

**TOWN COUNCIL MEETING #4-96  
JANUARY 16, 1996, 6:30 P.M.  
TOWN HALL COUNCIL CHAMBERS**

**SUMMARY AGENDA**

- ITEM #17-96** TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION WITH THE TOWN ATTORNEY TO DISCUSS THE LITIGATION (KERBER VERSUS TOWN OF FREEPORT) AND TO DISCUSS LEASE NEGOTIATIONS FOR THE LIBRARY BUILDING.
- ITEM #18-96** TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR RICHARD PAUL GRAY AND NANCY DYER GRAY, D/B/A HARRASEEKET INN (PUBLIC HEARING).
- ITEM #19-96** TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR VICTUALER LICENSE FOR JAMES A. WILLEY, JR. (PUBLIC HEARING).
- ITEM #20-96** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING TEMPORARY ACTIVITY PERMITS (CHAPTER 21) (PUBLIC HEARING).
- ITEM #21-96** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING THE RESOURCE PROTECTION ZONE II (CHAPTER 21) (PUBLIC HEARING).
- ITEM #22-96** TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE FREEPORT ZONING MAP REZONING 180 SQUARE FEET OF MAP 2, LOTS 53 FROM VILLAGE II TO MARINE WATERFRONT.(PUBLIC HEARING).
- ITEM #23-96** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING VILLAGE COMMERCIAL I SETBACKS, CHANGING LOTS FROM RURAL RESIDENTIAL I TO COMMERCIAL IV AS WELL AS CHANGES TO BUFFER ZONES AND SETBACKS (CHAPTER 21) (PUBLIC HEARING).
- ITEM #24-96** TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.
- ITEM #25-96** TO CONSIDER ACTION RELATIVE TO A CONTRACT BETWEEN THE TOWN OF FREEPORT AND WINTON SCOTT ARCHITECTS
- ITEM #26-96** TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SOLID WASTE/RECYCLING COMMITTEE.
- ITEM #27-96** TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.
- ITEM #28-96** TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.



**ITEM #29-96 TO CONSIDER ACTION RELATIVE TO THE ENGAGEMENT OF GOVERNMENTAL SERVICES, INC.**

**ITEM #1-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE CONCERNING THE FIRE/RESCUE DEPARTMENT (CHAPTER 7).**

**ITEM #2-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$415,000 FOR THE PURCHASE OF A FIRE LADDER TRUCK.**

**ITEM #3-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 FOR THE CONSTRUCTION OF A NEW LIBRARY BUILDING.**

**ITEM #4-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING MAP CONCERNING THE RESOURCE PROTECTION I AND II ZONES**

**OTHER BUSINESS:**

- 1. DISCUSSION OF SMALL HARBOR IMPROVEMENTS PROGRAM GRANTS..**
- 2. CONTINUED DISCUSSION OF MCDONALD'S OPTION.**

**CHAIRPERSON AND COMMITTEE REPORTS**

**AGENDA  
COUNCIL MEETING #4-96  
COUNCIL CHAMBERS  
JANUARY 16, 1996 - 6:30 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  
KENNETH MANN, MANN ROAD  
CHARLOTTE BISHOP, MAQUOIT DRIVE

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #1-96 HELD ON JANUARY 2, 1996 AND SPECIAL MEETINGS #2-96 HELD ON JANUARY 4, 1996 AND #3-96 HELD ON JANUARY 10, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD - 30 MINUTES  
(NON-AGENDA ITEMS ONLY)

***RECOGNITION OF ROBERT WEAGLE FOR HIS SEVEN YEARS  
OF DEDICATED SERVICE TO FREEPORT CABLE TV.***

**THIRD ORDER OF BUSINESS:** TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.

**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

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**ITEM #17-96** TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION WITH THE TOWN ATTORNEY TO DISCUSS THE LITIGATION (KERBER VERSUS TOWN OF FREEPORT) AND TO DISCUSS LEASE NEGOTIATIONS FOR THE LIBRARY BUILDING.

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**MOTION:** THAT THE TOWN COUNCIL ENTER INTO EXECUTIVE SESSION WITH THE TOWN ATTORNEY TO DISCUSS LITIGATION AND LEASE NEGOTIATIONS FOR THE LIBRARY.

**MOTION:** THAT THE COUNCIL RECONVENE.

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**ITEM #18-96** TO CONSIDER ACTION RELATIVE TO A RE- APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR RICHARD PAUL GRAY AND NANCY DYER GRAY, D/B/A HARRASEEKET INN (PUBLIC HEARING).

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**MOTION:** THAT THE FOLLOWING RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

RICHARD AND NANCY GRAY, D/B/A HARRASEEKET INN, 132 MAIN STREET

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

**BE IT ORDERED:** THAT THE APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

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**ITEM #19-96** TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR VICTUALER LICENSE FOR JAMES A. WILLEY, JR. (PUBLIC HEARING).

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

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP  
GENIE BEAULIEU  
ALAN HINDLEY  
DALE OLMSTEAD

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
PAT GOODWIN

**MOTION:** THAT THE FOLLOWING RE-APPLICATION FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

JAMES A. WILLEY, JR., D/B/A LLBEAN DESERT ROAD CAFETERIA,

COUNCIL MEETING #4-96  
JANUARY 16, 1996

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3 DESERT ROAD CAMPUS, FREEPORT.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE RE-APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

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

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ITEM #20-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING TEMPORARY ACTIVITY PERMITS (CHAPTER 21) (PUBLIC HEARING).

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MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #20-96 BE TABLED UNTIL FEBRUARY 6, 1996.

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ITEM #21-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING THE RESOURCE PROTECTION ZONE II (CHAPTER 21) (PUBLIC HEARING).

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MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #21-96 BE TABLED UNTIL FEBRUARY 6, 1996.

