

**SUMMARY AGENDA
TOWN COUNCIL MEETING #27, 1995
NOVEMBER 28, 1995 - 7:00 P.M.
TOWN HALL**

- ITEM #231-95** **TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL BENNETT, JR., JR. SEAN RILEY, MICHAEL DOHERTY AND ROBIN WADE. (PUBLIC HEARING)**
- ITEM #232-95** **TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FEE SCHEDULE FOR WINSLOW PARK (PUBLIC HEARING).**
- ITEM #233-95** **TO CONSIDER ACTION RELATIVE TO THE DUNNING BOAT YARD COMMITTEE REPORT.(PUBLIC HEARING)**
- ITEM #234-95** **TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED (TAX MAP 17 LOT 39B).**
- ITEM #235-95** **TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF DONATIONS FROM THE FREEPORT ROTARY CLUB.**
- ITEM #236-95** **TO CONSIDER ACTION RELATIVE TO THE HOLDING OF A SPECIAL MUNICIPAL ELECTION FOR TOWN COUNCIL SEAT, DISTRICT 3.**
- ITEM #237-95** **TO CONSIDER ACTION RELATIVE TO THE TREASURERS WARRANT.**
- ITEM #238-95** **TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF BECK'S LANE AS A TOWN ROAD.**
- ITEM #239-95** **TO CONSIDER ACTION RELATIVE TO BRINGING THE TOWN'S FINANCIAL STATEMENT INTO CONFORMANCE WITH GOVERNMENTAL ACCEPTED ACCOUNTING PRINCIPLES (GAAP).**

OTHER BUSINESS:

- 1. REVIEW REQUEST FOR FUNDING FROM FREEPORT ELDERS ASSOCIATION.**
- 2. REVIEW REQUEST FOR COASTAL WATERS ORDINANCE AMENDMENT BY EASTWARD YACHT MANAGEMENT CORPORATION.**
- 3. DISCUSSION ON COUNCIL GOALS AND COMMITTEE ASSIGNMENTS FOR THE COMING YEAR.**
- 4. DISCUSSION ON REQUEST TO PURCHASE COMPOSTING TOILET.**
- 5. DISCUSSION ON REQUEST TO USE TOWN HALL LAWN.**

RECEPTION FOR OUT-GOING COUNCILOR WOLD FOLLOWING THE MEETING

**AGENDA
COUNCIL MEETING #27-95
COUNCIL CHAMBERS
NOVEMBER 28, 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: GLORIA DEGRANDPRE, CHAIRPERSON, WOLF NECK ROAD
EDWARD CAMPBELL, VICE-CHAIRPERSON, GAY DRIVE
GENIE BEAULIEU, LARUE DRIVE
ALAN HINDLEY, WARDTOWN ROAD
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 #23-95, HELD ON NOVEMBER 9, 1995, #24-95 HELD ON NOVEMBER 14, 1995, #25-95 HELD ON NOVEMBER 17, 1995 AND #26-96 HELD ON NOVEMBER 22, 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 #27-95
NOVEMBER 28, 1995

ITEM #231-95 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR PAUL BENNETT, JR., J. SEAN RILEY, AND MICHAEL DOHERTY, ROBIN WADE. (PUBLIC HEARING)

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

ROLL CALL OF MEMBERS:

ROGER WOLD
CHARLOTTE BISHOP
GENIE BEAULIEU
ALAN HINDLEY
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.

PAUL BENNETT, JR, D/B/A BENNETT'S GUN SHOP, 243 U.S. ROUTE ONE NORTH, FREEPORT

J. SEAN RILEY, D/B/A, FREEPORT CAFE & INN, 335 U.S. ROUTE ONE SOUTH, FREEPORT

MICHAEL DOHERTY, D/B/A DOHERTY'S NORTH FREEPORT STORE, 130 WARDTOWN ROAD, FREEPORT

ROBIN WADE, D/B/A THE VILLAGE STORE, 97 SOUTH FREEPORT ROAD, 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.

