

**TOWN COUNCIL MEETING #19-96  
MAY 21, 1996 - 6:30 P.M.**

***SUMMARY AGENDA***

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**ITEM #117-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS  
LEASE NEGOTIATIONS (B.H. BARTOL LIBRARY BUILDING).**

**ITEM #118-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-  
APPLICATIONS FOR VICTUALER LICENSE FOR ALAN BRADLEY, GERALD  
CLEMENTS, DAVID COFFIN, EDWARD COLLETT, JACKI CORLISS, DENNIS  
DANIEL, CAROLYN DORSON, MICHAEL DOHERTY, PAUL DUNN, JAMES  
FRIEDLANDER, STEVE GOBLE, NANCY GRAY, BRENDA HODGSON, JOHN  
LEWIS, ELDON MACLEOD, MICHAEL MARINO, NORMA MURRAY, KAREN  
NAPPI, ROBERT POTTLE, THOMAS RING, VERA ROGERS, RALPH  
ROUTHIER, CHAY SENESOMBATH, GREG SPAULDING, RICHARD  
THACHER, CYNDY THAYER, ANDREW CHOI, RICHARD WAGNER, ROBERT  
WHISENANT, ANITA WILLETT, JAMES WILLEY JR., TAMANTHA WILSON,  
JUDI SOULE-STEVENSON, JOSEPH YILMAZ, ROBERT BOWE, ERIC RUTH,  
PAUL KELLEY, CHRISTOPHER REEDER. (PUBLIC HEARING).**

**ITEM #119-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME  
MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CHAY  
SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE ONE SOUTH  
(PUBLIC HEARING.)**

**ITEM #120-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR SPECIAL  
AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT (PUBLIC  
HEARING).**

**ITEM #121-96 TO CONSIDER ACTION RELATIVE TO APPROPRIATION ORDINANCES  
SUBMITTED TO THE VOTERS ON THE JUNE 11, 1996 PRIMARY ELECTION  
BALLOT (PUBLIC HEARING).**

**ITEM #122-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE  
TRAFFIC AND PARKING ORDINANCE CONCERNING THE COMPOSITION OF  
THE COMMITTEE (CHAPTER 48) PUBLIC HEARING.**

**ITEM #123-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE  
RULES FOR HARB COTTAGE (CHAPTER 34) PUBLIC HEARING.**

**ITEM #124-96 TO CONSIDER ACTION RELATIVE TO A PROCLAMATION DESIGNATING  
THE WEEK OF MAY 19 THROUGH MAY 25, 1996 AS EMERGENCY MEDICAL  
SERVICES WEEK.**

**ITEM #125-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A WARDEN  
FOR THE JUNE 11, 1996 MUNICIPAL AND STATE ELECTION.**



**ITEM #126-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT PEDDLERS ORDINANCE CONCERNING THE ISSUANCE OF LICENSES (CHAPTER 43).**

**ITEM #127-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING THE LOCAL BUSINESS ZONE (LB).**

**ITEM #101-96 TABLED MAY 7, 1996  
TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF AN ORDINANCE TO LEVY SERVICE CHARGES ON CERTAIN TAX EXEMPT PROPERTY (CHAPTER 29).**

**ITEM #102-96 TABLED MAY 7, 1996  
TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF A FREEPORT CONSERVATION ORDINANCE (CHAPTER 25).**

**OTHER BUSINESS:**

- 1. DISCUSSION ON DELEGATES TO THE GENERAL ASSEMBLY OF THE GREATER PORTLAND COUNCIL OF GOVERNMENTS.**
- 2. DISCUSSION OF PROPOSED STREET LIGHT PROGRAM IMPROVEMENTS.**
- 3. UPDATE ON MDOT ROAD TURNBACK.**

**COMMITTEE REPORTS:**

**SPECIAL PROJECTS**

**AGENDA  
COUNCIL MEETING #19-96  
COUNCIL CHAMBERS  
MAY 21, 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  
STAFFORD SOULE, ARNOLD ROAD

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #18-96 HELD ON MAY 7, 1996 AND ACCEPT THE MINUTES AS PRINTED.

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

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

COUNCIL MEETING #19-96  
MAY 21, 1996

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ITEM #117-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS  
LEASE NEGOTIATIONS (B.H. BARTOL LIBRARY BUILDING).

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**MOTION:** THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION.

**MOTION:** THAT THE COUNCIL RECONVENE.

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ITEM #118-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS  
FOR VICTUALER LICENSE FOR ALAN BRADLEY, GERALD CLEMENTS,  
DAVID COFFIN, EDWARD COLLETT, JACKI CORLISS, DENNIS DANIEL,  
CAROLYN DOBSON, MICHAEL DOHERTY, PAUL DUNN, JAMES  
FRIEDLANDER, STEVE GOBLE, NANCY GRAY, BRENDA HODGSON, JOHN  
LEWIS, ELDON MACLEOD, MICHAEL MARINO, NORMA MURRAY, KAREN  
NAPPI, ROBERT POTTLE, THOMAS RING, VERA ROGERS, RALPH ROUTHIER,  
CHAY SENESOMBATH, GREG SPAULDING, RICHARD THACHER, CYNDY  
THAYER, ANDREW CHOI, RICHARD WAGNER, ROBERT WHISENANT, ANITA  
WILLETT, JAMES WILLEY JR., TAMANTHA WILSON, JUDI SOULE-  
STEVENSON, JOSEPH YILMAZ, ROBERT BOWE, ERIC RUTH, PAUL KELLEY,  
CHRISTOPHER REEDER. (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  
STAFFORD SOULE  
PAT GOODWIN