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ITEM #22-96 TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE FREEPORT ZONING MAP REZONING 180 SQUARE FEET OF MAP 2, LOTS 53 FROM VILLAGE II TO MARINE WATERFRONT. (PUBLIC HEARING)

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MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #22-96 BE TABLED UNTIL FEBRUARY 6, 1996

COUNCIL MEETING #4-96  
JANUARY 16, 1996

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ITEM #23-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING VILLAGE COMMERCIAL I SETBACKS, CHANGING LOTS FROM RURAL RESIDENTIAL I TO COMMERCIAL IV AS WELL AS CHANGES TO BUFFER ZONES AND SETBACKS (CHAPTER 21) (PUBLIC HEARING).

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

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

**MOTION:** THAT ITEM #23-96 BE TABLED UNTIL FEBRUARY 6, 1996.

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ITEM #24-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

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**BE IT ORDERED:** THAT MELINDA DOEL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE WINSLOW PARK COMMISSION UNTIL MARCH 1, 1999.

**BE IT FURTHER ORDERED:** THAT MS. DOEL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY JANUARY 26, 1996.

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ITEM #25-96 TO CONSIDER ACTION RELATIVE TO A CONTRACT BETWEEN THE TOWN OF FREEPORT AND WINTON SCOTT ARCHITECTS.

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**BE IT ORDERED:** THAT THE PROPOSED CONTRACT BETWEEN THE TOWN OF FREEPORT AND WINTON SCOTT ARCHITECTS FOR PHASE II (CONSTRUCTION PHASE) OF THE LIBRARY BUILDING PROJECT BE APPROVED SUBJECT TO VOTER APPROVAL OF THE PROJECT.

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ITEM #26-96 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SOLID WASTE/RECYCLING COMMITTEE.

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**BE IT ORDERED:** THAT THOMAS BULL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/RECYCLING COMMITTEE UNTIL JANUARY 1, 1999.

**BE IT FURTHER ORDERED:** THAT MR. BULL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY JANUARY 26, 1996.

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ITEM #27-96 TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.

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**BE IT ORDERED:** THAT SPECIAL COUNCIL MEETINGS BE HELD ON JANUARY 17, 27 AND 31, 1996 EACH AT 5:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT.

COUNCIL MEETING #4-96  
JANUARY 16, 1996

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ITEM #28-96 TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR FEBRUARY 6, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.

**BE IT FURTHER ORDERED:** THAT PUBLIC NOTICE OF THIS HEARING BE PLACED IN A NEWSPAPER OF GENERAL CIRCULATION TEN (10) DAYS PRIOR TO THE HEARING.

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ITEM #29-96 TO CONSIDER ACTION RELATIVE TO THE ENGAGEMENT OF GOVERNMENTAL SERVICES, INC.

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**BE IT ORDERED:** THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE ENGAGEMENT LETTER FROM GOVERNMENTAL SERVICES, INC.; DATED JANUARY 8, 1996 OUTLINING SERVICES TO BE PROVIDED REGARDING THE AMENDMENT OF FREEPORT'S MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.

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ITEM #1-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE CONCERNING THE FIRE/RESCUE DEPARTMENT (CHAPTER 7).

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE, AS SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996, BE APPROVED.

**BE IT FURTHER ORDERED:** THAT UP TO \$6,250 BE EXPANDED FROM THE FY96 MISCELLANEOUS AND CONTINGENCY OPERATING BUDGET ACCOUNT TO PROVIDE FOR A FULL TIME RESCUE CHIEF FROM APRIL 1 TO JUNE 30, 1996.

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ITEM #2-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$415,000 FOR THE PURCHASE OF A FIRE LADDER TRUCK.

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#### QUESTION 1

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSED

APPROPRIATION ORDINANCE FOR UP TO \$415,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT A SUM NOT TO EXCEED \$415,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING A FIRE LADDER TRUCK. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$415,000 AND THE DISCRETION TO FIX THE DATE(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 RECOMMENDATION**

THE FIRE DEPARTMENT LADDER TRUCK IS A 1982 MODEL AND WAS PURCHASED BY THE TOWN IN 1988. THE TRUCK IS CURRENTLY IN DISREPAIR AND NEEDS EXTENSIVE RUST AND BODY REPAIR. AN INDEPENDENT CONSULTANT HAS INSPECTED THE CURRENT LADDER TRUCK AND HAS DETERMINED THAT THE VEHICLE CANNOT BE COST-EFFECTIVELY REHABILITATED.

THE FIRE DEPARTMENT AND THE TOWN COUNCIL SUPPORT THIS REQUEST

**BE IT ORDERED:** THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996.

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

**QUESTION 2**

SHOULD QUESTION ONE, APPROPRIATING \$415,000 FOR THE PURCHASE OF A NEW FIRE LADDER TRUCK, FAIL, THEN SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSAL APPROPRIATION ORDINANCE FOR UP TO \_\_\_\_\_ FOR THE REHABILITATION OF THE BODY AND THE REHABILITATION OR REPLACEMENT OF THE CAB OF THE EXISTING FIRE DEPARTMENT LADDER TRUCK BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT AN AMOUNT TO BE DETERMINED IS HEREBY APPROPRIATED FOR THE REHABILITATION



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ON THE BODY AND THE REHABILITATION OR REPLACEMENT OF THE CAB OF THE FIRE DEPARTMENT LADDER TRUCK. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ AND THE DISCRETION TO FIX THE DATE(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 RECOMMENDATION**

*LANGUAGE NEEDED*

**BE IT ORDERED:** THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996.

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

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ITEM #3-96      TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 FOR THE CONSTRUCTION OF A NEW LIBRARY BUILDING.

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SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT A SUM NOT TO EXCEED \$2,875,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF CONSTRUCTING A NEW LIBRARY BUILDING, THE PURCHASE OF PROPERTY AND THE RENOVATION AND CONVERSION OF THE EXISTING LIBRARY BUILDING TO RETAIL SPACE. 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 \$2,875,000 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 RECOMMENDATION**

THE TOWN HAS OUTGROWN THE CURRENT LIBRARY FACILITY WHICH CANNOT BE EXPANDED BECAUSE OF ITS LOCATION. THE TOWN HAS A TENTATIVE AGREEMENT WITH A RETAILER TO LEASE THE EXISTING LIBRARY BUILDING. THE REVENUE FROM THE LEASE WILL MORE THAN OFFSET THE ANNUAL DEBT SERVICE ON THE NEW BUILDING. NO PROPERTY TAX DOLLARS WILL BE NEEDED TO FUND THIS PROJECT. IN ADDITION TO CONSTRUCTING A NEW LIBRARY BUILDING, THE \$2,875,000 MAY ALSO PROVIDE FOR THE CONVERSION OF THE EXISTING LIBRARY TO RETAIL SPACE AND THE ACQUISITION OF LAND FOR THE NEW LIBRARY BUILDING PROJECT.