ITEM #232-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FEE SCHEDULE FOR WINSLOW PARK (PUBLIC HEARING).

MOTION: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE SUBJECT TO PUBLIC HEARING.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT THE PROPOSED AMENDMENTS BE TABLED UNTIL DECEMBER 19, 1995.

COUNCIL MEETING #27-95
NOVEMBER 28, 1995

ITEM #233-95 TO CONSIDER ACTION RELATIVE TO THE DUNNING BOAT YARD
COMMITTEE REPORT (PUBLIC HEARING).

MOTION: THAT THE REPORT FROM THE DUNNING BOAT YARD
COMMITTEE BE SUBJECT TO PUBLIC HEARING.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT THE REPORT BE ADOPTED.

ITEM #234-95 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT
CLAIM DEED (TAX MAP 17, LOT 39b)

BE IT ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED TO ISSUE A
MUNICIPAL QUIT CLAIM DEED FOR THE FOLLOWING PROPERTY:

TO: RONALD A. PLOWMAN, JR.
FOR: PROPERTY - TAX MAP 17 LOT 39b
TAX YEAR 1978

NOTE: THIS PROPERTY IS LOCATED ON SAM'S PIT ROAD AND ALL TAXES
HAVE BEEN PAID.

ITEM #235-95 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF DONATIONS
FROM THE FREEPORT ROTARY CLUB.

BE IT ORDERED: THAT A DONATION OF \$2,500 BE ACCEPTED FROM THE
FREEPORT ROTARY CLUB FOR THE PUBLIC SAFETY BUILDING GREEN
SPACE PROJECT.

BE IT FURTHER ORDERED: THAT A DONATION OF \$2,000 BE ACCEPTED
FROM THE FREEPORT ROTARY CLUB FOR THE MAINTENANCE OF TREES
IN THE VILLAGE AREA.

ITEM #236-95 TO CONSIDER ACTION RELATIVE TO THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION FOR TOWN COUNCIL SEAT, DISTRICT 3.

BE IT ORDERED: THAT A SPECIAL MUNICIPAL ELECTION BE HELD ON
MARCH 5, 1996 FOR THE PURPOSE OF FILLING THE REMAINDER OF THE
UNEXPIRED TERM FOR TOWN COUNCIL SEAT VOTING DISTRICT 3.

**COUNCIL MEETING #27-95
NOVEMBER 28, 1995**

ITEM #237-95 TO CONSIDER ACTION RELATIVE TO THE TREASURERS WARRANT.

BE IT ORDERED: THAT A SPECIAL COUNCIL MEETING BE HELD ON NOVEMBER 30, 1995 AT 3:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT.

ITEM #238-95 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF BECK'S LANE AS A TOWN ROAD.

BE IT ORDERED: THAT BECK'S LANE BE ACCEPTED AS A TOWN ROAD.

ITEM #239-95 TO CONSIDER ACTION RELATIVE TO BRINGING THE TOWN'S FINANCIAL STATEMENT INTO CONFORMANCE WITH GOVERNMENTAL ACCEPTED ACCOUNTING PRINCIPLES (GAAP).

BE IT ORDERED: THAT UP TO \$860,000.00 BE TRANSFERRED FROM FUND BALANCE TO ACCOUNT FOR THE ACCRUED TEACHERS SUMMER SALARIES AS PER THE TOWN'S CONTRACTUAL OBLIGATIONS WHICH WILL THEN BRING THE TOWN'S FINANCIAL STATEMENT INTO CONFORMANCE WITH GAAP.

NOTE: THIS DOES NOT CHANGE THE MANNER IN WHICH THE TOWN'S FINANCIAL STATEMENTS HAVE BEEN PREPARED IN PAST YEARS. THE TOWN COUNCIL FAILED TO TAKE THE NECESSARY ACTION TO SUPPORT CHANGES IN THE GAAP IN THE PAST.

