

**MINUTES
FREEPORT TOWN COUNCIL
MEETING #19-95
September 19, 1995 - 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 (late)		
Gloria DeGrandpre, Vice-Chairperson Wolf Neck Road	X		
Elizabeth Ruff Durham Road	X		
Randall Bennett Park Street			X
Roger Wold Staples Point Road	X (late)		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		

FIRST ORDER OF BUSINESS: To waive the reading of the minutes of meeting #19-95 held on September 5, 1995 and accept the minutes as printed.

MOVED AND SECONDED: To amend the vote for adjournment to "(0 Nays)". (Councilors Bishop & Ruff) (4 Ayes) (3 Excused - Bennett, Wold, Campbell)

MOVED AND SECONDED: To waive the reading of the minutes of meeting #19-95 held on September 5, 1995 and accept the minutes as amended. (Councilors Ruff & Mann) (4 Ayes) (3 Excused - Bennett, Wold, Campbell)

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

1. Mr. Branson, attorney for Eastward Yacht Management Corp, provided the background on the problem affecting the company, i.e., the ordinance as currently provided.

MOVED AND SECONDED: To close the Public Comment Period. (Councilors DeGrandpre & Wold) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: To take Item #193-95 out of order. (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett)

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Item #193-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS AN APPLICATION FOR PROPERTY TAX ABATEMENT BECAUSE OF POVERTY AND/OR DISABILITY.

MOVED AND SECONDED: That the Council enter into executive session to discuss an application for property tax abatement because of poverty and/or disability. (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: That the Council reconvene. (Councilors Wold & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: That the Council grant the poverty abatement for the difference between the amount of property tax of \$1,179.80, plus interest less any amount received from Property Tax Refund Program.

ROLL CALL VOTE (Councilors Wold & Bishop) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: To take Item #194-95 out of order. (Councilors DeGrandpre & Wold) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: That the Council enter into executive session with the Town Attorney to discuss litigation (Eastern Yacht Management V Town of Freeport) (Bird V Town of Freeport) (Kerber V Town of Freeport). (Councilors DeGrandpre & Ruff) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: That the Council reconvene. (Councilors Wold & Bishop) (6 Ayes) (1 Excused - Bennett)

ITEM #182-95 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR RYAN DOHERTY, MARA FRANK, DENNIS DANIEL, JOHN WELCH, AND ROBERT COLE (PUBLIC HEARING).

MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE:
(Councilors Bishop & Ruff) (6 Ayes) (1 Excused - Bennett)

ROLL CALL OF MEMBERS:

ELIZABETH RUFF
RANDALL BENNETT(excused)
ROGER WOLD
CHARLOTTE BISHOP
DALE OLMSTEAD(excused)

GLORIA DEGRANDPRE
KENNETH MANN
EDWARD CAMPBELL
PAT GOODWIN

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MOVED AND SECONDED: THAT THE FOLLOWING APPLICATIONS/RE-APPLICATIONS FOR VICTUALER'S LICENSES BE SUBJECT TO PUBLIC HEARING:

RYAN DOHERTY, D/B/A "TIM'S VENDING" (PEDDLER/TOWN PROPERTY), MAIN STREET (LL BEAN), FREEPORT

MARA FRANK, D/B/A "BAYBERRY BED AND BREAKFAST", 8 MAPLE AVENUE, FREEPORT

DENNIS DANIEL, D/B/A "BEN & JERRY'S", (PEDDLER/PRIVATE PROPERTY), 47 MAIN STREET (MAXWELLS), FREEPORT

JOHN WELCH, D/B/A GLORIA JEAN'S GOURMET, 123 MAIN STREET, FREEPORT

ROBERT COLE, D/B/A BOB'S TAKE-OUT (PEDDLER/PRIVATE PROPERTY) 292 U.S. ROUTE 1 SOUTH (THE LIGHTHOUSE), FREEPORT.

(Councilors Bishop & Wold) (7 Ayes) (2 Excused - Bennett, Olmstead)

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

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

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

ITEM #183-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING NOMINATIONS AND ELECTIONS (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT:

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

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 ELECTIONS, 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.

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.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors Ruff & Wold) (6 Ayes) (1 Excused - Bennett)

Councilor Ruff stated that this would make it easier for the Town Clerk to prepare the ballots.

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Chairperson Campbell stated that the Town Charter is out of sync with State law, re: time constraints, etc.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Ruff & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE TEXT OF THE AMENDMENT ON THE BALLOT.