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
DALE OLMSTEAD

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

ALAN BRADLEY, D/B/A CAPTAIN JOSIAH MITCHELL HOUSE BED AND  
BREAKFAST, 7 MAIN STREET

GERALD CLEMENTS, D/B/A SAM'S SANDWICH SHOPPE, 7 MAIN STREET

DAVID COFFIN, D/B/A HARRASEEKET LUNCH, SOUTH FREEPORT WHARF

EDWARD COLLETT, D/B/A RED WHEEL ANTIQUES, 275 U.S. ROUTE ONE  
SOUTH

JACKI CORLISS, D/B/A THE VILLAGE INN, 186 MAIN STREET

**COUNCIL MEETING #19-96  
MAY 21, 1996**

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**DENNIS DANIEL, D/B/A BEN & JERRY'S ICE CREAM, 83 MAIN STREET**

**CAROLYN DOBSON, D/B/A DESERT OF MAINE, 95 DESERT ROAD**

**MICHAEL DOHERTY, D/B/A MAINLY HOTDOGS (PEDDLER/TOWN  
PROPERTY) MAIN STREET**

**PAUL DUNN, D/B/A HEALTH SOURCE CAFETERIA, 2 STONEWOOD DRIVE**

**JAMES FRIEDLANDER, D/B/A ISAAC RANDALL BED AND BREAKFAST, 5  
INDEPENDENCE DRIVE**

**STEVE GOBLE, D/B/A MCDONALD'S, 155 MAIN STREET**

**NANCY GRAY, D/B/A HARRASEEKET INN, 162 MAIN STREET**

**BRENDA HODGSON, D/B/A B & G'S II, (PEDDLER/TOWN PROPERTY) MAIN  
STREET**

**JOHN LEWIS, D/B/A BLUE ONION RESTAURANT, 195 LOWER MAIN STREET**

**ELDON MACLEOD, D/B/A OCEAN FARMS OF FREEPORT, 23 MAIN STREET**

**MICHAEL MARINO, D/B/A LOBSTER COOKER, 39 MAIN STREET**

**NORMA MURRAY, D/B/A JACARANDA HOUSE BED AND BREAKFAST, 8  
HOLBROOK STREET**

**KAREN NAPPI, D/B/A BOW STREET MARKET, 79 BOW STREET**

**ROBERT POTTLE, D/B/A CINDY'S FISH & FRIES, U.S. ROUTE ONE SOUTH**

**THOMAS RING, D/B/A ATLANTIC SEAL BED AND BREAKFAST, 25 MAIN  
STREET, SOUTH FREEPORT**

**VERA ROGERS, D/B/A FLORIDA LAKE, 82 WARDTOWN ROAD**

**RALPH ROUTHIER, D/B/A HOLBROOK INN, 7 HOLBROOK INN**

**CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE ONE SOUTH**

**GREG SPAULDING, D/B/A B & G'S I, (PEDDLER/PRIVATE PROPERTY)  
FREEPORT CROSSING**

**RICHARD THACHER, D/B/A ARBY'S, 123 MAIN STREET**

**CYNDY THAYER, D/B/A JAMESON TAVERN, 115 MAIN STREET**

**ANDREW CHOI, D/B/A ROTARY CLUB OF FREEPORT (PEDDLER/PRIVATE  
PROPERTY) MORSE STREET**

**COUNCIL MEETING #19-96  
MAY 21, 1996**

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**RICHARD WAGNER, D/B/A DEROSIER'S MARKET, 120 MAIN STREET**

**ROBERT WHISENANT, D/B/A CAFFE LATTE BISTRO, 11 INDEPENDENCE DRIVE**

**ANITA WILLETT, D/B/A COTTAGE STREET INN, 13 COTTAGE STREET**

**JAMES WILLEY JR., D/B/A THE BEANERY, CASCO STREET**

**TAMANTHA WILSON, D/B/A HARRASEEKET GRANGE NO. 9, 13 ELM STREET**

**JUDI SOULE-STEVENSON, D/B/A STAFFORD HOUSE BED AND BREAKFAST, 24 ELM STREET**

**JOSEPH YILMAZ, D/B/A JAY ENT INC (PEDDLER/PRIVATE PROPERTY) 25 BOW STREET**

**ROBERT BOWE, D/B/A THIRST QUENCHER (PEDDLER/PRIVATE PROPERTY), 32 MAIN STREET**

**ERIC RUTH, D/B/A ERIC'S HOTGODS (PEDDLER/PRIVATE PROPERTY) 147 MAIN STREET**

**PAUL KELLEY, D/B/A KELLY HOTDOG #2, (PEDDLER/PRIVATE PROPERTY) LL BEAN OUTLET STORE**

**CHRISTOPHER REEDER, D/B/A THE HOTDOG CART (PEDDLER/PRIVATE PROPERTY) FREEPORT CROSSING**

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

**BE IT ORDERED: THAT THE APPLICATIONS AND 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 #119-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE 1 SOUTH (PUBLIC HEARING).**

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

**CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE 1 SOUTH**

COUNCIL MEETING #19-96  
MAY 21, 1996

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**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 #120-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT (PUBLIC HEARING).

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**MOTION:** THAT THE FOLLOWING SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT BE SUBJECT TO PUBLIC HEARING.

CRICKET'S RESTAURANT, 175 LOWER MAIN STREET

GRITTY MCDUFF'S, 183B LOWER MAIN STREET

HARRASEEKET INN, 162 MAIN STREET

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

**BE IT ORDERED:** THAT THE APPLICATIONS FOR SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED.

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ITEM #121-96 TO CONSIDER ACTION RELATIVE TO APPROPRIATION ORDINANCES SUBMITTED TO THE VOTERS ON THE JUNE 11, 1996 PRIMARY ELECTION BALLOT (PUBLIC HEARING).

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

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

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ITEM #122-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING THE COMPOSITION OF THE COMMITTEE (CHAPTER 48) PUBLIC HEARING.

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

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

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**MOTION:** THAT ITEM #124-96 BE TABLED UNTIL JUNE 4, 1996

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COUNCIL MEETING #19-96  
MAY 21, 1996

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ITEM #123-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE  
RULES FOR HARB COTTAGE (CHAPTER 34) PUBLIC HEARING.

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

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

**MOTION:** THAT ITEM #125-96 BE TABLED UNTIL JUNE 4, 1996

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ITEM #124-96 TO CONSIDER ACTION RELATIVE TO A PROCLAMATION DESIGNATING  
THE WEEK OF MAY 19 THROUGH MAY 25, 1996 AS EMERGENCY MEDICAL  
SERVICES WEEK.