OTHER BUSINESS:

- 1. REVIEW REQUEST FOR FUNDING FROM THE FREEPORT ELDERS ASSOCIATION**
- 2. REVIEW REQUEST FOR COASTAL WATERS ORDINANCE AMENDMENT BY EASTWARD YACHT MANAGEMENT CORPORATION.**
- 3. DISCUSSION ON COUNCIL GOALS AND COMMITTEE ASSIGNMENTS FOR THE COMING YEAR.**
- 4. DISCUSSION ON REQUEST TO PURCHASE COMPOSTING TOILET.**
- 5. DISCUSSION ON REQUEST TO USE TOWN HALL LAWN.**

CHAIRPERSON AND COMMITTEE REPORTS

END OF AGENDA

RECEPTION FOR OUT-GOING COUNCILOR WOLD TO FOLLOWING THE MEETING

**MINUTES
COUNCIL MEETING #27-95
FREEPORT TOWN HALL COUNCIL CHAMBERS
November 28, 1995 - 7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	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 #23-95 HELD ON NOVEMBER 9, 1995, #24-95 HELD ON NOVEMBER 14, 1995, #25-95 HELD ON NOVEMBER 17, 1995 AND #26-95 HELD ON NOVEMBER 22, 1995 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #23-95 HELD ON NOVEMBER 9, 1995, #24-95 HELD ON NOVEMBER 14, 1995, #25-95 HELD ON NOVEMBER 17, 1995 AND #26-95 HELD ON NOVEMBER 22, 1995 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Wold & Campbell) (7 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD - 30 MINUTES.

1. Manager Olmstead stated that two of Freeport's public officials have been recognized on the State level for their contribution to public service. Chief Jerry Schofield has been tapped as President of the Maine Police Chief's Association, and Gloria DeGrandpre has been elected to the MMA Executive Committee. He offered his congratulations to them both.

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ITEM #231-95 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER LICENSES FOR J. SEAN RILEY, AND MICHAEL DOHERTY, ROBIN WADE. (PUBLIC HEARING)

COUNCIL MEETING #27-95
November 28, 1995

MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Campbell & Wold) (7 Ayes) (0 Nays)

ROLL CALL OF MEMBERS:

**ROGER WOLD
CHARLOTTE BISHOP
GENIE BEAULIEU
ALAN HINDLEY
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.

J. SEAN RILEY, D/B/A, FREEPORT CAFE & INN, 335 U.S. ROUTE ONE SOUTH, FREEPORT

MICHAEL DOHERTY, D/B/A DOHERTY'S NORTH FREEPORT STORE, 130 WARDTOWN ROAD, FREEPORT

ROBIN WADE, D/B/A THE VILLAGE STORE, 97 SOUTH FREEPORT ROAD, FREEPORT.

(Councilors Campbell & Wold) (9 Ayes) (0 Nays)

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Campbell & Wold) (9 Ayes) (0 Nays)**

**BE IT ORDERED: THAT THE APPLICATIONS/RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE
(Councilors Campbell & Wold) (9 Ayes) (0 Nays)**

MOVED AND SECONDED: THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors Campbell & Wold) (9 Ayes) (0 Nays)

ITEM #232-95 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FEE SCHEDULE FOR WINSLOW PARK (PUBLIC HEARING).

**MOVED AND SECONDED: THAT THE PROPOSED AMENDMENTS TO THE WINSLOW PARK FEE SCHEDULE BE SUBJECT TO PUBLIC HEARING.
(Councilors Wold & Campbell) (7 Ayes) (0 Nays)**

Ann Wold and Jack Lufkin, Winslow Park Commission, reviewed the recommended fee schedule and answered councilors questions.

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

COUNCIL MEETING #27-95
November 28, 1995

MOVED AND SECONDED: THAT THE PROPOSED AMENDMENTS BE TABLED UNTIL DECEMBER 19, 1995. (Councilors Wold & Beaulieu) (7 Ayes) (0 Nays)

ITEM #233-95 TO CONSIDER ACTION RELATIVE TO THE DUNNING BOAT YARD COMMITTEE REPORT (PUBLIC HEARING).