ROLL CALL VOTE (Councilors Ruff & Wold) (6 Ayes) (1 Excused - Bennett)

ITEM #184-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING CAPITAL PURCHASES OR IMPROVEMENTS (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT:

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

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\$50,000 AND WAS ESTABLISHED IN 1976. THE PROPOSED AMENDMENT WOULD INCREASE THAT AMOUNT TO REFLECT INFLATION FROM 1976 TO 1996.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors DeGrandpre & Wold) (6 Ayes) (1 Excused - Bennett)

Bob Lyman, Superintendent of Schools, stated that within a year, bus costs will exceed the \$50,000 limit, which would delay bus purchases until elections. He suggested that the adjustment factor read, "annually, by the percentage increase or decrease in the Consumer Price Index".

Councilor Wold proposed the amendment, "the above limits of \$133,500 shall be adjusted annually as of each January 1st, commencing in 1996 by the percentage change in the Consumer Price Index for the previous year".

Councilor Mann stated that he would prefer to change \$133,500 to \$75,000 and delete the last sentence, as he prefers a fixed (dollar) amount.

Councilor Ruff stated that she prefers changing the figure to \$100,000 and including Councilor Wold's statement.

Councilor Bishop stated she prefers \$75,000 with no adjustment.

Councilor DeGrandpre stated she favors \$100,000 with no adjustment.

Councilor Wold stated he would favor \$100,000 with no adjustment.

Councilor Mann stated he does not favor raising the current figure.

Chairperson Campbell stated that Councilor Bennett favors \$75,000 without the escalating clause.

Councilor Bishop stated that with the current figure, every bus, dump truck (purchase) would have to go to the voters.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett)

MOVED AND SECONDED: To amend Item #184-95 to change the dollar figure to \$100,000 wherever \$133,500 occurs and eliminate the last sentence. (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett)

MOVED: To amend Item #184-95 to change the dollar figure to \$75,000 wherever \$100,000 occurs. (No second.)

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MOVED AND SECONDED: To amend the explanation by deleting the last sentence in the explanation that would go onto the ballot. (Councilors Mann & Ruff) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE TOWN CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995, AS AMENDED.

ROLL CALL VOTE (Councilors Wold & Ruff) (5 Ayes) (1 Nay - Mann) (1 Excused - Bennett)

ITEM #185-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING RENDERING THE CHARTER GENDER NEUTRAL (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT SUMMARIZED BELOW:

GENDER NEUTRAL: THAT THE CHARTER OF THE TOWN OF FREEPORT BE AMENDED RENDERING THE CHARTER GENDER NEUTRAL.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors Ruff & Wold) (6 Ayes) (1 Excused - Bennett)

Councilor Wold stated that there are costs involved to do this, i.e., research, printing of ballots, etc., for an estimated cost of \$1,500 to \$2,000. He stated that, "he", "his" and "Chair" are the 3 words to be changed. He then read the definitions of these, concluding that all 3 are gender neutral by definition.

Councilor Bishop stated that she is not offended by, "he", "his" and "Chair".

Councilor Ruff stated she feels very strongly about this issue; as long as these words remain, they assume masculinity and feels the \$1,500 would be well spent.

Councilor DeGrandpre stated she supports putting this item to the voters.

Councilor Mann stated that if the Charter stated, i.e., "Madam Chair", and he was the Chair, he would want the Charter changed.

Councilor Wold stated he feels the Town has recognized the tremendous value of having women involved in Town government; he does not feel there would be any more or less (involvement) by changing the Charter.

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MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Ruff & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995. ROLL CALL VOTE (Councilors Ruff & Mann) (4 Ayes) (2 Nays - Bishop, Wold) (1 Excused - Bennett)

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE SUMMARIZED TEXT OF THE AMENDMENTS ON THE BALLOT. ROLL CALL VOTE (Councilors Ruff & DeGrandpre) (5 Ayes) (1 Nay - Wold) (1 Excused - Bennett)

ITEM #186-95 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A VOTER REGISTRATION BOARD OF APPEALS.

Discussion followed re: potential need to create the board, then appoint it, setting up the board without some charge, etc.

MOVED AND SECONDED: To amend Item #186-95 to read, "Be It Ordered that a Voter Registration Appeals Board for the Town of Freeport be created and that the following individuals be appointed effective immediately, to serve as members of said board". (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett).

