATER THAN 15 DAYS AND NO EARLIER THAN 40 DAYS PRIOR TO THE ELECTION, THE TOWN CLERK SHALL DETERMINE, BY LOT, THE ORDER THAT SAID CANDIDATES' NAMES SHALL APPEAR ON THE BALLOT. THE PROCEEDINGS SHALL BE PUBLIC AND THE CANDIDATES SHALL BE GIVEN AN OPPORTUNITY TO BE PRESENT.

EXPLANATION

THE CHARTER CURRENTLY ALLOWS NOMINATION PETITIONS TO BE SUBMITTED TO THE MUNICIPAL CLERK NO LATER THAN THE CLOSE OF NORMAL OFFICE HOURS 35 DAYS BEFORE THE ELECTION. THE ABOVE CHANGE IN THE NUMBER OF DAYS ALLOWED FOR SUBMISSION WOULD PUT THE TOWN OF FREEPORT INTO CONFORMITY WITH THE STATE STATUTE.

COUNCIL MEETING #19-95
September 5, 1995

THE CHARTER CURRENTLY STATES THAT THE TOWN CLERK SHALL DETERMINE, BY LOT, THE ORDER THAT SAID CANDIDATES' NAMES SHALL APPEAR ON THE BALLOT NO LATER THAN 15 DAYS AND NO EARLIER THAN 30 DAYS PRIOR TO THE ELECTION. THE ABOVE CHANGE IN THE NUMBER OF DAYS WOULD PUT THE TOWN OF FREEPORT INTO CONFORMITY WITH THE STATE STATUTE.

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.

ROLL CALL VOTE (Councilors Bishop & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED: To take an item out of order (Item #165-95). (Councilors Wold & Ruff) (6 Ayes) (1 Nay - Mann)

ITEM #165-95 **TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN CONCERNING THE REVISION TO THE GROWTH AREAS MAP AND REVISION TO THE FOLLOWING SECTIONS: FUTURE LAND USE DIRECTIONS, LAND USE AND LOCAL ECONOMY.**

MOVED TO AMEND: SECTION VII-6. LAND USE, 1.A.9., ADDING, "...INCLUDING, BUT NOT LIMITED TO OAK, GUPTILL, THE WEST END OF ELM AND WEST ELM STREET EXTENSION." (Councilor Mann)
(There was no second to this motion.)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, BE APPROVED.

ROLL CALL VOTE (Councilors Wold & Bennett) (7 Ayes) (0 Nays)

ITEM #164-95 **TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP (MAP 11 LOTS 31, 32, 48, 49, 52, 53, 54, 55, 56, 56A, 57, 58, 59, 77, 78, 78A, 79, 80, 81, 86, 87) FROM VILLAGE I TO VILLAGE COMMERCIAL I.**

MOVED AND SECONDED TO AMEND: ITEM #164-95, TO SEPARATE AS FOLLOWS: PROPERTIES INCLUDE 31, 32, 48, 49, 54, 55, 56A, 56, 57, 58 AND 59 (MORSE STREET PROPOSAL), FROM 77, 78, 78A, 79, 80, 81, 86, AND 87. (Councilors Mann & Bennett) (1 Aye) (6 Nays - Bennett, Bishop, Wold, DeGrandpre, Ruff, Campbell)

COUNCIL MEETING #19-95

September 5, 1995

MOVED AND SECONDED: ITEM #164-95 TO INCLUDE MAP 11, LOTS 71, 72, 73, 74, 74, 75 AND 76, AND EXCLUDE 52 AND 53. (Councilors Wold & Ruff) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT THE PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, AS AMENDED, BE APPROVED.

ROLL CALL VOTE (Councilors Bennett & Ruff) (7 Ayes) (0 Nays)

ITEM #163-95 **TABLED** AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING RESTAURANT DRIVE-UP WINDOWS IN THE VILLAGE COMMERCIAL II ZONE (CHAPTER 21).