MOVED AND SECONDED: THAT THE REPORT FROM THE DUNNING BOAT YARD COMMITTEE BE SUBJECT TO PUBLIC HEARING. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

Councilor Mann presented an overview of the Dunning Boat Yard Committee Report and publicly recognized the membership for all the efforts in completing this project. He stated that the Committee looked at signage, recreational uses, highest and best use of the building, public and private partnership, property management, possibility of wholesaling commercial claims, property improvement, revenue producing possibilities, property maintenance, parking and conservation considerations, and an official name for the boat yard.

John Hoy, Bob Stevens and Mick McGivaren, committee members provided additional information included in the report and answered councilors' questions.

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

MOVED AND SECONDED: To amend the motion to adopt the report to add, "the boat yard will be referred to as 'The Dunning Boat Yard'". (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE REPORT BE ADOPTED AS AMENDED. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #234-95 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED (TAX MAP 17, LOT 39B)

BE IT ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED TO ISSUE A MUNICIPAL QUIT CLAIM DEED FOR THE FOLLOWING PROPERTY:

TO: RONALD A. PLOWMAN, JR.
FOR: PROPERTY - TAX MAP 17 LOT 39b
TAX YEAR 1978

ROLL CALL VOTE (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

NOTE: THIS PROPERTY IS LOCATED ON SAM'S PIT ROAD AND ALL TAXES HAVE BEEN PAID.

ITEM #235-95 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF DONATIONS FROM THE FREEPORT ROTARY CLUB.

COUNCIL MEETING #27-95
November 28, 1995

BE IT ORDERED: THAT A DONATION OF \$2,500 BE ACCEPTED FROM THE FREEPORT ROTARY CLUB FOR THE PUBLIC SAFETY BUILDING GREEN SPACE PROJECT.

BE IT FURTHER ORDERED: THAT A DONATION OF \$2,000 BE ACCEPTED FROM THE FREEPORT ROTARY CLUB FOR THE MAINTENANCE OF TREES IN THE VILLAGE AREA. ROLL CALL VOTE (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

ITEM #236-95 TO CONSIDER ACTION RELATIVE TO THE HOLDING OF A SPECIAL MUNICIPAL ELECTION FOR TOWN COUNCIL SEAT, DISTRICT 3.

BE IT ORDERED: THAT A SPECIAL MUNICIPAL ELECTION BE HELD ON MARCH 5, 1996 FOR THE PURPOSE OF FILLING THE REMAINDER OF THE UNEXPIRED TERM FOR TOWN COUNCIL SEAT VOTING DISTRICT 3. ROLL CALL VOTE (Councilors Beaulieu & Bishop) (7 Ayes) (0 Nays)

ITEM #237-95 TO CONSIDER ACTION RELATIVE TO THE TREASURERS WARRANT.

BE IT ORDERED: THAT A SPECIAL COUNCIL MEETING BE HELD ON NOVEMBER 30, 1995 AT 3:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT AS AMENDED.

MOVED AND SECONDED: To amend Order #237-95 to 2:00 P.M. (Councilors Campbell & Mann) (7 Ayes) (0 Nays)

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

ITEM #238-95 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF BECK'S LANE AS A TOWN ROAD.

BE IT ORDERED: THAT BECK'S LANE BE ACCEPTED AS A TOWN ROAD.

MOVED AND SECONDED: To amend Order #238-95 to include, "and as a condition of approval the owners should submit the appropriate documentation to the Cumberland County Registry of Deeds (Final Site Plan) and a Warranty Deed dedicating the right-of-way to the Town of Freeport". (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

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

ITEM #239-95 TO CONSIDER ACTION RELATIVE TO BRINGING THE TOWN'S FINANCIAL STATEMENT INTO CONFORMANCE WITH GOVERNMENTAL ACCEPTED ACCOUNTING PRINCIPLES (GAAP).