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***WHEREAS, EMERGENCY MEDICAL SERVICES IS A VITAL PUBLIC SERVICE;  
AND***

***WHEREAS, THE MEMBERS OF EMERGENCY MEDICAL SERVICES TEAMS ARE  
READY TO PROVIDE LIFESAVING CARE TO THOSE IN NEED 24 HOURS A DAY,  
SEVEN DAYS A WEEK; AND***

***WHEREAS, ACCESS TO QUALITY EMERGENCY CARE DRAMATICALLY  
IMPROVES THE SURVIVAL AND RECOVERY RATE OF THOSE WHO EXPERIENCE  
SUDDEN ILLNESS OR INJURY; AND***

***WHEREAS, EMERGENCY MEDICAL SERVICES PROVIDERS HAVE  
TRADITIONALLY SERVED AS THE SAFETY NET OF AMERICA'S HEALTH CARE  
SYSTEM; AND***

***WHEREAS, EMERGENCY MEDICAL SERVICES TEAMS CONSIST OF  
EMERGENCY PHYSICIANS, EMERGENCY NURSES, EMERGENCY MEDICAL  
TECHNICIANS, PARAMEDICS, FIREFIGHTERS, EDUCATORS, ADMINISTRATORS,  
AND OTHERS; AND***

***WHEREAS, APPROXIMATELY TWO-THIRDS OF ALL EMERGENCY MEDICAL  
SERVICES PROVIDERS ARE VOLUNTEERS; AND***

***WHEREAS, THE MEMBERS OF EMERGENCY MEDICAL SERVICES TEAMS,  
WHETHER CAREER OR VOLUNTEER, ENGAGE IN THOUSANDS OF HOURS OF  
SPECIALIZED TRAINING AND CONTINUING EDUCATION TO ENHANCE THEIR  
LIFESAVING SKILLS; AND***

***WHEREAS, AMERICANS BENEFIT DAILY FROM THE KNOWLEDGE AND SKILLS  
OF THESE HIGHLY TRAINED INDIVIDUALS; AND***

***WHEREAS, IT IS APPROPRIATE TO RECOGNIZE THE VALUE AND THE  
ACCOMPLISHMENTS OF EMERGENCY MEDICAL SERVICES PROVIDERS BY  
DESIGNATING EMERGENCY MEDICAL SERVICES WEEK; AND***



COUNCIL MEETING #19-96  
MAY 21, 1996

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**WHEREAS, INJURY PREVENTION AND THE APPROPRIATE USE OF THE EMS SYSTEM WILL HELP REDUCE NATIONAL HEALTH CARE COSTS; AND**

**NOW, THEREFORE, WE, THE TOWN COUNCIL OF FREEPORT, MAINE, IN RECOGNITION OF THIS EVENT DO HEREBY PROCLAIM THE WEEK OF MAY 19-25, 1996 AS: EMERGENCY MEDICAL SERVICES WEEK**

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**ITEM #125-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A WARDEN FOR THE JUNE 11, 1996 MUNICIPAL AND STATE ELECTION.**

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**BE IT ORDERED: THAT THE TOWN CLERK'S APPOINTMENT OF GENIE BEAULIEU AS WARDEN FOR THE JUNE 11, 1996 MUNICIPAL AND STATE ELECTION, BE CONFIRMED.**

**BE IT FURTHER ORDERED: THAT ELECTION POLLS OPEN AT 7:00 A.M. AND CLOSE AT 8:00 P.M.**

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**ITEM #126-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT PEDDLERS ORDINANCE CONCERNING THE ISSUANCE OF LICENSES (CHAPTER 43).**

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**BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR JUNE 4, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE FREEPORT PEDDLERS ORDINANCE.**

**BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED FOR PUBLIC INFORMATION EQUALLY BETWEEN THE B.H.BARTOL LIBRARY AND THE TOWN CLERK'S OFFICE.**

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**ITEM #127-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING THE LOCAL BUSINESS ZONE (LB).**

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**BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR JUNE 4, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE CONCERNING THE LOCAL BUSINESS ZONE (LB).**

**BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED FOR PUBLIC INFORMATION EQUALLY BETWEEN THE B.H.BARTOL LIBRARY AND THE TOWN CLERK'S OFFICE.**

COUNCIL MEETING #19-96  
MAY 21, 1996

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ITEM #101-96 TABLED MAY 7, 1996

TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF AN ORDINANCE TO LEVY SERVICE CHARGES ON CERTAIN TAX EXEMPT PROPERTY (CHAPTER 29).

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**BE IT ORDERED:** THAT THE PROPOSED ORDINANCE TO LEVY SERVICE CHARGES ON CERTAIN TAX EXEMPT PROPERTY, AS SUBMITTED TO PUBLIC HEARING ON MAY 7, 1996, BE APPROVED.

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ITEM #102-96 TABLED MAY 7, 1996

TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF A FREEPORT CONSERVATION ORDINANCE (CHAPTER 25).

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**BE IT ORDERED:** THAT THE PROPOSED FREEPORT CONSERVATION ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MAY 7, 1996, BE ADOPTED.

**BE IT FURTHER ORDERED:** THAT THE EXISTING CONSERVATION ORDINANCE AND LANDBANK ORDINANCE (CHAPTER 35) BE VACATED.

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**OTHER BUSINESS:**

1. DISCUSSION ON DELEGATES TO THE GENERAL ASSEMBLY OF THE GREATER PORTLAND COUNCIL OF GOVERNMENTS.
2. DISCUSSION OF PROPOSED STREET LIGHT PROGRAM IMPROVEMENTS.
3. UPDATE ON MDOT ROAD TURNBACK

**COMMITTEE REPORTS:**

SPECIAL PROJECTS

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #19-96**  
**MAY 21, 1996 - 6:30 P.M.**

<b>CHAIRPERSON'S CALL TO ORDER:</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X (late-arrived 6:50 P.M.)		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X (late-arrived 6:35 P.M.)		
Stafford Soule Arnold Road	X		

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #18-96 HELD ON MAY 7, 1996 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #18-96 HELD ON MAY 7, 1996 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Hindley) (6 Ayes) (1 Excused - Beaulieu)

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**MOVED AND SECONDED:** TO TAKE ITEM #117-96 OUT OF ORDER. (Councilors DeGrandpre & Campbell) (6 Ayes) (1 Excused - Beaulieu)

**ITEM #117-96** TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS LEASE NEGOTIATIONS (B. H. BARTOL LIBRARY BUILDING)

**MOVED AND SECONDED:** THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION. (Councilors Campbell & Hindley) (6 Ayes) (1 Excused - Beaulieu)

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

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

**MOVED AND SECONDED:** THAT THE PUBLIC COMMENT PERIOD BE DELAYED IN ORDER TO PROCEED WITH THE CITIZEN RECOGNITION. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)



COUNCIL MEETING #19-96  
MAY 21, 1996

Councilor Campbell stated the Council's wish to recognize Charlie Smith; he provided a history of Mr. Smith's commitment to the Freeport Rescue.