BE IT ORDERED: THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS MEMBERS OF THE VOTER REGISTRATION BOARD OF APPEALS, AS AMENDED:

JOHN GLEASON, UNTIL OCTOBER 1, 1998
BRIDGET HEALY, UNTIL OCTOBER 1, 1998
WILLIAM "STEVE" BROWN, UNTIL OCTOBER 1, 1999

ROLL CALL VOTE (Councilors Mann & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

BE IT FURTHER ORDERED: THAT MR. BROWN SERVE AS CHAIRPERSON OF THE VOTER REGISTRATION BOARD OF APPEALS. ROLL CALL VOTE (Councilors Mann & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

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BE IT FURTHER ORDERED: THAT THE MEMBERS OF THE VOTER REGISTRATION BOARD OF APPEALS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 29, 1995. ROLL CALL VOTE (Councilors Bishop & Ruff) (6 Ayes) (1 Excused - Bennett)

Councilor Mann requested that the Town Manager look into this matter further for possible further corrections.

ITEM #187-95 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF REGISTRAR OF VOTERS.

MOVED AND SECONDED: To amend Item #187-95 to include, "for indefinite terms". (Councilors Wold & Ruff) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS REGISTRAR OF VOTERS, AS AMENDED:

MARY D. WESCOTT - REGISTRAR
JAMES HENDRY - DEPUTY REGISTRAR
VICKI LOWE - DEPUTY REGISTRAR

BE IT FURTHER ORDERED: THAT THE ABOVE NAMED INDIVIDUALS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 29, 1995.

ROLL CALL VOTE (Councilors Bishop & Ruff) (6 Ayes) (1 Excused - Bennett)

ITEM #188-95 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DR. GOULD TRUST FUND.

BE IT ORDERED: THAT TWELVE (12) INDIVIDUALS RECEIVE AWARDS TOTALING \$2,644.49 FROM THE DR. GOULD TRUST FUND PROVIDING PAYMENT FOR MEDICAL EXPENSES.

NOTE: ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

ROLL CALL VOTE (Councilors Mann & Ruff) (6 Ayes) (1 Excused - Bennett)

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ITEM #189-95 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DAVIS TRUST FUND.

BE IT ORDERED: THAT TWO (2) INDIVIDUALS RECEIVE AWARDS TOTALING \$726.95 FROM THE DAVIS TRUST FUND PROVIDING PAYMENT FOR MEDICAL EXPENSES.

NOTE: ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

ROLL CALL VOTE (Councilors Bishop & Ruff) (6 Ayes) (1 Excused - Bennett)

ITEM #190-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING RESTAURANT DRIVE-UPS, AMENDMENT PROCEDURES (SITE PLAN) AND REZONING FOUR (4) LOTS FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL I (VCI).

Councilor Mann requested that these issues be voted on separately.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR OCTOBER 3, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBER TO DISCUSS PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP

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) (6 Ayes) (1 Excused - Bennett)

ITEM #191-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW MAP.

Councilor Mann asked for clarification on this item.

Acting Manager Cohen stated that at the time of the Design Review Map was amended, the section including Morse, Cross and Cushing Streets, was never amended. The Map included the area plus the A and B designations.

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BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR OCTOBER 3, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE DESIGN REVIEW MAP.

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 DeGrandpre & Ruff) (6 Ayes) (1 Excused - Bennett)

ITEM #192-95 TO CONSIDER ACTION RELATIVE TO CASTING A BALLOT FOR MAINE MUNICIPAL ASSOCIATION EXECUTIVE COMMITTEE AND ADVISORY COMMITTEE FOR 1995-1996.

BE IT ORDERED: THAT THE TOWN COUNCIL CAST A BALLOT FOR THE SLATE OF CANDIDATES RECOMMENDED BY THE MMA NOMINATING COMMITTEE.

BE IT FURTHER ORDERED: THAT GLORIA DEGRANDPRE BE APPOINTED AS FREEPORT'S VOTING DELEGATE AT THE MAINE MUNICIPAL ANNUAL BUSINESS MEETING WHICH WILL BE HELD ON OCTOBER 11, 1995.

ROLL CALL VOTE (Councilors Ruff & Bishop) (6 Ayes) (1 Excused - Bennett)

ITEM #178-95 TABLED SEPTEMBER 5, 1995. 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.

SHALL THE TOWN OF FREEPORT APPROVE 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

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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.

ROLL CALL VOTE (Councilors DeGrandpre & Ruff) (6 Ayes) (1 Excused - Bennett)

BE IT ORDERED: THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON SEPTEMBER 5, 1995 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT.

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ITEM #179-95 TABLED SEPTEMBER 5, 1995. 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.