COUNCIL MEETING #27-95
November 28, 1995

BE IT ORDERED: THAT UP TO \$860,000.00 BE TRANSFERRED FROM FUND BALANCE TO ACCOUNT FOR THE ACCRUED TEACHERS SUMMER SALARIES AS PER THE TOWN'S CONTRACTUAL OBLIGATIONS WHICH WILL THEN BRING THE TOWN'S FINANCIAL STATEMENT INTO CONFORMANCE WITH GAAP. ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

NOTE: THIS DOES NOT CHANGE THE MANNER IN WHICH THE TOWN'S FINANCIAL STATEMENTS HAVE BEEN PREPARED IN PAST YEARS. THE TOWN COUNCIL FAILED TO TAKE THE NECESSARY ACTION TO SUPPORT CHANGES IN THE GAAP IN THE PAST.

OTHER BUSINESS:

1. REVIEW REQUEST FOR FUNDING FROM THE FREEPORT ELDERS ASSOCIATION

Mary Kennedy provided an overview of the request for funding and answered Council questions.

MOVED AND SECONDED: To take an item not on the printed agenda. (Councilors Beaulieu & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: To approve the request for funding from the Freeport Elders Association in the amount of \$3,500, which will be spent from the FY95 Miscellaneous Contingency Fund. (Councilors Beaulieu & Mann) (7 Ayes) (0 Nays)

2. REVIEW REQUEST FOR COASTAL WATERS ORDINANCE AMENDMENT BY EASTWARD YACHT MANAGEMENT CORPORATION.

Manager Olmstead stated that as the Town is in litigation with Eastward Yacht Management Corporation, the Town attorney suggests litigation could be avoided if the Council were to consider an amendment to the Ordinance; his recommendation would be to respond by asking the attorney for Mr. Martin to bring forward a proposed amendment to the Ordinance, which would go to Coastal Waters Commission for review and discussion, and then filter up to the Council with a recommendation.

Manager Olmstead was directed to pursue this course of action.

3. DISCUSSION ON COUNCIL GOALS AND COMMITTEE ASSIGNMENTS FOR THE COMING YEAR.

Chairperson DeGrandpre stated that the councilors are to submit their respective goals for 1996 and preferences for committees by December 4th.

4. DISCUSSION ON REQUEST TO PURCHASE COMPOSTING TOILET.

Manager Olmstead explained the request.

MOVED AND SECONDED: To approve the sale of the composting toilet to Barbara Paul for \$200. (Councilors Wold & Campbell) (7 Ayes) (0 Nays)

5. DISCUSSION ON REQUEST TO USE TOWN HALL LAWN.

COUNCIL MEETING #27-95
November 28, 1995

Chairperson DeGrandpre read the letter from the Freeport Merchants Association, requesting the use of the Town Hall lawn.

MOVED AND SECONDED: To approve the above request. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

CHAIRPERSON AND COMMITTEE REPORTS
(There were no reports this evening.)

PRESENTATION AND COMMENTS FROM THE COUNCIL TO OUTGOING COUNCILOR WOLD.

Chairperson DeGrandpre presented Councilor Wold with a Freeport watch.

The councilors thanked Mr. Wold for his years of service and contributions to the Town.

Former councilor Ed Bradley offered his appreciation for all that Mr. Wold brought to the Town.

Mr. Wold expressed his thanks to his wife for her support during his term on the council and thanked the great number of people, including his fellow councilors, who were supportive of his serving on the council.

MOVED AND SECONDED: That the meeting be adjourned at 9:01 P.M. (Councilors Campbell & Beaulieu) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary

RECEPTION FOR OUT-GOING COUNCILOR WOLD TO FOLLOWING THE MEETING

PROPOSED AMENDMENTS TO COASTAL WATERS ORDINANCE
(CHAPTER 31)

LICENSING ORDINANCE FOR COMMERCIAL PASSENGER
BOATS USING TOWN WHARF AND FLOATS

1. PURPOSES.

The purposes of this ordinance are to allocate fairly the scarce public resources of berthing space and tie-up time at the Freeport Town Wharf and Floats and to protect the health, safety and welfare of users of the Town Wharf and Floats and passengers on Commercial Passenger Boats which utilize the Town Wharf and Floats. The Town Wharf and Floats are public property which the Town manages for the benefit of all the residents of Freeport and it is not the intent of this ordinance to create any private property rights or interests in the use of that public property.