Mr. Smith was asked to step in to lead the rescue in a time of turmoil. Councilor Campbell stated that Mr. Smith's commitment to the Town started in 1963, starting with the Fire Department. He presented Mr. Smith with a plaque as a token of the Town's appreciation for his dedication.

Mr. Smith thanked the Council for this presentation. He stated that he has worked with the Fire Department for many years; he thanked the personnel who are dedicated that are doing the day-to-day house calls and the Council for its dedication.

Chairperson DeGrandpre stated that another person in Town deserving recognition is Archie Ross; he has served the Town, its people, pets, on his 45 year old boat, transporting to Bustin's Island. He is a friendly welcome to all on the Town Wharf; she noted his children's ice cream trips, at his own expense, his mail run, knowledge and ability on the water. She added that it is now his 50th season, adding that the Coast Guard recently recognized Mr. Ross for his commitment to safety and skill and safety in emergency procedures. She stated that they now wished to recognize and thank Mr. Ross for his continuing level of unparalleled excellence in his service to the people in Freeport. On behalf of the Town of Freeport, Chairperson presented Mr. Ross with a plaque in appreciation.

Councilor Campbell added that Mr. Ross is one of the finest ambassadors to this Town.

A reception for the honorees followed.

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**PUBLIC COMMENT PERIOD:**

1. Councilor Mann stated that re: Tidebrook Abatement request, the Town Attorney has offered to pay the abatement plus interest.

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

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**ITEM #118-96** TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSE FOR ALAN BRADLEY, GERALD CLEMENTS, DAVID COFFIN, EDWARD COLLETT, JACKI CORLISS, DENNIS DANIEL, CAROLYN DOBSON, MICHAEL DOHERTY, PAUL DUNN, JAMES FRIEDLANDER, STEVE GOBLE, NANCY GRAY, BRENDA HODGSON, JOHN LEWIS, ELDON MACLEOD, MICHAEL MARINO, NORMA MURRAY, KAREN NAPPI, ROBERT POTTLE, THOMAS RING, VERA ROGERS, RALPH ROUTHIER, CHAY SENESOMBATH, RICHARD THACHER, CYNDY THAYER, ANDREW CHOI, RICHARD WAGNER, ROBERT WHISENANT, ANITA WILLETT, JAMES WILLEY JR., TAMANTHA WILSON, JUDI SOULE-STEVENSON, JOSEPH YILMAZ, ROBERT BOWE, ERIC RUTH, PAUL KELLEY, CHRISTOPHER REEDER. (PUBLIC HEARING).

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COUNCIL MEETING #19-96  
MAY 21, 1996

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

ROLL CALL OF MEMBERS: (all present)