SHALL THE TOWN OF FREEPORT APPROVE 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, 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

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

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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.

BE IT ORDERED: THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON SEPTEMBER 5, 1995 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT.

Chairperson Campbell read a letter from Chris Pinkham, Chairperson Recreation Committee, requesting that Item #179-95 be removed from the November ballot.

MOVED AND SECONDED: That Item #179-95 be tabled indefinitely. (Councilors Ruff & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

OTHER BUSINESS:

1. MUNICIPAL FLOW CONTROL OF SOLID WASTE

Chairperson Campbell referenced the two letters received in support of reinstating flow control of solid waste.

Councilor Mann stated he feels uncomfortable with legislation that does away with free enterprise.

Councilor Wold stated that he would prefer it had never become law, but the price for not supporting this will fall on the taxpayers of the Town.

MOVED AND SECONDED: That the Chairperson be authorized to sign letters to Congressman Bliley and Congressman Longley in support of reinstatement of flow control legislation. (Councilors Wold & Ruff) (5 Ayes) (1 Nay - Mann) (1 Excused - Bennett)

CHAIRPERSON AND COMMITTEE REPORTS

1. Councilor Wold stated that the Fire Rescue Organization Structure Review Committee has essentially completed its work and approved its report. He suggested scheduling a workshop with that committee, the Fire Chief, Police Chief and Council.

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2. Councilor Mann stated that the Dunning Boat Yard Committee has concluded its work; the report could be presented at the first meeting in October and a public hearing scheduled.

Councilor Mann asked if a meeting has been scheduled re: Traffic and Parking Committee and the Desert Road intersection.

Acting Manager Cohen stated that notices will be going out to abutters re: meeting October 11, 1995 at 5:30 P.M.

MOVED AND SECONDED: That the meeting be adjourned at 9:35 P.M.
(Councilors Wold & DeGrandpre) (6 Ayes) (1 Excused - Bennett)

Respectfully submitted,

Pat Goodwin, Recording Secretary

**AGENDA
COUNCIL MEETING #20-95
COUNCIL CHAMBERS
SEPTEMBER 19, 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 #19-95 HELD ON SEPTEMBER 5, 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.

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ITEM #182-95 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR RYAN DOHERTY, MARA FRANK, DENNIS DANIEL, JOHN WELCH, AND ROBERT COLE (PUBLIC HEARING).

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

ROLL CALL OF MEMBERS:

**ELIZABETH RUFF
RANDALL BENNETT
ROGER WOLD
CHARLOTTE BISHOP
DALE OLMSTEAD**

**GLORIA DEGRANDPRE
KENNETH MANN
EDWARD CAMPBELL
PAT GOODWIN**

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

RYAN DOHERTY, D/B/A "TIM'S VENDING" (PEDDLER/TOWN PROPERTY), MAIN STREET (LL BEAN), FREEPORT

MARA FRANK, D/B/A "BAYBERRY BED AND BREAKFAST", 8 MAPLE AVENUE, FREEPORT

DENNIS DANIEL, D/B/A "BEN & JERRY'S", (PEDDLER/PRIVATE PROPERTY), 47 MAIN STREET (MAXWELLS), FREEPORT

JOHN WELCH, D/B/A GLORIA JEAN'S GOURMET, 123 MAIN STREET, FREEPORT

ROBERT COLE, D/B/A BOB'S TAKE-OUT (PEDDLER/PRIVATE PROPERTY) 292 U.S. ROUTE 1 SOUTH (THE LIGHTHOUSE), FREEPORT.

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 #183-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING NOMINATIONS AND ELECTIONS (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT:

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

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 ELECTIONS, 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.

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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.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE TEXT OF THE AMENDMENT ON THE BALLOT.

ITEM #184-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING CAPITAL PURCHASES OR IMPROVEMENTS (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT:

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.

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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.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE TOWN CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

ITEM #185-95 TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT CONCERNING RENDERING THE CHARTER GENDER NEUTRAL (PUBLIC HEARING).

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING CHARTER AMENDMENT SUMMARIZED BELOW:

GENDER NEUTRAL: THAT THE CHARTER OF THE TOWN OF FREEPORT BE AMENDED RENDERING THE CHARTER GENDER NEUTRAL.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

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BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE SUMMARIZED TEXT OF THE AMENDMENTS ON THE BALLOT.

ITEM #186-95 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A VOTER REGISTRATION BOARD OF APPEALS.