THE LIBRARY BUILDING COMMITTEE AND THE TOWN COUNCIL SUPPORT THIS REQUEST.

**BE IT ORDERED:** THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996.

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

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ITEM #4-96      TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING MAP CONCERNING THE RESOURCE PROTECTION I AND II ZONES.

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE ZONING MAP, AS SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996, BE APPROVED.

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**OTHER BUSINESS:**

1. DISCUSSION OF SMALL HARBOR IMPROVEMENTS PROGRAM GRANTS..
2. CONTINUED DISCUSSION OF MCDONALD'S OPTION.

**CHAIRPERSON AND COMMITTEE REPORTS**

**ADJOURN**

**MINUTES  
COUNCIL MEETING #4-96  
JANUARY 16, 1996 6:30 P.M.**

**CHAIRPERSON'S CALL TO ORDER:**

Gloria DeGrandpre, Chairperson  
Wolf Neck Road

**Present**

X

**Absent**

**Excused**

Edward Campbell, Vice-Chairperson  
Gay Drive

X (late)

Genie Beaulieu  
Larue Drive

X

Alan Hindley  
Wardtown Road

X

Charlotte Bishop  
Maquoit Drive

X

Kenneth Mann  
Mann Road

X

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #1-96 HELD ON JANUARY 2, 1996 AND SPECIAL MEETINGS #2-96 HELD ON JANUARY 4, 1996 AND #3-96 HELD ON JANUARY 10, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO CORRECT THE MINUTES OF MEETINGS #2-96 AND #3-96, TO REFLECT THAT ED CAMPBELL WAS VICE-CHAIRPERSON. (Councilors DeGrandpre)

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #1-96 HELD ON JANUARY 2, 1996 AND SPECIAL MEETINGS #2-96 HELD ON JANUARY 4, 1996 AND #3-96 HELD ON JANUARY 10, 1996 AND ACCEPT THE MINUTES AS CORRECTED. (Councilors Bishop & Hindley) (4 Ayes) (0 Nays) (2 Excused - Beaulieu, Campbell)

**MOVED AND SECONDED:** TO TAKE ITEM #17-96 OUT OF ORDER) (Councilors Bishop & Mann) (4 Ayes) (0 Nays) (2 Excused - Beaulieu, Campbell)

**ITEM #17-96**

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION WITH THE TOWN ATTORNEY TO DISCUSS THE LITIGATION (KERBER VERSUS TOWN OF FREEPORT) AND TO DISCUSS LEASE NEGOTIATIONS FOR THE LIBRARY WITH JACK RIDDLE AND POSSIBLE ACQUISITION OF PROPERTY WITH THE MUNICIPAL FACILITIES COMMITTEE.

**MOVED AND SECONDED:** THAT THE TOWN COUNCIL ENTER INTO EXECUTIVE SESSION WITH THE TOWN ATTORNEY TO DISCUSS LITIGATION (KERBER VERSUS TOWN OF FREEPORT) AND TO DISCUSS LEASE NEGOTIATIONS FOR THE LIBRARY WITH JACK RIDDLE AND POSSIBLE ACQUISITION OF PROPERTY WITH THE MUNICIPAL FACILITIES



**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**COMMITTEE.** (Councilors Bishop & Mann) (4 Ayes) (0 Nays) (2 Excused - Beaulieu, Campbell)

(Councilor Campbell arrived at 6:40 P.M.)

**MOVED AND SECONDED:** THAT THE COUNCIL RECONVENE. (Councilors Campbell & Hindley) (5 Ayes) (1 Excused - Beaulieu)

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

1. Rick Simard, stated that Bob Weagle was retiring from his volunteer work of taping meetings, which included countless hours; he provided Mr. Weagle a plaque, thanking him for his service.

Councilor Campbell stated that they, as a community, appreciated what Mr. Weagle has done.

Chairperson DeGrandpre offered her thanks, adding that more volunteers are needed.

**MOVED AND SECONDED:** TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Campbell & Bishop) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** TO TAKE ITEM #4-96 OUT OF ORDER. (Councilors Campbell & Mann) (5 Ayes) (1 Excused - Beaulieu)

**ITEM #4-96**

**TABLED JANUARY 2, 1996, TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING MAP CONCERNING THE RESOURCE PROTECTION I AND II ZONES.**

**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE ZONING MAP, AS SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996, BE APPROVED. ROLL CALL VOTE (Councilors Campbell & Mann) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #18-96** **TO CONSIDER ACTION RELATIVE TO A RE- APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR RICHARD PAUL GRAY AND NANCY DYER GRAY, D/B/A HARRASEEKET INN (PUBLIC HEARING).**

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**MOVED AND SECONDED:** THAT THE FOLLOWING RE-APPLICATION FOR A FULL-TIME MALT; SPIRITUOUS AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

**RICHARD AND NANCY GRAY, D/B/A HARRASEEKET INN, 162 MAIN STREET**  
(Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**BE IT ORDERED:** THAT THE APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT

**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**BE APPROVED. ROLL CALL VOTE** (Councilors Bishop & Mann) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #19-96 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR VICTUALER LICENSE FOR JAMES A. WILLEY, JR. (PUBLIC HEARING).**

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**MOVED AND SECONDED:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Mann & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP  
GENIE BEAULIEU-excused  
ALAN HINDLEY  
DALE OLMSTEAD

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
PAT GOODWIN

**MOVED AND SECONDED:** THAT THE FOLLOWING RE-APPLICATION FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

JAMES A. WILLEY, JR., D/B/A LLBEAN DESERT ROAD CAFETERIA  
3 DESERT ROAD CAMPUS, FREEPORT. (Councilors Mann & Campbell) (7 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED. (Councilors Mann & Campbell) (7 Ayes) (1 Excused - Beaulieu)

**BE IT ORDERED:** THAT THE RE-APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors Mann & Campbell) (7 Ayes) (1 Excused - Beaulieu)

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**ITEM #20-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING TEMPORARY ACTIVITY PERMITS (CHAPTER 21) (PUBLIC HEARING).**

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED. (Councilors Campbell & Bishop) (5 Ayes) (1 Excused - Beaulieu)

Planner Cohen provided the background regarding this item.