CHARLOTTE BISHOP  
GENIE BEAULIEU  
ALAN HINDLEY  
STAFFORD SOULE  
PAT GOODWIN

GLORIA FOGG DEGRANDPRE  
KENNETH MANN  
EDWARD CAMPBELL  
DALE OLMSTEAD

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

ALAN BRADLEY, D/B/A CAPTAIN JOSIAH MITCHELL HOUSE BED AND  
BREAKFAST, 188 MAIN STREET

GERALD CLEMENTS, D/B/A SAM'S SANDWICH SHOPPE, 7 MAIN STREET

DAVID COFFIN, D/B/A HARRASEKET LUNCH, SOUTH FREEPORT WHARF

EDWARD COLLETT, D/B/A RED WHEEL ANTIQUES, 275 U.S. ROUTE ONE  
SOUTH

JACKI CORLISS, D/B/A THE VILLAGE INN, 186 MAIN STREET

DENNIS DANIEL, D/B/A BEN & JERRY'S ICE CREAM, 83 MAIN STREET

CAROLYN DOBSON, D/B/A DESERT OF MAINE, 95 DESERT ROAD

MICHAEL DOHERTY, D/B/A MAINELY HOTDOGS (PEDDLER/TOWN  
PROPERTY) MAIN STREET

PAUL DUNN, D/B/A HEALTH SOURCE CAFETERIA, 2 STONEWOOD DRIVE

JAMES FRIEDLANDER, D/B/A ISAAC RANDALL BED AND BREAKFAST, 5  
INDEPENDENCE DRIVE

STEVE GOBLE, D/B/A MCDONALD'S, 155 MAIN STREET

NANCY GRAY, D/B/A HARRASEKET INN, 162 MAIN STREET

BRENDA HODGSON, D/B/A B & G'S II, (PEDDLER/TOWN PROPERTY)  
MAIN STREET

JOHN LEWIS, D/B/A BLUE ONION RESTAURANT, 195 LOWER MAIN  
STREET

ELDON MACLEOD, D/B/A OCEAN FARMS OF FREEPORT, 23 MAIN STREET



**COUNCIL MEETING #19-96  
MAY 21, 1996**

**MICHAEL MARINO, D/B/A LOBSTER COOKER, 39 MAIN STREET**

**NORMA MURRAY, D/B/A JACARANDA HOUSE BED AND BREAKFAST, 8  
HOLBROOK STREET**

**KAREN NAPPI, D/B/A BOW STREET MARKET, 79 BOW STREET**

**ROBERT POTTLE, D/B/A CINDY'S FISH & FRIES, U.S. ROUTE ONE  
SOUTH**

**THOMAS RING, D/B/A ATLANTIC SEAL BED AND BREAKFAST, 25 MAIN  
STREET, SOUTH FREEPORT**

**VERA ROGERS, D/B/A FLORIDA LAKE, 82 WARDTOWN ROAD**

**RALPH ROUTHIER, D/B/A HOLBROOK INN, 7 HOLBROOK STREET**

**CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE ONE SOUTH**

**RICHARD THACHER, D/B/A ARBY'S, 123 MAIN STREET**

**CYNDY THAYER, D/B/A JAMESON TAVERN, 115 MAIN STREET**

**ANDREW CHOI, D/B/A ROTARY CLUB OF FREEPORT (PEDDLER/PRIVATE  
PROPERTY) MORSE STREET**

**RICHARD WAGNER, D/B/A DEROSIER'S MARKET, 120 MAIN STREET**

**ROBERT WHISENANT, D/B/A CAFFE LATTE BISTRO, 11 INDEPENDENCE  
DRIVE**

**ANITA WILLETT, D/B/A COTTAGE STREET INN, 13 COTTAGE STREET**

**JAMES WILLEY JR., D/B/A THE BEANERY, CASCO STREET**

**TAMANTHA WILSON, D/B/A HARRASEEKET GRANGE NO. 9, 13 ELM  
STREET**

**JUDI SOULE-STEVENSON, D/B/A STAFFORD HOUSE BED AND  
BREAKFAST, 24 ELM STREET**

**JOSEPH YILMAZ, D/B/A JAY ENT INC (PEDDLER/PRIVATE PROPERTY)  
25 BOW STREET**

**ROBERT BOWE, D/B/A THIRST QUENCHER (PEDDLER/PRIVATE  
PROPERTY), 32 MAIN STREET**

**ERIC RUTH, D/B/A ERIC'S HOTDOGS (PEDDLER/PRIVATE PROPERTY)  
140 MAIN STREET**

**PAUL KELLEY, D/B/A KELLY HOTDOG #2, (PEDDLER/PRIVATE  
PROPERTY) LL BEAN OUTLET STORE**



COUNCIL MEETING #19-96  
MAY 21, 1996.

CHRISTOPHER REEDER, D/B/A THE HOTDOG CART (PEDDLER/PRIVATE PROPERTY) FREEPORT CROSSING

(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.

(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT THE APPLICATIONS AND RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE (Councilors Bishop & Beaulieu) (9 Ayes) (0 Nays)

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

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ITEM #119-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE 1 SOUTH (PUBLIC HEARING).

---

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

CHAY SENESOMBATH, D/B/A THAI GARDEN, 233 U.S. ROUTE 1 SOUTH

(Councilors Soule & Campbell) (7 Ayes) (0 Nays)

---

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.

(Councilors Soule & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT THE APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

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ITEM #120-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT (PUBLIC HEARING).

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MOVED AND SECONDED: THAT THE FOLLOWING SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT BE SUBJECT TO PUBLIC HEARING.

CRICKET'S RESTAURANT, 175 LOWER MAIN STREET

GRITTY MCDUFF'S, 183B LOWER MAIN STREET



COUNCIL MEETING #19-96  
MAY 21, 1996

HARRASEEKET INN, 162 MAIN STREET

(Councilors Mann & Beaulieu) (7 Ayes) (0 Nays)

Discussion followed re: fees, etc.

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

BE IT ORDERED: THAT THE APPLICATIONS FOR SPECIAL AMUSEMENT PERMITS FOR DANCING AND ENTERTAINMENT ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

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ITEM #121-96 TO CONSIDER ACTION RELATIVE TO APPROPRIATION ORDINANCES SUBMITTED TO THE VOTERS ON THE JUNE 11, 1996 PRIMARY ELECTION BALLOT (PUBLIC HEARING):

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MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

Chairperson DeGrandpre reviewed the two items, the handicap bus and bonds for matching funds for replacement of the Town Wharf in South Freeport.

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

---

ITEM #122-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING THE COMPOSITION OF THE COMMITTEE (CHAPTER 48) PUBLIC HEARING.

---

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Campbell & Beaulieu) (7 Ayes) (0 Nays)

Councilor Campbell reviewed the proposed changes to the ordinance.

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

MOVED AND SECONDED: THAT ITEM #122-96 BE TABLED UNTIL JUNE 4, 1996. (Councilors Campbell & Beaulieu) (7 Ayes) (0 Nays)

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ITEM #123-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE RULES FOR HARB COTTAGE (CHAPTER 34) PUBLIC HEARING.

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COUNCIL MEETING #19-96  
MAY 21, 1996

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

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

**MOVED AND SECONDED:** THAT ITEM #123-96 BE TABLED UNTIL JUNE 4, 1996. (Councilors Beaulieu & Campbell) (7 Ayes) (0 Nays)

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**ITEM #124-96** TO CONSIDER ACTION RELATIVE TO A PROCLAMATION  
DESIGNATING THE WEEK OF MAY 19 THROUGH MAY 25, 1996 AS  
EMERGENCY MEDICAL SERVICES WEEK.

---

Councilor Campbell read the following proclamation.

**WHEREAS**, EMERGENCY MEDICAL SERVICES IS A VITAL PUBLIC SERVICE; AND

**WHEREAS**, THE MEMBERS OF EMERGENCY MEDICAL SERVICES TEAMS ARE READY TO PROVIDE LIFESAVING CARE TO THOSE IN NEED 24 HOURS A DAY, SEVEN DAYS A WEEK; AND

**WHEREAS**, ACCESS TO QUALITY EMERGENCY CARE DRAMATICALLY IMPROVES THE SURVIVAL AND RECOVERY RATE OF THOSE WHO EXPERIENCE SUDDEN ILLNESS OR INJURY; AND

**WHEREAS**, EMERGENCY MEDICAL SERVICES PROVIDERS HAVE TRADITIONALLY SERVED AS THE SAFETY NET OF AMERICA'S HEALTH CARE SYSTEM; AND

**WHEREAS**, EMERGENCY MEDICAL SERVICES TEAMS CONSIST OF EMERGENCY PHYSICIANS, EMERGENCY NURSES, EMERGENCY MEDICAL TECHNICIANS, PARAMEDICS, FIREFIGHTERS, EDUCATORS, ADMINISTRATORS, AND OTHERS; AND

**WHEREAS**, APPROXIMATELY TWO-THIRDS OF ALL EMERGENCY MEDICAL SERVICES PROVIDERS ARE VOLUNTEERS; AND

**WHEREAS**, THE MEMBERS OF EMERGENCY MEDICAL SERVICES TEAMS, WHETHER CAREER OR VOLUNTEER, ENGAGE IN THOUSANDS OF HOURS OF SPECIALIZED TRAINING AND CONTINUING EDUCATION TO ENHANCE THEIR LIFESAVING SKILLS; AND

**WHEREAS**, AMERICANS BENEFIT DAILY FROM THE KNOWLEDGE AND SKILLS OF THESE HIGHLY TRAINED INDIVIDUALS; AND

**WHEREAS**, IT IS APPROPRIATE TO RECOGNIZE THE VALUE AND THE ACCOMPLISHMENTS OF EMERGENCY MEDICAL SERVICES PROVIDERS BY DESIGNATING EMERGENCY MEDICAL SERVICES WEEK; AND

**WHEREAS**, INJURY PREVENTION AND THE APPROPRIATE USE OF THE EMS SYSTEM WILL HELP REDUCE NATIONAL HEALTH CARE COSTS; AND



COUNCIL MEETING #19-96  
MAY 21, 1996

NOW, THEREFORE, WE, THE TOWN COUNCIL OF FREEPORT, MAINE, IN  
RECOGNITION OF THIS EVENT DO HEREBY PROCLAIM THE WEEK OF MAY  
19-25, 1996 AS: ~~EMERGENCY MEDICAL SERVICES WEEK~~  
(All councilors support this proclamation.)