2. DEFINITIONS AND INTERPRETATION.

This ordinance is intended to complement the Freeport Coastal Waters Ordinance and shall be interpreted and applied in conjunction with the Coastal Waters Ordinance. Terms used in this ordinance shall have the same meanings as terms which are defined in Article II of the Coastal Waters Ordinance. In addition, the following terms have the following meanings..

a. "Commercial Passenger Boat" means a boat which carries passengers for hire, on a charter or scheduled service basis or both. The term does not include the ferry service engaged by the Bustins Island Corporation to provide public transportation to Bustins Island.

b. "Freeport Applicant" means an applicant for a license under this ordinance who has rented or owned (or resided with a blood relative who has rented or owned) real estate in Freeport and has occupied that real estate, both for at least 6 months during the calendar year in which the application is made.

c. "Non-resident Applicant" means any applicant for a license under this ordinance who is not a Freeport Applicant.

d. "New License" means a license issued to an applicant who did not hold a valid license for a Commercial Passenger Boat of the same capacity category on October 31st of the year in which the application is made.

e. "Operator" means the owner, lessee or other person with the legal right to possession and control of a boat.

f. "Parking" means off-street parking which complies with the requirements of the Freeport Zoning Ordinance.

g. "Renewal License" means a license issued to an applicant who held a valid license for a Commercial Passenger Boat of the same capacity category on October 31st of the year in which the application is made.

3. REGULATIONS.

a. License Required. No Commercial Passenger Boat shall use the Town Wharf and Floats without first obtaining and maintaining a license under this ordinance.

b. Performance Standards. Notwithstanding anything to the contrary in the Coastal Waters Ordinance, Commercial Passenger Boats using the Town Wharf and Floats shall comply with the following standards:

(i) Commercial Passenger Boats shall use only those portions of the Town Wharf and Floats which have been designated for such use by the Harbor Master;

(ii) no Commercial Passenger Boat shall be tied up or berthed at the Town Wharf and Floats for longer than 15 minutes per hour or more than once per hour;

(iii) boarding areas shall be kept clean and free of litter. Passengers shall be advised to carry out what they carry in;

(iv) no signs advertising the service shall be allowed on town/public property with the exception of a schedule of times of service posted on the public bulletin board;

(v) amplified sound shall not exceed 55 decibels during the day and 45 decibels at night;

(vi) the operators of Commercial Passenger Boats shall work together on scheduling their services, so that the Town Wharf and Floats are used most efficiently;

(vii) the operators of Commercial Passenger Boats shall be flexible and accommodate other users of the Town Wharf and Floats;

(viii) advertising on any Commercial Passenger Boat which uses the Town Wharf and Floats shall be limited to 2 signs of 16 square feet each. A sign with two faces shall be considered two signs; and

(ix) each Commercial Passenger Boat shall pass regular U.S. Coast Guard inspection for that vessel's type and class.

c. Parking. The Operator of each Commercial Passenger Boat which utilizes the Town Wharf and Floats shall provide Parking on land which the Operator either (1) owns or (2) leases or otherwise legally controls for a term which equals or exceeds the term of the license under this ordinance. The number of off-street parking spaces shall equal or exceed 50 percent of the sum obtained by

adding together the number of passengers the boat is licensed to transport under this ordinance and the number of crew members who operate the boat.

d. Insurance. The operator of each Commercial Passenger Boat which uses the Town Wharf and Floats shall maintain liability insurance with policy limits of no less than \$1,000,000 which names the Town of Freeport as an additional insured.

4. LIMITS ON SIZE OF BOATS AND NUMBER OF LICENSES; CATEGORIES.

a. Length Limited. No license shall be issued for any Commercial Passenger Boat which exceeds 45 feet in length.

b. One License per Category. No more than two licenses for Commercial Passenger Boats shall be issued or shall be in effect at any time, and no more than one in each of the following capacity categories:

(i) small capacity: a boat which is licensed to transport a maximum of 6 passengers;

(ii) large capacity: a boat which is licensed to transport a maximum of 28 passengers.