Discussion followed re: basis in the Comprehensive Plan, number of parking spaces affected, letter to the Planning Board, dated December 4, 1995, etc.



COUNCIL MEETING #4-96  
JANUARY 16, 1996

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Campbell & Bishop) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT ITEM #20-96 BE TABLED UNTIL FEBRUARY 6, 1996. (Councilors Campbell & DeGrandpre) (5 Ayes) (1 Excused - Beaulieu)

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ITEM #21-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING THE RESOURCE PROTECTION ZONE II (CHAPTER 21) (PUBLIC HEARING).

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Hindley & Bishop) (5 Ayes) (1 Excused - Beaulieu)

Planner Cohen reviewed the background of this item, a 2 part proposed amendment.

Discussion followed re: rate of runoff offsite, benefits to landowners, etc.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Hindley & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT ITEM #21-96 BE TABLED UNTIL FEBRUARY 6, 1996. (Councilors Hindley & Campbell) (5 Ayes) (1 Excused - Beaulieu)

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ITEM #22-96 TO CONSIDER ACTION RELATIVE TO AN AMENDMENT TO THE FREEPORT ZONING MAP REZONING 180 SQUARE FEET OF MAP 2, LOTS 53 FROM VILLAGE II TO MARINE WATERFRONT. (PUBLIC HEARING)

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT ITEM #22-96 BE TABLED UNTIL FEBRUARY 6, 1996. (Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

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ITEM #23-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING VILLAGE COMMERCIAL I SETBACKS, CHANGING LOTS FROM RURAL RESIDENTIAL I TO COMMERCIAL IV AS WELL AS CHANGES TO BUFFER ZONES AND SETBACKS (CHAPTER 21) (PUBLIC HEARING).

---

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Mann & Bishop) (5 Ayes) (1 Excused - Beaulieu)

Planner Cohen provided an overview of the proposed amendments.



COUNCIL MEETING #4-96  
JANUARY 16, 1996

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Mann & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** THAT ITEM #23-96 BE TABLED UNTIL FEBRUARY 6, 1996. (Councilors Mann & Campbell) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #24-96** TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

---

**BE IT ORDERED:** THAT MELINDA DOEL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE WINSLOW PARK COMMISSION UNTIL MARCH 1, 1999. **BALLOT VOTE** (Councilors Campbell & Bishop) (5 Ayes) (1 excused - Beaulieu)

**BE IT FURTHER ORDERED:** THAT MS. DOEL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY JANUARY 26, 1996. **ROLL CALL VOTE** (Councilors Campbell & Bishop) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #25-96** TO CONSIDER ACTION RELATIVE TO A CONTRACT BETWEEN THE TOWN OF FREEPORT AND WINTON SCOTT ARCHITECTS.

---

**BE IT ORDERED:** THAT THE PROPOSED CONTRACT BETWEEN THE TOWN OF FREEPORT AND WINTON SCOTT ARCHITECTS FOR PHASE II (CONSTRUCTION PHASE) OF THE LIBRARY BUILDING PROJECT BE APPROVED SUBJECT TO VOTER APPROVAL OF THE PROJECT.  
(Councilors Hindley & Bishop)

Manager Olmstead reviewed the contract, adding that the Town Attorney has made changes to this and Mr. Scott has agreed to these changes.

Discussion followed re: costs of the project, terms of the contract, costs for clerk of the works, etc.

**MOVED AND SECONDED:** THAT ITEM #25-96 BE TABLED UNTIL FEBRUARY 6, 1996. (Councilors Mann & Hindley) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #26-96** TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE SOLID WASTE/RECYCLING COMMITTEE.

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**BE IT ORDERED:** THAT THOMAS BULL BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/RECYCLING COMMITTEE UNTIL JANUARY 1, 1999. **BALLOT VOTE** (Councilors Bishop & DeGrandpre) (5 Ayes) (1 Excused - Beaulieu)

**BE IT FURTHER ORDERED:** THAT MR. BULL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY JANUARY 26, 1996. **ROLL CALL VOTE** (Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

COUNCIL MEETING #4-96  
JANUARY 16, 1996

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**ITEM #27-96 TO CONSIDER ACTION RELATIVE TO THE TREASURER'S WARRANT.**

---

**BE IT ORDERED:** THAT SPECIAL COUNCIL MEETINGS BE HELD ON JANUARY 17, 24 AND 31, 1996 EACH AT 5:00 P.M. FOR THE PURPOSE OF APPROVING AND SIGNING THE TREASURER'S WARRANT. ROLL CALL VOTE (Councilors Campbell & Bishop) (5 Ayes) (1 Excused - Beaulieu)

---

**ITEM #28-96 TO CONSIDER ACTION RELATIVE TO AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.**

---

**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR FEBRUARY 6, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS AMENDMENTS TO THE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT. (Councilors Mann & Campbell)

**BE IT FURTHER ORDERED:** THAT PUBLIC NOTICE OF THIS HEARING BE PLACED IN A NEWSPAPER OF GENERAL CIRCULATION TEN (10) DAYS PRIOR TO THE HEARING. (Councilors Mann & Campbell)

Manager Olmstead provided background on this item.

Discussion followed re: the Town not being qualified for a TIF, etc.

**ROLL CALL VOTE** (1 Aye) (4 Nays - Hindley, Mann, Campbell, Bishop) (1 Excused - Beaulieu) (Order fails)

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**ITEM #29-96 TO CONSIDER ACTION RELATIVE TO THE ENGAGEMENT OF GOVERNMENTAL SERVICES, INC.**

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**BE IT ORDERED:** THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE ENGAGEMENT LETTER FROM GOVERNMENTAL SERVICES, INC., DATED JANUARY 8, 1996 OUTLINING SERVICES TO BE PROVIDED REGARDING THE AMENDMENT OF FREEPORT'S MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT.