---

ITEM #125-96 TO CONSIDER ACTION RELATIVE TO THE CONFIRMATION OF A  
WARDEN FOR THE JUNE 11, 1996 MUNICIPAL AND STATE ELECTION.

---

BE IT ORDERED: THAT THE TOWN CLERK'S APPOINTMENT OF GENIE  
BEAULIEU AS WARDEN FOR THE JUNE 11, 1996 MUNICIPAL AND STATE  
ELECTION, BE CONFIRMED.

BE IT FURTHER ORDERED: THAT ELECTION POLLS OPEN AT 7:00 A.M.  
AND CLOSE AT 8:00 P.M. ROLL CALL VOTE (Councilors Bishop &  
Campbell) (7 Ayes) (0 Nays)

---

ITEM #126-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO  
THE FREEPORT PEDDLERS ORDINANCE CONCERNING THE ISSUANCE OF  
LICENSES (CHAPTER 43).

---

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR JUNE 4,  
1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO  
DISCUSS A PROPOSED AMENDMENT TO THE FREEPORT PEDDLERS  
ORDINANCE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED FOR  
PUBLIC INFORMATION EQUALLY BETWEEN THE B.H. BARTOL LIBRARY  
AND THE TOWN CLERK'S OFFICE. ROLL CALL VOTE (Councilors  
Mann & Bishop) (7 Ayes) (0 Nays)

---

ITEM #127-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO  
THE ZONING ORDINANCE CONCERNING THE LOCAL BUSINESS ZONE (LB).

---

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR JUNE 4,  
1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO  
DISCUSS PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE  
CONCERNING THE LOCAL BUSINESS ZONE (LB).

BE IT FURTHER ORDERED: THAT 30 COPIES BE DISTRIBUTED FOR  
PUBLIC INFORMATION EQUALLY BETWEEN THE B.H. BARTOL LIBRARY AND  
THE TOWN CLERK'S OFFICE. ROLL CALL VOTE (Councilors Soule &  
Campbell)

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ITEM #101-96 TABLED MAY 7, 1996  
TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF AN  
ORDINANCE TO LEVY SERVICE CHARGES ON CERTAIN TAX EXEMPT  
PROPERTY (CHAPTER 29).

---

BE IT ORDERED: THAT THE PROPOSED ORDINANCE TO LEVY SERVICE  
CHARGES ON CERTAIN TAX EXEMPT PROPERTY, AS SUBMITTED TO



COUNCIL MEETING #19-96  
MAY 21, 1996

PUBLIC HEARING ON MAY 7, 1996, BE APPROVED. (Councilors Hindley & Campbell)

Discussion followed re: effective date, properties which could be affected, service fee based on the tax rate for the allowable services, amendments, etc.

ROLL CALL VOTE (7 Ayes) (0 Nays)

---

ITEM #102-96      TABLED MAY 7, 1996  
TO CONSIDER ACTION RELATIVE TO THE PROPOSED ADOPTION OF A  
FREEPORT CONSERVATION ORDINANCE (CHAPTER 25).

---

BE IT ORDERED: THAT THE PROPOSED FREEPORT CONSERVATION ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MAY 7, 1996, BE ADOPTED.

BE IT FURTHER ORDERED: THAT THE EXISTING CONSERVATION ORDINANCE (CHAPTER 20) AND LANDBANK ORDINANCE (CHAPTER 35) BE VACATED. ROLL CALL VOTE (Councilors Beaulieu & Campbell) (7 Ayes) (0 Nays)

---

OTHER BUSINESS:

1. DISCUSSION ON DELEGATES TO THE GENERAL ASSEMBLY OF THE GREATER PORTLAND COUNCIL OF GOVERNMENTS.  
Manager Olmstead explained the need for 2 delegates. It was agreed that Councilors Hindley and Mann will attend.

2. DISCUSSION OF PROPOSED STREET LIGHT PROGRAM IMPROVEMENTS.  
Manager Olmstead reviewed the changes for streetlight improvements, costs, replacements upon Town requests, electrical costs, etc.

3. UPDATE ON MDOT ROAD TURNBACK  
Manager Olmstead reported on the meeting held with MDOT representatives; the Town has taken the position that the roads are in disrepair and the State has taken the position that the roads will be taken up to a standard and then turned back to the Town regardless of the Town's position of "up to a standard".

Discussion followed re: reasonable solution to differences of opinions of quality of roads, other towns' position of refusing turnbacks, need for someone to monitor the problem to keep the Council abreast, use of MMA to put together a bill to address some of the deficiencies in the current law, etc.



COUNCIL MEETING #19-96  
MAY 21, 1996

4. Letter from Diane Peters re: OM Team parent, request to sell popcorn and soda on Town Hall property on Memorial Day weekend.

MOVED AND SECONDED: TO GIVE PERMISSION TO ALLOW THIS REQUEST. (Councilors Campbell & Mann) (7 Ayes) (0 Nays)

5. Tidebrook Trust Abatement.

Chairperson DeGrandpre reported on the decision and results of this.

Councilor Mann requested that the Town Attorney discuss with the Council its role in abatements.

Manager Olmstead suggested including this discussion with regularly scheduled meetings with Counsel in the fall.

COMMITTEE REPORTS:

SPECIAL PROJECTS

Manager Olmstead suggested that the Committee start planning the fall banquet.

Councilor Campbell reported on the Library Building Committee meeting, the potential for DEP involvement, etc.

Manager Olmstead defined further the concern, the potential for additional monies needed to proceed, etc.

MOVED AND SECONDED: TO ADJOURN THE MEETING AT 9:07 P.M.

Respectfully submitted,

Pat Goodwin, Recording Secretary

P.H. - mtg # 18-96 (5/7/96)  
APPROVED - mtg # 19-96 (5/21/96)  
ITEM # 101-96

## **AN ORDINANCE TO LEVY SERVICE CHARGES ON CERTAIN TAX-EXEMPT PROPERTY**

*Chapter 29*

### **Section 1. Authority.**

This ordinance is enacted in accordance with 36 M.R.S.A. 652 (1)(L).