5. LICENSE FEES.

The annual fees for a license under this ordinance shall be:

(a) \$300.00 for a small capacity Commercial Passenger Boat;
and

(b) \$1400.00 for a large capacity Commercial Passenger Boat.

6. LICENSE APPLICATION FILING PERIOD.

Applications for licenses under this ordinance must be received in the office of the Town Clerk on a regular town office business day during the following periods of each year:

(a) November 1 through November 7 for applications from Freeport Applicants; and

(b) November 8 through November 15 for applications from Non-resident Applicants.

(d) the applicant has been issued all licenses required by the United States Coast Guard for the operation of the Commercial Passenger Boat;

(e) the applicant has not committed any violations of this ordinance within the year prior to the date of the application;

(f) the applicant has not, within the year prior to the date of application, operated a Commercial Passenger Boat in an unlawful manner or in any manner so as to constitute a threat to the public health, safety or welfare; and

(g) the applicant has not, within the five years prior to the date of application, been convicted of any crime involving moral turpitude.

10. ISSUANCE OF LICENSE BY CLERK.

After the Town Council has awarded the licenses under Section 8, the Town Clerk shall issue the licenses to the successful applicants.

11. TERM OF LICENSES.

All licenses issued under this ordinance shall take effect on the date of issuance by the Town Clerk under Section 10 and shall expire on the following October 31st at 11:59 p.m.

12. EFFECT OF LICENSES.

Licenses issued under this ordinance are valid only for the Commercial Passenger Boat, the maximum number of passengers and the Operator identified on the application. Any change in the status of any of those factors must be reviewed and approved by the Town Council, upon application made by the Operator.

13. REVOCATION OF LICENSES.

The Town Council may revoke a license issued under this ordinance for any of the following causes:

(a) failure of the Operator to comply with the qualification standards of Section 9;

(b) fraud, misrepresentation, or false statement contained in the application for license;

(c) fraud, misrepresentation, or false statement made in the course of carrying on the Operator's business of a Commercial Passenger Boat;

(d) any violation of this ordinance;

(e) conviction of any crime involving moral turpitude; or

(f) conducting the Commercial Passenger Boat business in any unlawful manner or in such a manner as to constitute a threat to the health, safety or general welfare to the public.

Before revoking a license, the Town Council shall provide the Operator with notice and the opportunity to be heard. The Town Council shall give the Operator written notice of the grounds for revocation and of the date, time and place of the hearing, mailed to the Operator at the mailing address designated in the Operator's license application at least 7 days before the scheduled hearing date. If the Operator chooses to waive a hearing, the Operator may surrender the license to the Town Clerk at any time prior to the scheduled hearing.

14. ENFORCEMENT AND PENALTIES.

a. Enforcement Officer. This ordinance shall be enforced by the Town of Freeport Harbor Master.

b. Civil Penalties. Any person who violates any provision of this ordinance commits a civil violation punishable by a civil penalty of between \$100 and \$2500. If a person continues to violate a provision of this ordinance after being notified of the violation by the Harbor Master, a separate violation occurs each day until the violation is ceased or corrected.

c. Injunctive and Other Relief. In addition to seeking civil penalties, the Town of Freeport may enjoin any person from violating or continuing to violate any provision of this ordinance and may seek any other legal or equitable remedies necessary to achieve compliance with the requirements of this ordinance.

15. INTERIM PROVISIONS FOR ISSUANCE OF FIRST LICENSES.

Notwithstanding the provisions of sections 6 and 8, license applications for the first two licenses under this ordinance shall be accepted for a period of seven days prior to the effective date of this ordinance. On the first town office business day after the effective date, the Town Clerk shall forward the applications to the Town Council. At its first meeting after the effective date, the Town Council shall award the licenses to qualified applicants in each capacity category, first to Freeport Applicants (drawing lots if there is more than one) and then to Non-resident Applicants (drawing lots if there is more than one).