**MOVED AND SECONDED:** THAT ITEM #29-96 BE TABLED TO FEBRUARY 6, 1996. (Councilors Campbell & DeGrandpre) (5 Ayes) (1 Excused - Beaulieu)

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**ITEM #1-96 TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE CONCERNING THE FIRE/RESCUE DEPARTMENT (CHAPTER 7).**

---

**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE, AS SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996, BE APPROVED. (Councilors Hindley & Bishop)



**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**BE IT FURTHER ORDERED: THAT UP TO \$6,250 BE EXPANDED FROM THE FY96 MISCELLANEOUS AND CONTINGENCY OPERATING BUDGET ACCOUNT TO PROVIDE FOR A FULL TIME RESCUE CHIEF FROM APRIL 1 TO JUNE 30, 1996. (Councilors Hindley & Campbell)**

Councilor Mann stated he supports the recommendation of the committee of separating the Rescue from the Fire Department, but does not support the concept of a rescue chief.

Manager Olmstead stated that the report recommendation made it very clear for a full time chief and this had been costed out at the budget workshop.

Betsy Ruff, Committee member, stated that in the report it was very clear that there would be two departments and a full time chief.

Discussion followed re: need for a full time chief, and costs including benefits, funding available with no tax increase in next year's budget, quality of care availability on a full time basis, question of full time secretary, etc.

**ROLL CALL VOTE (5 Ayes) (1 Excused - Beaulieu)**

---

**ITEM #2-96** TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$415,000 FOR THE PURCHASE OF A FIRE LADDER TRUCK.

---

**QUESTION 1**

**SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$415,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:**

**THE TOWN OF FREEPORT HEREBY ORDAINS: THAT A SUM NOT TO EXCEED \$415,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF PURCHASING A FIRE LADDER TRUCK. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$415,000 AND THE DISCRETION TO FIX THE DATE(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 RECOMMENDATION**

**THE FIRE DEPARTMENT LADDER TRUCK IS A 1982 MODEL AND WAS PURCHASED BY THE TOWN IN 1988. THE TRUCK IS CURRENTLY IN DISREPAIR AND NEEDS EXTENSIVE RUST AND BODY REPAIR. AN**



**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**INDEPENDENT CONSULTANT HAS INSPECTED THE CURRENT LADDER TRUCK AND HAS DETERMINED THAT THE VEHICLE CANNOT BE COST-EFFECTIVELY REHABILITATED.**

**THE FIRE DEPARTMENT AND THE TOWN COUNCIL SUPPORT THIS REQUEST.**

**BE IT ORDERED: THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996.**

**BE IT FURTHER ORDERED: THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT. (Councilors Bishop & Campbell)**

**MOVED AND SECONDED: THAT THE EXPLANATION BE AMENDED TO INCLUDE, "THE CONSULTANT HAS ALSO RAISED CONCERNS ABOUT THE SAFETY OF THE LADDER COMPONENT OF THE UNIT". (Councilors Campbell & Bishop) (3 Ayes) (2 Nays - Mann, Hindley) (1 Excused - Beaulieu) (Amendment fails)**

**Manager Olmstead confirmed the wording to be placed on the ballot.**

**Councilor Mann questioned the format for Council voting purposes. He stated that his intent is for Question 2 to be included on the ballot.**

**Discussion followed re: including one or both questions on the ballot, concern for voters to decide the amount they want to spend, concern for unsafe ladder, etc.**

**John Lowe stated he favors one question to the voters.**

**Chief Daly raised concern that the safety of the ladder is not being addressed.**

**ROLL CALL VOTE ON QUESTION 1 (1 Aye) (4 Nays - Mann, Hindley, Campbell, Bishop) (1 Excused - Beaulieu) (Question 1 fails)**

## **QUESTION 2**

**SHOULD QUESTION ONE, APPROPRIATING \$415,000 FOR THE PURCHASE OF A NEW FIRE LADDER TRUCK, FAIL, THEN SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSAL APPROPRIATION ORDINANCE FOR UP TO \$185,000 FOR THE REPLACEMENT OF THE BODY AND THE REPLACEMENT OF THE CAB OF THE EXISTING FIRE DEPARTMENT LADDER TRUCK BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:**



COUNCIL MEETING #4-96  
JANUARY 16, 1996

**MOVED AND SECONDED:** THAT THE EXPLANATION UNDER QUESTION 2 BE AMENDED TO INCLUDE, "THIS TRUCK IS ONLY 13 YEARS OLD, WITH ONLY 21,000 MILES. THIS AUTHORIZATION REPLACES A PARTIALLY OPEN CAB WITH A NEW FULLY ENCLOSED CAB AND A NEW BODY. AN INDEPENDENT CONSULTANT HAS INSPECTED AND DETERMINED THE ENGINE, TRANSMISSION, DRIVE TRAIN, SUSPENSION, FRAME RAILS, ETC., ARE GENERALLY SOUND AND HAVE A BETTER THAN AVERAGE PROBABILITY FOR PARTS AND SERVICE FOR ABOUT 10 YEARS. THE AERIAL LADDER IS TESTED YEARLY BY AN INDEPENDENT TESTING FIRM AND CERTIFIED TO BE SAFE IF USED PROPERLY TO DESIGN SPECIFICATIONS. THE TOWN COUNCIL SUPPORTS THE REQUEST.

THE AMOUNT FOR APPROPRIATION IS \$185,000".

(Councilors Hindley & Mann) (2 Ayes) (3 Nays - Campbell, Bishop, DeGrandpre) (1 Excused - Beaulieu)

Discussion followed re: highest and lowest bids, financing a truck in 5 years not being any easier in 5 years, potential for a reserve account, etc.