MOVED AND SECONDED: TO AMEND ITEM #163-95, ADDING, "...AND PROVIDED THERE IS NO OUTSIDE SPEAKER, INTERCOM SYSTEM". (Councilors Mann & Ruff) (6 Ayes) (1 Nay - Campbell)

MOVED AND SECONDED: TO AMEND, ADDING, "... AND PROVIDED THAT THE RESTAURANT CONTAINS A MINIMUM OF 75 INDOOR SEATS. (Councilors Wold & Ruff) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE AS SUBMITTED AT THE PUBLIC HEARING ON AUGUST 1, 1995, AS AMENDED, BE APPROVED. **ROLL CALL VOTE** (Councilors Bennett & Wold) (6 Ayes) (1 Nay - Mann)

ITEM #162-95 **TABLED** AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, THE ZONING MAP AND THE DESIGN REVIEW MAP CONCERNING NON-CONFORMING USES, PURPOSE AND SPACE STANDARDS AND REZONING MAP 13, LOTS 11, 12, 13, 14, 15 AND 26B FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL II (VC-II) (CHAPTER 21).

Discussion followed re: question of impact to surrounding neighborhood, traffic, drainage issue, set back requirements, expansion of accessory uses, definition of "unit", etc.

MOVED AND SECONDED: TO AMEND ITEM #162-95, TO READ, "7. **HOTELS AND MOTELS:** UPON APPROVAL OF A SITE PLAN BY THE PLANNING BOARD, A HOTEL OR MOTEL WHICH EXISTED ON JULY 5, 1995 AND WHICH AT ANY TIME THEREAFTER IS NON-CONFORMING BECAUSE IT EXCEEDS THE MAXIMUM NUMBER OF UNITS ALLOWED BY THE DISTRICT REGULATIONS MAY INCREASE THE NUMBER OF UNITS BY UP TO 30 UNITS MORE THAN THE NUMBER EXISTING ON JULY 5, 1995 AND MAY, IN CONNECTION WITH SUCH INCREASE, EXPAND ACCESSORY FACILITIES SUCH AS RESTAURANTS, MEETING ROOMS AND RECREATIONAL FACILITIES. SUCH INCREASE OR EXPANSION SHALL

COUNCIL MEETING #19-95
September 5, 1995

NOT BE CONSIDERED AN EXTENSION OF USE SUBJECT TO SECTION 202(B) (2) AND SHALL BE LIMITED TO THE LOT OR LOTS ON WHICH THE HOTEL OR MOTEL WAS LOCATED ON JULY 5, 1995. AN INCREASE OR EXPANSION UNDER THIS PARAGRAPH 7 SHALL PRECLUDE ANY FURTHER INCREASE OR EXPANSION UNDER SECTION 202 (B) (2). [AS USED IN THIS PARAGRAPH 7, "UNIT" MEANS EVERY ROOM WHICH PROVIDES SLEEPING ACCOMMODATIONS FOR GUESTS, EXCEPT THAT A SUITE OF NO MORE THAN TWO ROOMS MAY BE COUNTED AS A SINGLE UNIT PROVIDED THE ROOMS SHARE AN ENTRY FROM THE EXTERIOR OR AN INTERIOR COMMON AREA AND SHARE ONE TOILET FACILITY WHICH IS ACCESSIBLE ONLY FROM WITHIN THAT GROUP OF ROOMS.]" (Councilors Ruff & Wold) (7 Ayes) (0 Nays)

MOVED AND SECONDED: TO STRIKE FROM THE AMENDMENT, "AND SHALL BE LIMITED TO THE LOT OR LOTS ON WHICH THE HOTEL OR MOTEL WAS LOCATED ON JULY 5, 1995". (Councilors Wold & Bennett) (4 Ayes) (3 Nays - Mann, Ruff, DeGrandpre)

Dan Cunningham requested being rezoned to VCII.

Bill D'Amico suggested fixing the number of units for expansion.

Peter Taggart asked for clarification of actual room numbers.

Amy Cartmell referenced site plan requirement.

Pauline Harris raised concerns.

MOVED: TO TABLE ITEM #162-95 FOR A PUBLIC HEARING TO BE SET AT THE NEXT MEETING. (Councilor Mann)
(There was no second to this motion.)

Discussion followed re: Village Inn

MOVED TO AMEND: ON PAGE 2, ARTICLE 21, TO ELIMINATE THE ADDITIONAL SETBACK ADVANTAGE GIVEN. (Councilor Mann)
(There was no second to this motion.)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, ZONING MAP AND DESIGN REVIEW MAP, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, AS AMENDED, BE APPROVED. ROLL CALL VOTE (Councilors DeGrandpre & Ruff) (6 Ayes) (1 Nay - Mann)

COUNCIL MEETING #19-95

September 5, 1995

ITEM #166-95 **TABLED AUGUST 1 AND AUGUST 15, 1995. TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING CAPITAL PURCHASES OR IMPROVEMENTS.**

MOVED AND SECONDED: TO AMEND ITEM #166-95 BE CHANGED TO \$75,000, IN PLACE OF \$133,500, AND DELETE, "THE ABOVE LIMITS OF \$133,500 SHALL BE ADJUSTED UPWARDS ANNUALLY, COMMENCING IN 1996, BY THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX". (Councilor Mann & Bennett) (2 Ayes) (5 Nays - Bishop, Wold, DeGrandpre, Ruff, Campbell)

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

ARTICLE VII, SEC. 8.03 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.