BE IT ORDERED: THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS MEMBERS OF THE VOTER REGISTRATION BOARD OF APPEALS:

JOHN GLEASON, UNTIL OCTOBER 1, 1998
BRIDGET HEALY, UNTIL OCTOBER 1, 1998
WILLIAM "STEVE" BROWN, UNTIL OCTOBER 1, 1999

BE IT FURTHER ORDERED: THAT MR. BROWN SERVE AS CHAIRPERSON OF THE VOTER REGISTRATION BOARD OF APPEALS.

BE IT FURTHER ORDERED: THAT THE MEMBERS OF THE VOTER REGISTRATION BOARD OF APPEALS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 29, 1995.

ITEM #187-95 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF REGISTRAR OF VOTERS.

BE IT ORDERED: THAT THE FOLLOWING INDIVIDUALS BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS REGISTRAR OF VOTERS:

MARY D. WESCOTT - REGISTRAR
JAMES HENDRY - DEPUTY REGISTRAR
VICKI LOWE - DEPUTY REGISTRAR

BE IT FURTHER ORDERED: THAT THE ABOVE NAMED INDIVIDUALS QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY SEPTEMBER 29, 1995.

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ITEM #188-95 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DR. GOULD TRUST FUND.

BE IT ORDERED: THAT TWELVE (12) INDIVIDUALS RECEIVE AWARDS TOTALING \$2,644.49 FROM THE DR. GOULD TRUST FUND PROVIDING PAYMENT FOR MEDICAL EXPENSES.

NOTE: ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

ITEM #189-95 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DAVIS TRUST FUND.

BE IT ORDERED: THAT TWO (2) INDIVIDUALS RECEIVE AWARDS TOTALING \$726.95 FROM THE DAVIS TRUST FUND PROVIDING PAYMENT FOR MEDICAL EXPENSES.

NOTE: ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

ITEM #190-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING RESTAURANT DRIVE-UPS, AMENDMENT PROCEDURES (SITE PLAN) AND REZONING FOUR (4) LOTS FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL I (VCI).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR OCTOBER 3, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBER TO DISCUSS PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP

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 #191-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW MAP.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR OCTOBER 3, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE DESIGN REVIEW MAP.

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.

ITEM #192-95 TO CONSIDER ACTION RELATIVE TO CASTING A BALLOT FOR MAINE MUNICIPAL ASSOCIATION EXECUTIVE COMMITTEE AND ADVISORY COMMITTEE FOR 1995-1996.

BE IT ORDERED: THAT THE TOWN COUNCIL CAST A BALLOT FOR THE SLATE OF CANDIDATES RECOMMENDED BY THE MMA NOMINATING COMMITTEE.

BE IT FURTHER ORDERED: THAT GLORIA DEGRANDPRE BE APPOINTED AS FREEPORT'S VOTING DELEGATE AT THE MAINE MUNICIPAL ANNUAL BUSINESS MEETING WHICH WILL BE HELD ON OCTOBER 11, 1995.

ITEM #178-95 TABLED SEPTEMBER 5, 1995. 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.

SHALL THE TOWN OF FREEPORT APPROVE 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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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.

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BE IT ORDERED: THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON SEPTEMBER 5, 1995 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT.

ITEM #179-95 TABLED SEPTEMBER 5, 1995. 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.

SHALL THE TOWN OF FREEPORT APPROVE 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, 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

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.

BE IT ORDERED: THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON SEPTEMBER 5, 1995 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE MUNICIPAL ELECTION ON NOVEMBER 7, 1995.

BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT.

OTHER BUSINESS:

- 1. MUNICIPAL FLOW CONTROL OF SOLID WASTE**

CHAIRPERSON AND COMMITTEE REPORTS

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**ITEM #193-95 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS
AN APPLICATION FOR PROPERTY TAX ABATEMENT BECAUSE OF
POVERTY AND/OR DISABILITY**

**MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO
DISCUSS AN APPLICATION FOR PROPERTY TAX ABATEMENT BECAUSE OF
POVERTY AND/OR DISABILITY.**

MOTION: THAT THE COUNCIL RECONVENE

**ITEM #194-95 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS
LITIGATION (EASTERN YACHT MANAGEMENT V TOWN OF FREEPORT)**

**MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION WITH
THE TOWN ATTORNEY TO DISCUSS LITIGATION (EASTERN YACHT
MANAGEMENT V TOWN OF FREEPORT)(BIRD V TOWN OF
FREEPORT)(KERBER V TOWN OF FREEPORT).**

MOTION: THAT THE COUNCIL RECONVENE.