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT AN AMOUNT TO BE DETERMINED IS HEREBY APPROPRIATED FOR THE REHABILITATION ON THE BODY AND THE REHABILITATION OR REPLACEMENT OF THE CAB OF THE FIRE DEPARTMENT LADDER TRUCK. TO MEET SAID APPROPRIATION, THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER ARE AUTHORIZED TO ISSUE GENERAL OBLIGATION SECURITIES OF THE TOWN OF FREEPORT IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$ 185,000 AND THE DISCRETION TO FIX THE DATE(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 RECOMMENDATION**

THIS TRUCK IS ONLY 13 YEARS OLD WITH ONLY 21, 000 MILES. THIS AUTHORIZATION REPLACES A PARTIALLY OPEN CAB WITH A NEW FULLY ENCLOSED AND NEW BODY. AN INDEPENDENT CONSULTANT HAS INSPECTED AND DETERMINED THE ENGINE, TRANSMISSION, DRIVE TRAIN, SUSPENSION, FRAME RAILS, ETC., ARE GENERALLY SOUND AND HAVE A BETTER THAN AVERAGE PROBABILITY FOR PARTS AND SERVICE FOR ABOUT 10 YEARS. THE AERIAL LADDER IS TESTED YEARLY BY AN INDEPENDENT TESTING FIRM AND CERTIFIED TO BE SAFE, IF USED PROPERLY TO DESIGN SPECIFICATION. THE TOWN COUNCIL SUPPORTS THIS REQUEST.

**MOVED AND SECONDED:** TO AMEND QUESTION 2 TO ADD THE \$185,000 FOR REPAIR, INCLUDE THE LANGUAGE FOR THE EXPLANATION SUBMITTED BY COUNCILOR HINDLEY AND CHANGE



**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**"REHABILITATION" TO "REPLACEMENT".** (Councilors Mann & Hindley) (2 Ayes) (3 Nays - Campbell, Bishop, DeGrandpre) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** TO RECONSIDER THE AMENDMENTS. (Councilors Campbell & Mann) (5 Ayes) (1 Excused - Beaulieu)

**MOVED AND SECONDED:** TO ADD THE AMOUNT OF \$185,000 TO QUESTION 2 AND ALSO ADD IN ALL THE LANGUAGE COUNCILOR HINDLEY READ. (Councilors Mann & Hindley) (5 Ayes) (1 Excused - Beaulieu)

**BE IT ORDERED:** THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996 AS AMENDED.

**BE IT FURTHER ORDERED:** THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT. ROLL CALL VOTE (2 Ayes) (3 Nays - Campbell, Bishop, DeGrandpre) (1 Excused - Beaulieu) (Order fails)

**MOVED AND SECONDED:** THAT QUESTIONS 1 AND 2 BE RECONSIDERED AND PROPOSED AS ONE VOTE, TO INCLUDE BOTH QUESTIONS ON THE BALLOT THIS EVENING. (Councilors Mann & Hindley) (2 Ayes) (3 Nays - Campbell, Bishop, DeGrandpre) (Motion fails)

**\*\*SPECIAL MEETING FOR THE RECONSIDERATION OF THIS ITEM TO BE HELD FRIDAY, JANUARY 19, 1996 AT NOON.\*\***

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**ITEM #3-96**

**TABLED JANUARY 2, 1996. TO CONSIDER ACTION RELATIVE TO SUBMITTING TO PUBLIC REFERENDUM A PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 FOR THE CONSTRUCTION OF A NEW LIBRARY BUILDING.**

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**SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:**

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT A SUM NOT TO EXCEED \$2,875,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF CONSTRUCTING A NEW LIBRARY BUILDING, THE PURCHASE OF PROPERTY AND THE RENOVATION AND CONVERSION OF THE EXISTING LIBRARY BUILDING TO RETAIL SPACE. 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 \$2,875,000 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



COUNCIL MEETING #4-96  
JANUARY 16, 1996

FOR THE SALE THEREOF, IS DELEGATED TO THE CHAIRPERSON OF THE TOWN COUNCIL AND THE TOWN TREASURER.

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**EXPLANATION AND RECOMMENDATION**

THE TOWN HAS OUTGROWN THE CURRENT LIBRARY FACILITY WHICH CANNOT BE EXPANDED BECAUSE OF ITS LOCATION. THE TOWN HAS A TENTATIVE AGREEMENT WITH A RETAILER TO LEASE THE EXISTING LIBRARY BUILDING. THE REVENUE FROM THE LEASE WILL MORE THAN OFFSET THE ANNUAL DEBT SERVICE ON THE NEW BUILDING. NO PROPERTY TAX DOLLARS WILL BE NEEDED TO FUND THIS PROJECT. IN ADDITION TO CONSTRUCTING A NEW LIBRARY BUILDING, THE \$2,875,000 MAY ALSO PROVIDE FOR THE CONVERSION OF THE EXISTING LIBRARY TO RETAIL SPACE AND THE ACQUISITION OF LAND FOR THE NEW LIBRARY BUILDING PROJECT.

THE LIBRARY BUILDING COMMITTEE AND THE TOWN COUNCIL SUPPORT THIS REQUEST.

**BE IT ORDERED:** THAT THE APPROPRIATION ORDINANCE SUBMITTED TO PUBLIC HEARING ON JANUARY 2, 1996 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION OF MARCH 5, 1996.

**BE IT FURTHER ORDERED:** THAT THE TOWN CLERK PLACE THE APPROPRIATION ORDINANCE ON THE BALLOT. (Councilors Mann & Campbell)

**MOVED AND SECONDED:** THAT ITEM #3-96 BE AMENDED TO REPLACE "THE TOWN HAS A TENTATIVE AGREEMENT WITH A RETAILER TO LEASE THE EXISTING LIBRARY BUILDING. THE REVENUE FROM THE LEASE WILL MORE THAN...", WITH "THE REVENUE FROM THE LEASING OF THE EXISTING LIBRARY BUILDING SHOULD MORE THAN OFFSET THE ANNUAL DEBT SERVICE ON NEW BUILDINGS. THE TOWN COUNCIL WILL NOT AUTHORIZE THE PROJECT TO PROCEED UNTIL THE LEASE REVENUE STREAM HAS BEEN SECURED. THE PROJECT MAY ALSO BE FUNDED BY A TAX INCREMENT FINANCING DISTRICT CURRENTLY UNDER CONSIDERATION BY THE TOWN COUNCIL". (Councilors Mann & Campbell) (5 Ayes) (1 Excused - Beaulieu)

**ROLL CALL VOTE** (5 Ayes) (1 Excused - Beaulieu)

**COUNCIL MEETING #4-96  
JANUARY 16, 1996**

**OTHER BUSINESS:**

**1. DISCUSSION OF SMALL HARBOR IMPROVEMENTS PROGRAM GRANTS..**  
Manager Olmstead explained the 3 letters of intent for grants submitted, main wharf facility, Dunning Boatyard improvements and Cove Road facility.  
He recommended the Town submit 3 applications and put on the ballot to raise matching funds.