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 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.

ROLL CALL VOTE (Councilors Bishop & Ruff) (7 Ayes) (0 Nays)

COUNCIL MEETING

September 5, 1995

ITEM #176-95 **TABLED AUGUST 15, 1995. 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.

ROLL CALL VOTE (Councilors Ruff & DeGrandpre) (6 Ayes) (0 Nays) (1 Excused - Bishop)

OTHER BUSINESS:

1. REQUEST FOR THE USE OF TOWN HALL PARKING LOT FOR THE 3RD ANNUAL "CHOWDAH" CHALLENGE ON OCTOBER 7, 1995.

The consensus was to allow this request.

2. DISCUSSION ON PROPOSED LEASING OF THE EXISTING LIBRARY BUILDING.

Jack Riddle, Commercial Properties, explained the potential renovations, uses, etc.

Manager Olmstead stated that the Council needs to make a decision - does it want to propose that the Council make the library "retail-ready" and fold that cost into an overall bond issue or try to negotiate a lease making the lessee readying the building for retail at a reduced lease price.

Discussion followed re: "white box ready" VS. "tenant ready", time table, tenants interested in renting, etc.

CHAIRPERSON AND COMMITTEE REPORTS

1. Councilor Ruff stated that in the Community Relations Committee minutes, Amtrak possibilities are discussed.

2. Councilor Mann requested that the Dunning Boat Yard Committee report be placed on the next agenda.

COUNCIL MEETING #19-95
September 5, 1995

**ITEM #181-95 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO
DISCUSS THE ACQUISITION OF PROPERTY.**

**MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE
SESSION TO DISCUSS THE ACQUISITION OF PROPERTY. (Councilors Wold
& Ruff) (7 Ayes) (0 Nays)**

**MOVED AND SECONDED: THAT THE COUNCIL RECONVENE.
(Councilors Wold & Bishop) (7 Ayes) (0 Nays)**

**MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 12:00
A.M. (Councilors Wold & Ruff) (7 Ayes) 90 Nays)**

Respectfully submitted,

Pat Goodwin, Recording Secretary

**AGENDA
COUNCIL MEETING #19-95
COUNCIL CHAMBERS
SEPTEMBER 5, 1995 - 7:00 P.M.**

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 #18-95 HELD ON AUGUST 15, 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 #19-95
SEPTEMBER 5, 1995**

ITEM #178-95 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. (PUBLIC HEARING)

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.

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.

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.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

**COUNCIL MEETING #19-95
SEPTEMBER 5, 1995**

**MOTION: THAT THE PROPOSED APPROPRIATION ORDINANCE BE
TABLED UNTIL SEPTEMBER 19, 1995.**

**ITEM #179-95 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 (PUBLIC HEARING).**

**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**

**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, FORMS(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 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 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.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT THE PROPOSED APPROPRIATION ORDINANCE BE TABLED UNTIL SEPTEMBER 19, 1995.

ITEM #180-95

TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING NOMINATIONS AND ELECTIONS.

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

ARTICLE VII, SECTION 7.02(B) AND 7.08 OF THE CHARTER OF THE TOWN OF FREEPORT IS REPEALED AND NEW SECTIONS 7.02(B) AND 7.08 ARE ENACTED AS FOLLOWED:

7.02 (B): FILING AND ACCEPTANCE OF NOMINATIONS PETITIONS. ALL SEPARATE PAPERS COMPRISING A NOMINATING PETITION SHALL BE ASSEMBLED AND FILED WITH THE MUNICIPAL CLERK AS ONE INSTRUMENT NOT EARLIER THAN 90 DAYS OR LATER THAN THE CLOSE OF NORMAL OFFICE HOURS 45 DAYS BEFORE THE ELECTION. THE CLERK SHALL MAKE A RECORD OF THE EXACT TIME WHEN EACH PETITION IS FILED. NO NOMINATING PETITION SHALL BE ACCEPTED UNLESS ACCOMPANIED BY A SIGNED ACCEPTANCE OF THE NOMINATION.