### **Section 2. Service Charge Established.**

An annual service charge is hereby established. It shall be levied by the Tax Assessor against all residential property owned by an institution or organization if the property is otherwise totally exempt from property taxation and used to provide rental income. The Assessor shall provide a list of such property to the Town Council on request. This service charge shall not apply to parsonages.

### **Section 3. Calculation of Service Charge Limitation; Abatement.**

The service charge established in Section 2 shall be calculated according to the actual cost of providing municipal services to the property in question and the persons who use that property. Services considered in making this calculation shall include, without limitation: fire protection; police protection; road maintenance and construction, traffic control, snow and ice removal; sanitation services; and any services other than education and welfare.

### **Section 4. Collection.**

Unpaid service charges shall be collected following the procedure provided in 38 M.R.S.A. 1208, as may be amended from time to time.

### **Section 5. Use of Revenues.**

Revenues accrued from service charges shall be used, as much as possible, to fund the cost of providing the services which were considered in calculating the service charge.

### **Section 6. Appeals.**

Any institution or organization wishing to challenge the decision of the Assessor to levy a particular service charge or the amount of a particular service charge may appeal that determination to the Board of Assessment Review. Such appeals shall be filed in writing within sixty (60) days of the date on which notice is provided by the Assessor to the institution or organization indicating the amount of the service charge which they have voted to levy.



P.H. - NTG # 18-96 (5/7/96)  
~~PROPOSED~~ APPROVED - NTG # 19-96 (5/21/96)  
ITEM # 102-96

## CHAPTER 35 FREEPORT CONSERVATION COMMISSION

### **Section 35-1 Definitions**

As used in this Ordinance, unless the context indicates otherwise, the following terms have the following meanings:

1. Commission. "Commission" means the Conservation Commission established pursuant to Section 35-2.
2. Land Bank Fund. "Land Bank Fund" means the fund for the purchase of municipal land established pursuant to Section 35.7.
3. Hedgehog Mountain Fund. "Hedgehog Mountain Fund" means the fund created by the remaining monies raised for the purchase of the Hedgehog Mountain property and any future income from the operation and maintenance of the Hedgehog Mountain property.
4. Hedgehog Mountain Plan. "Hedgehog Mountain Plan" means the Report of the Hedgehog Mountain Planning Committee as accepted by the Freeport Town Council on March 1, 1994.
5. Hedgehog Mountain Property. "Hedgehog Mountain Property" means the property described in the Hedgehog Mountain Plan and any additions to that parcel that may be from time to time acquired by the Town.

### **Section 35-2 Commission Established**

A Conservation Commission shall be established which shall consist of and be administered by 9 persons appointed by the Freeport Town Council for staggered three-year terms. The members must be legal residents of the municipality and shall serve without compensation. The Commission shall annually elect a Chair, a secretary and a treasurer from among its members and shall adopt reasonable rules for the conduct of its meetings. The decisions of the Commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the members present. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the Town Manager.

The Commission may also appoint up to five associate members, which associate members may assist in the work of the Commission and participate in its discussions but shall hold no office and have no vote.

Neither a municipal officer nor a member of the Freeport Planning Board may be a member of the Commission.

In the event of a permanent vacancy, the Town Council shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term.



Members and associate members may be removed by the Town Council for cause, after notice and hearing. Excessive absence from regular scheduled meetings shall be considered cause for removal.

### **Section 35-3 Powers and Duties**

#### **The Commission:**

1. May purchase and acquire, in its name, on behalf of the municipality, fee simple interests and any lesser interests, including conservation restrictions, development rights or easements, in any real property situated within the borders of the municipality, of the types set forth in Section 35-4, including any improvements on that real property, provided that all purchases or acquisitions are consistent with the Commission's open-space plan;
2. May recommend to the Town Council the acceptance of gifts of any real property interests or of funds to further the purposes of the land bank or the conservation goals of the Commission;
3. May dispose of all or any portion of the real property interests held by it, subject to the Constitution of Maine to the extent applicable and subject to the approval of the Town Council and the Commission;
4. May incur debt, pledging the full faith and credit of the municipality, only after having been authorized to do so by the Town Council;
5. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's open space plan;
6. May maintain, manage and improve land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land, including planting, pruning and cutting of trees and shrubs to manage and enhance natural systems and constructing nature trails, bird nest boxes and nature identification signs, provided that the expenditure of Land Bank funds for administration, maintenance, management and limited capital improvement of municipally owned conservation lands shall not exceed 10% of the Land Bank Fund without a 2/3 vote of the Commission.
7. May, as delegated to it by the Town Council from time to time, be responsible for the care and superintendence of public parks and other properties as designated by the Town Council and, subject to the approval of the Town Council, direct the expenditure of all monies appropriated for the improvement of the same;
8. May conduct research in conjunction with the Planning Board into local land and water areas;
9. May seek to coordinate the activities of conservation bodies organized for similar purposes.



10. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary utilizing such funds as may be donated to the Town of Freeport or appropriated by the Town Council for such purposes;
11. Prepare and maintain an index of all open areas, publicly or privately owned, within the Town of Freeport, including marsh lands, swamps and other wetlands for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas.
12. May recommend to the Town Council or Planning Boards or any agency of the State of Maine, a program for better utilization, protection, development or use of such open areas.
13. Shall submit to the Town Council annually a budget for all expenses and projects of the Commission that do not involve the acquisition of property interests or the management of Hedgehog Mountain. Separate budgets for expenditure from the Land Bank and Hedgehog Mountain Funds will be limited to the purposes for which these funds are dedicated. All expenditures authorized by the Commission must be approved by the Town Council through the budgetary process.

**Section 35-4 Types of Land which may be acquired:**

Land, interests in land and other real property interests to be acquired and held as part of the Commission must be situated within the boundaries of the municipality and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, lake or pond frontage and adjoining backlands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future active or passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forestland suitable for a town forest or usable by deer as a wintering yard;
8. Farmland or wildlife habitat;



9. Open spaces which help to shape the settlement pattern of the community by promoting the village concept and discouraging sprawl; or
10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for open space or park land.