Miscellaneous discussion followed; the Manager was instructed to apply for all 3 grants.

**2. CONTINUED DISCUSSION OF MCDONALD'S OPTION.**  
Councilor Hindley requested clarification of the Option.

Manager Olmstead explained the execution process.

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

**MOVED AND SECONDED: TO ADJOURN THE MEETING AT 11:15 P.M.**  
(Councilors Bishop & Campbell) (5 Ayes) (1 Excused - Beaulieu)

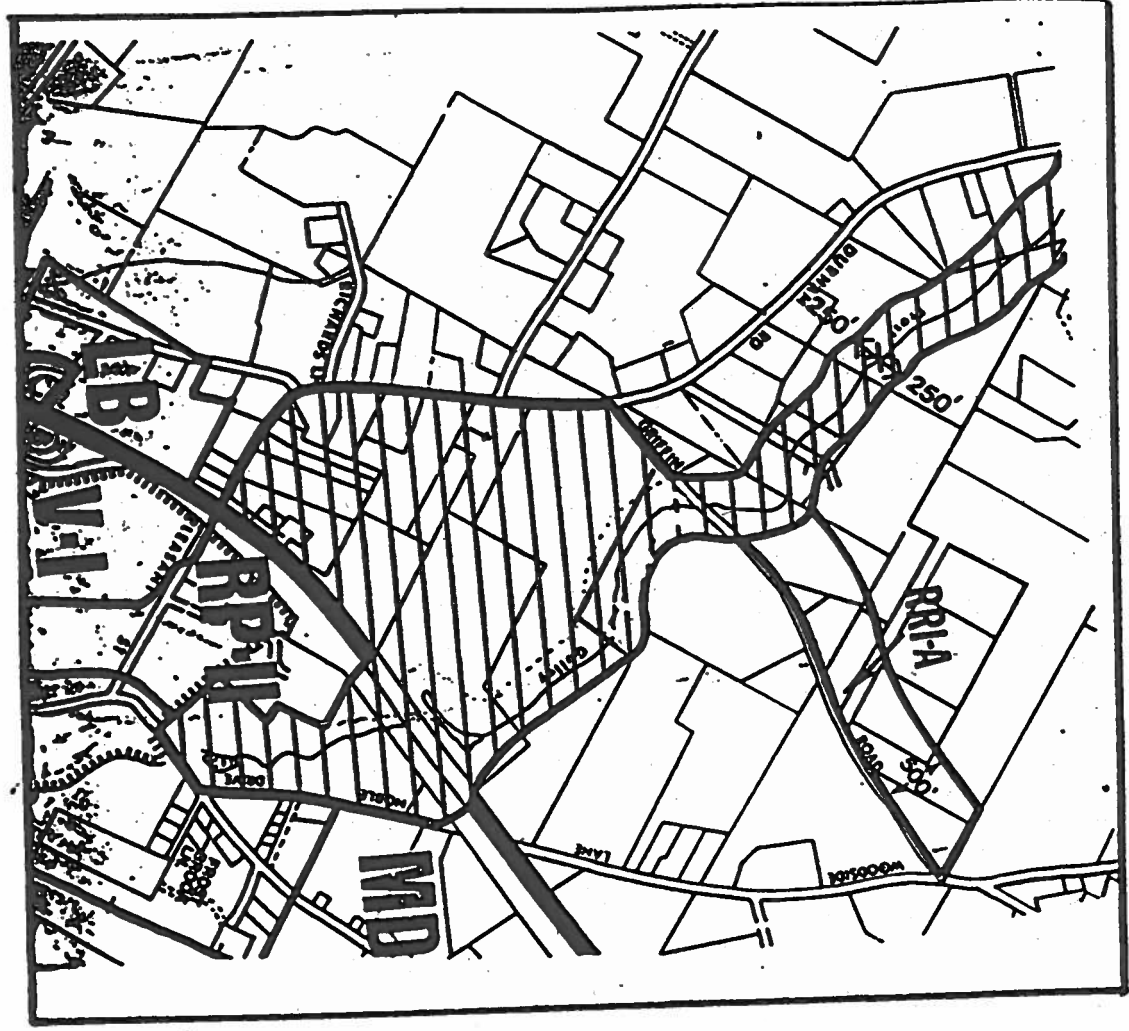
Respectfully submitted,

Pat Goodwin, Recording Secretary



REZONE TO RP-II: MAP 16, LOTS 1, 3, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 11, 11A.  
 MAP 21, PARTS OF LOTS 40, 47 & 49.

DEM-4-96



RP-I ZONE  
 AS IT IS NOW~

Proposed ZONING CHANGE  
 TO RP-II



Public Hearing:  
mtg: #1-96, 1/2/92  
Item #1: 1-96

APPROVED:  
mtg # 4-96, 1/16/96  
item # 1-96

*approved*  
**PROPOSED AMENDMENTS  
ADMINISTRATIVE CODE (CHAPTER 2)**

**SECTION 507 - FIRE AND RESCUE DEPARTMENT**

**507.1 Establishment and Appointment**

There shall be a Fire and Rescue Department, the heads of which shall be a Fire Chief and a Rescue Chief, who shall be appointed by the Town Manager subject to confirmation by the Town Council.

**FIRE**

**507.2 Membership**

The Town Manager shall make all appointments to the Fire Department and may entertain recommendations both as to the number and names of possible appointees from the Fire Chief, except as the Town Manager may delegate his appointive powers in the Fire Department to the Fire Chief.