7.08: ORDERING CANDIDATE SURNAMES. WHERE TWO OR MORE CANDIDATES HAVE BEEN NOMINATED FOR ANY OFFICE, THE NAMES OF SAID CANDIDATES SHALL APPEAR ON THE BALLOT IN THE ORDER DETERMINED BY LOT. NO LATER THAN 15 DAYS AND NO EARLIER THAN 40 DAYS PRIOR TO THE ELECTION, THE TOWN CLERK SHALL DETERMINE, BY LOT, THE ORDER THAT SAID CANDIDATES' NAMES SHALL APPEAR ON THE BALLOT. THE PROCEEDINGS SHALL BE PUBLIC AND THE CANDIDATES SHALL BE GIVEN AN OPPORTUNITY TO BE PRESENT.

EXPLANATION

THE CHARTER CURRENTLY ALLOWS NOMINATION PETITIONS TO BE SUBMITTED TO THE MUNICIPAL CLERK NO LATER THAN THE CLOSE OF NORMAL OFFICE HOURS 25 DAYS BEFORE THE ELECTION. THE ABOVE CHANGE IN THE NUMBER OF DAYS ALLOWED FOR SUBMISSION WOULD PUT THE TOWN OF FREEPORT INTO CONFORMITY WITH THE STATE STATUTE.

THE CHARTER CURRENTLY STATES THAT THE TOWN CLERK SHALL DETERMINE, BY LOT, THE ORDER THAT SAID CANDIDATES' NAMES SHALL APPEAR ON THE BALLOT NO LATER THAN 15 DAYS AND NO EARLIER THAN 30 DAYS PRIOR TO THE ELECTION. THE ABOVE CHANGE IN THE NUMBER OF DAYS WOULD PUT THE TOWN OF FREEPORT INTO CONFORMITY WITH THE STATE STATUTE.

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.

ITEM #164-95 TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP (MAP 11 LOTS 31,32, 48, 49, 52, 53, 54, 55, 56, 56A, 57, 58, 59,77, 78, 78A,79, 80, 81, 86, 87) FROM VILLAGE I TO VILLAGE COMMERCIAL I.

BE IT FURTHER ORDERED: THAT THE PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, BE APPROVED.

ITEM #163-95 TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING RESTAURANT DRIVE-UP WINDOWS IN THE VILLAGE COMMERCIAL II ZONE (CHAPTER 21).

BE IT ORDERED: THAT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE AS SUBMITTED AT THE PUBLIC HEARING ON AUGUST 1, 1995, BE APPROVED.

**COUNCIL MEETING #19-95
SEPTEMBER 5, 1995**

ITEM #162-95 **TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, THE ZONING MAP AND THE DESIGN REVIEW MAP CONCERNING NON-CONFORMING USES, PURPOSE AND SPACE STANDARDS AND REZONING MAP 13, LOTS 11, 12, 13, 14, 15 AND 26B FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL II (VC-II) (CHAPTER 21).**

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, ZONING MAP AND DESIGN REVIEW MAP, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, BE APPROVED.

ITEM #165-95 **TABLED AUGUST 1, 1995. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN CONCERNING THE REVISION TO THE GROWTH AREAS MAP AND REVISION TO THE FOLLOWING PLAN SECTIONS: FUTURE LAND USE DIRECTIONS, LAND USE AND LOCAL ECONOMY.**

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN, AS SUBMITTED TO PUBLIC HEARING ON AUGUST 1, 1995, BE APPROVED.

ITEM #166-95 **TABLED AUGUST 1 AND AUGUST 15, 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. 8.03 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.

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 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.

ITEM #176-95 **TABLED AUGUST 15, 1995. 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.

OTHER BUSINESS:

1. REQUEST FOR THE USE OF TOWN HALL PARKING LOT FOR THE 3RD ANNUAL "CHOWDAH" CHALLENGE ON OCTOBER 7, 1995.
2. DISCUSSION ON PROPOSED LEASING OF THE EXISTING LIBRARY BUILDING.

CHAIRPERSON AND COMMITTEE REPORTS

**COUNCIL MEETING #19-95
SEPTEMBER 5, 1995**

**ITEM #181-95 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.