#### **Section 35-5 Maintenance of Real Property**

The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition, except as otherwise provided in this ordinance. Except upon the approval of the Town Council, and where appropriate, subject to the Constitution of Maine or state law, the Commission shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the purposes of this ordinance;
2. Dumping or placing of trash, waste or unsightly or offensive material;
3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;
5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural values for which it was purchased.
6. Activities detrimental to drainage, flood control, water conservation erosion control or soil conservation; or
7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

In determining whether or not to approve a request to use, improve or dispose of any real property interest acquired by the Commission in a manner otherwise prohibited by this section, the Town Council and the Commission shall consider whether the request is in the interest of conservation and any national, state, regional or local program in furtherance of conservation; any public, state, regional or local comprehensive land use or developmental plan affecting the land; and any known proposal by a governmental body for use of the land.

#### **Section 35-6 Annual Filing of Plan:**



The Commission shall file annually with the Town Manager an open-space, public-access and conservation plan which shall be, as far as possible, consistent with the Town's comprehensive plan and with any regional planning relating to the area. The Commission may, from time to time, amend the plan. The Commission shall actively seek comments from the Planning Board, Town Council and the general public at a public hearing before adopting a plan or revisions to a plan. The plan must show all real property interests then currently held by the Commission, including a description of the use of those interests and all acquisitions, improvements or dispositions of all real property interests held by the Commission at any time during the year preceding each filing, including the reason for that acquisition, improvement or disposition. The plan shall also delineate all potential open space being considered for purchase and shall establish policies and priorities for these purchases.

#### **Section 35-7 Land Bank Fund**

The Commission shall meet its financial obligations for purchasing property interests on behalf of the Town by drawing upon a municipal land bank fund to be set up as a separate account within the Town. Deposits into the fund shall include:

1. Funds appropriated to be deposited into the fund by vote of the Town Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Interest from deposits and investments; and
4. Proceeds from disposal of real property interests.

All expenses lawfully incurred in carrying out this ordinance must be evidenced by proper vouchers and shall be paid by the Town only upon submission of warrants duly approved by the Commission. The Town shall prudently invest available assets of the fund and all income from any investment shall accrue to the fund.

The Commission shall keep a full and accurate account of its actions, including a record as to when, from and to whom and on what account money has been paid or received relative to this ordinance, and as to when, from or to whom and for what consideration of real property interests have been acquired, improved or disposed of. These records and accounts shall be subject to examination by the Town Council.

#### **Section 35-8 Management of the Hedgehog Mountain Property**

The Commission shall manage the operation and maintenance of the Hedgehog Mountain property consistent with the Hedgehog Mountain Plan.

The Commission shall review the Hedgehog Mountain Plan at least every five years and recommend changes necessary for the proper management and operation of the Hedgehog Mountain Property. All proposed changes to the Hedgehog Mountain Plan must be approved

by a two-thirds majority vote of the full Commission before being presented to the Freeport Town Council which will take action on such proposals only after public hearing.

The Commission shall annually, on a date set by the Freeport Town Council, submit a budget for the management and operation of the Hedgehog Mountain property to the Council for approval. The approved budget shall be funded by the Hedgehog Mountain Fund. The budget shall be implemented by the Commission without further approvals by the Freeport Town Council, except that any proposed expenditure for non-budgeted items or items exceeding budgeted expenses must be pre-approved by the Freeport Town Council. To the greatest extent possible, the budget for the operation and maintenance of the Hedgehog Mountain property shall be limited in amount to the annual income produced by the Hedgehog Mountain Fund. All income from the management and operation of the Hedgehog Mountain property shall be deposited in the Hedgehog Mountain Fund which shall be segregated from any other Commission fund. Expenditures from this fund shall not be subject to any of the restrictions set forth in Section 35-3. An accounting of the Hedgehog Mountain Fund shall be submitted to the Town Council annually and shall accompany the budget.

355.JJH  
LBC.DOC



P.H. Mtg # 19-96

5/21/96

FRONT or BACK

COLUMN NUMBER

item #121-96

BACK

USE BOTH SIDES

6/11/96 election - approved

**REFERENDUM QUESTION NO. 2**

Shall the following Ordinance be enacted?

**ORDINANCE AUTHORIZING ISSUANCE OF BONDS FOR THE PURPOSE OF RAISING MATCHING FUNDS FOR THE REPLACEMENT OF THE TOWN WHARF IN SOUTH FREEPORT.**

**THE TOWN OF FREEPORT HEREBY ORDAINS:** That a sum not to exceed \$100,000.00 is hereby appropriated for the purpose of raising ~~matching funds for the replacement of the Town Wharf in South Freeport.~~ 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 \$100,000.00, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms and other details of said securities, including ~~execution~~ <sup>execution</sup> 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:** In 1993, the Town Wharf began to fail. An engineering report showed the facility to be in disrepair and in need of replacement. Temporary repairs were made in 1993 to give the Town time to raise the money needed for replacement. In 1995, the voters of Maine approved \$3.5 Million State Bond issues for improvements to small harbors. The Town of Freeport applied to the Small Harbor Improvement Grant Program for the \$250,000.00 maximum towards the replacement of the Town Wharf. The Town was notified by the State in March 1996 that the application had been funded. The Town is now asking voters to approve the match required for the project. If the match is not approved, the Grant Award will be withdrawn. The Town Council, Coastal Waters Commission and Shellfish Commission support this request.

Amount of Bond Issue: \$100,000.00

Interest to be Repaid: 16,350.00

Total to be Repaid: \$116,350.00



P.H. Mtg. # 19-96

5/21/96

item # 121-96

FRONT or BACK

COLUMN NUMBER

FRONT

USE BOTH SIDES

6/11/96 election approved

**REFERENDUM QUESTION NO. 1**

Shall the following Ordinance be enacted?

**ORDINANCE AUTHORIZING ISSUANCE OF BONDS FOR THE PURCHASE OF A HANDICAPPED ACCESSIBLE SCHOOL BUS.**

THE TOWN OF FREEPORT HEREBY ORDAINS: That a sum not to exceed \$55,000.00 is hereby appropriated for the purpose of purchasing a handicapped accessible school bus. 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 \$55,000.00, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms 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 would be a diesel replacement bus for a 1984 gasoline engine bus with 145,000 miles on it. The lift is to accommodate students with disabilities and to meet Federal ADA requirements. The School Department currently does not have regular transportation for these students. When the lift is not needed, regular seats would be in place for 78 passengers. The 1984 bus would become a back-up bus, as long as it passes inspections. It would not be used on long trips. The School Committee supports this request.

Amount of Bond Issue:	\$55,000.00
Interest to be Repaid:	6,050.00
Total to be Repaid:	\$61,050.00