**507.3 Promotions**

Promotions within the Fire Department shall be made by the Town Manager based on recommendations submitted by the Fire Chief.

**507.4 Duties of Fire Chief**

1. Forest Fire Warden - In accordance with Title 12, M.R.S.A. 8902, the Fire Chief shall be appointed as Forest Fire Warden and no other person shall be appointed without the approval of the Town Council. The Forest Fire Warden shall serve at the pleasure of the Director of the Bureau of Forestry and shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the Director of the Bureau of Forestry. The appointed Forest Fire Warden may appoint one or more Deputy Forest Fire Wardens subject to approval of the Town Manager and may delegate to one of them authority to issue burning permits.
2. Direct and control all Town Firefighters in the performance of firefighting operations within the municipality except as provided in Section 504.4.1. of this Code.
3. Be authorized, with the approval of the Town Manager, to promulgate administrative rules and regulations relating to municipal fire protection, consistent with State Statutes and Ordinances.
4. Provide a training program for firefighters within the Town in cooperation with appropriate governmental agencies.
5. Provide for the maintenance of all Town owned fire equipment and buildings used by the Town Fire Department.
6. Prepare and submit annually to the Town Manager a budget relating to fire protection and rescue unit operations.
7. Be authorized to obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.

8. Be authorized to pull down and demolish structures and appurtenances if he judges it necessary to prevent the spread of fire.

**507.4 Duties of Fire Chief, con't**

9. In the absence of law enforcement officials, suppress disorder and tumult at the scene of a fire and generally to direct all operations to prevent further destruction and damage.

**~~507.6 Rescue Unit Division~~**

**~~1. Establishment and Appointment~~**

~~There shall be a Rescue Unit Division, the head of which shall be a Deputy Chief, who shall be appointed by the Town Manager with due consideration to recommendations by the Fire Chief.~~

**~~2. Duties of the Division~~**

~~Perform the emergency rescue functions of the Town.~~

**~~3. Duties of the Deputy Chief in Charge of Rescue~~**

- ~~a. He shall direct emergency activities of the Town.~~
- ~~b. He shall design a schedule and develop programs to improve the department's efficiency.~~
- ~~c. He shall be responsible for keeping all equipment in working order.~~

**RESCUE**

**507.5 Membership**

The Town Manager shall make all appointments to the Rescue Department and may entertain recommendations both as to the number and names of possible appointees from the Rescue Chief, except as the Town Manager may delegate his appointive powers in the Rescue Department to the Rescue Chief.

**507.6 Promotions**

Promotions within the Rescue Department shall be made by the Town Manager based on recommendations submitted by the Rescue Chief.

**507.7 Duties of the Rescue Chief**

1. Direct and control all Town Rescue Volunteers in the performance of rescue operations within the municipality.

2. Be authorized, with the approval of the Town Manager, to promulgate administrative rules and regulations relating to municipal rescue operations, consistent with State Statutes and Ordinances.

3. Provide a training program for Rescue Volunteers within the Town in cooperation with appropriate governmental agencies.

4. Provide for the maintenance of all Town owned rescue equipment and buildings used by the Town Rescue Department.

5. Prepare and submit annually to the Town Manager a budget relating to rescue department operations.

6. Be authorized to obtain assistance from persons at a rescue scene to protect persons and property from harm or injury.

7. In the absence of law enforcement officials, generally direct all operations to prevent further harm or injury.

**APPROPRIATION ORDINANCE**  
**CONSTRUCTION OF A NEW LIBRARY BUILDING**

SHALL THE TOWN OF FREEPORT APPROVE THE FOLLOWING PROPOSED APPROPRIATION ORDINANCE FOR UP TO \$2,875,000 BE SUBMITTED TO THE VOTERS OF THE TOWN OF FREEPORT AT THE SPECIAL MUNICIPAL ELECTION ON MARCH 5, 1996:

**THE TOWN OF FREEPORT HEREBY ORDAINS:** THAT A SUM NOT TO EXCEED \$2,875,000 IS HEREBY APPROPRIATED FOR THE PURPOSE OF CONSTRUCTING A NEW LIBRARY BUILDING, THE PURCHASE OF PROPERTY AND THE RENOVATION AND CONVERSION OF THE EXISTING LIBRARY BUILDING TO RETAIL SPACE. 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 \$2,875,000 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 RECOMMENDATION**

THE TOWN HAS OUTGROWN THE CURRENT LIBRARY FACILITY WHICH CANNOT BE EXPANDED BECAUSE OF ITS LOCATION. THE REVENUE FROM THE LEASING OF THE EXISTING LIBRARY BUILDING SHOULD MORE THAN OFFSET THE ANNUAL DEBT SERVICE ON NEW BUILDINGS. THE TOWN COUNCIL WILL NOT AUTHORIZE THE PROJECT TO PROCEED UNTIL THE LEASE REVENUE STREAM HAS BEEN SECURED. THE PROJECT MAY ALSO BE FUNDED BY A TAX INCREMENT FINANCING DISTRICT CURRENTLY UNDER CONSIDERATION BY THE TOWN COUNCIL. NO PROPERTY TAX DOLLARS WILL BE NEEDED TO FUND THIS PROJECT. IN ADDITION TO CONSTRUCTING A NEW LIBRARY BUILDING, THE \$2,875,000 MAY ALSO PROVIDE FOR THE CONVERSION OF THE EXISTING LIBRARY TO RETAIL SPACE AND THE ACQUISITION OF LAND FOR THE NEW LIBRARY BUILDING PROJECT.

THE LIBRARY BUILDING COMMITTEE AND THE TOWN COUNCIL SUPPORT THIS REQUEST.

<b>AMOUNT OF BOND ISSUE</b>	<b>\$2,875,000.00</b>
<b>INTEREST TO BE REPAID</b>	<b><u>\$1,660,312.50</u></b>
<b>TOTAL TO BE REPAID</b>	<b><u>\$4,535,312.50</u></b>

*Approved Jan. 16, 1996 - meeting # 4-96*