

**TOWN COUNCIL MEETING #24-96
JULY 16, 1996 - 7:00 P.M.
TOWN HALL COUNCIL CHAMBERS**

SUMMARY AGENDA

- ITEM #178-96** TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR ROBIN WADE D/B/A THE CORSICAN RESTAURANT (PUBLIC HEARING).
- ITEM #179-96** TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CENTER COTTON, INC., GRITTY MCDUFF'S, FREEPORT'S ORIGINAL BREW PUB (PUBLIC HEARING).
- ITEM #180-96** TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR VICTUALER LICENSES FOR DENNIS DANIEL AND SOCORRO ESPANA. (PUBLIC HEARING).
- ITEM #181-96** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING A SHELLFISH MONITOR (CHAPTER 2) PUBLIC HEARING.
- ITEM #182-96** TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING STAFF FOR THE SHELLFISH COMMISSION (CHAPTER 32) PUBLIC HEARING.

OTHER BUSINESS:

1. DISCUSSION ON REQUEST OF USE OF TOWN HALL GROUNDS FOR OCTOBER 12, 1996 "FOURTH ANNUAL GREAT CHOWDAH CHALLENGE."
2. REPORT OF MEETING WITH STANDISH AND BUXTON CONCERNING PROPOSED MDOT ROAD TURN BACK. (REVIEW DRAFT LETTER TO COMMISSIONER MELROSE)
3. DISCUSSION ON THE ADVISORY NOVEMBER REFERENDUM QUESTIONS - SOLID WASTE AND RECYCLING COMMITTEE

COMMITTEE REPORTS:

ORDINANCE COMMITTEE - COUNCILOR CAMPBELL

**AGENDA
COUNCIL MEETING #24-96
COUNCIL CHAMBERS
JULY 16, 1996 - 7:00 P.M.**

SPECIAL NOTE: THIS AGENDA IS A WORKING AGENDA THAT INCLUDES BACKGROUND INFORMATION AND IS FOR DISTRIBUTION TO COUNCIL MEMBERS ONLY.

FROM:

DALE C. OLMSTEAD, JR.

TO:

**GLORIA DEGRANDPRE, CHAIRPERSON, WOLF NECK ROAD
EDWARD CAMPBELL, VICE-CHAIRPERSON, GAY DRIVE
GENIE BEAULIEU, LARUE DRIVE
ALAN HINDLEY, WARDTOWN ROAD
KENNETH MANN, MANN ROAD
CHARLOTTE BISHOP, MAQUOIT DRIVE
STAFFORD SOULE, ARNOLD ROAD**

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF #23-96 HELD ON JULY 2, 1996 AND ACCEPT THE MINUTES AS PRINTED.

SECOND ORDER OF BUSINESS:

**PUBLIC COMMENT PERIOD - 30 MINUTES
(NON-AGENDA ITEMS ONLY)**

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

ITEM #178-96 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR ROBIN WADE D/B/A THE CORSICAN RESTAURANT (PUBLIC HEARING).

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

ROBIN WADE, D/B/A THE CORSICAN RESTAURANT, 9 MECHANIC STREET, FREEPORT

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

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

ITEM #179-96 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CENTER COTTON, INC. , D/B/A GRITTY MCDUFF'S, FREEPORT'S ORIGINAL BREW PUB (PUBLIC HEARING).

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

CENTER COTTON, INC., GRITTY MCDUFF'S, FREEPORT'S ORIGINAL BREW PUB, 183 B LOWER MAIN STREET

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

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

ITEM #180-96 TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR VICTUALER LICENSES FOR DENNIS DANIEL AND DALE BAKER. (PUBLIC HEARING).

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

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 RE-APPLICATIONS FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

DENNIS DANIEL, D/B/A BEN & JERRY'S ICE CREAM/PRETZELS
(PEDDLER/PRIVATE PROPERTY) 83 MAIN STREET, FREEPORT

SOCORRO ESPANA, DB/A/ COCO'S TORTILLAS (CATERING SERVICE) 71
CURTIS ROAD, FREEPORT

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE RE-APPLICATIONS ISSUED TO THE ABOVE
NAMED APPLICANTS BE APPROVED.

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

ITEM #181-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE
ADMINISTRATIVE CODE CONCERNING A SHELLFISH MONITOR (CHAPTER
2) PUBLIC HEARING.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #181-96 BE TABLED UNTIL AUGUST 6, 1996

ITEM #182-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE
SHELLFISH CONSERVATION ORDINANCE CONCERNING STAFF FOR THE
SHELLFISH COMMISSION (CHAPTER 32) PUBLIC HEARING.

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #182-96 BE TABLED UNTIL AUGUST 6, 1996

OTHER BUSINESS:

1. DISCUSSION ON REQUEST OF USE OF TOWN HALL GROUNDS FOR
OCTOBER 12, 1996 "FOURTH ANNUAL GREAT CHOWDAH CHALLENGE."
2. REPORT OF MEETING WITH STANDISH AND BUXTON CONCERNING
PROPOSED MDOT ROAD TURN BACK. (REVIEW DRAFT LETTER TO
COMMISSIONER MELROSE)
3. DISCUSSION ON THE ADVISORY NOVEMBER REFERENDUM QUESTIONS
- SOLID WASTE & RECYCLING COMMITTEE

COMMITTEE REPORTS: **ORDINANCE COMMITTEE - COUNCILOR CAMPBELL**

**MINUTES
FREEPORT TOWN COUNCIL MEETING #24-96
July 16, 1996 - 7:00 P.M.**

CHAIRPERSON'S CALL TO ORDER:

Gloria DeGrandpre, Chairperson
Wolf Neck Road

Present

X

Absent

Excused

Edward Campbell, Vice-Chairperson
Gay Drive

X

Genie Beaulieu
Larue Drive

X

Alan Hindley
Wardtown Road

X

Kenneth Mann
Mann Road

X

Charlotte Bishop
Maquoit Drive

X

Stafford Soule
Arnold Road

X

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #23-96 HELD ON JULY 2, 1996 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO AMEND THE MINUTES ON PAGE 3, ITEM #174-96 TO CHANGE THE DATE TO JUNE 30, 1997. (Councilors Beaulieu & Hindley) (6 Ayes) (0 Nays) (1 Excused-Campbell)

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #23-96 HELD ON JULY 2, 1996 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Beaulieu & Hindley) (6 Ayes) (0 Nays) (1 Excused-Campbell)

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

1. Councilor Mann asked the status of the grant applications for the Dunning Boat Yard, Town Wharf and Town Wharf.

Planner Cohen stated that the last action was the application for DEP permits being submitted. She stated that she would check on the status of the grant money.

2. Councilor Mann requested public notice of the meeting scheduled for July 24, 1996, to meet with Peter Tubbs, re: road work on Dixon Lane.

Discussion followed re: neighborhood interest in the project, public notice having been given, residents of Harraseeket Road, posting notices in various locations, etc.

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

ITEM #178-96 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR ROBIN WADE D/B/A THE CORSICAN RESTAURANT (PUBLIC HEARING).

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

ROBIN WADE, D/B/A THE CORSICAN RESTAURANT, 9 MECHANIC STREET, FREEPORT
(Councilors Hindley & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Hindley & Bishop) (6 Ayes) (0 Nays) (1 Excused-Campbell)

BE IT ORDERED: THAT THE APPLICATION FOR A FULL-TIME MALT & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Hindley & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

ITEM #179-96 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CENTER COTTON, INC., D/B/A GRITTY MCDUFF'S, FREEPORT'S ORIGINAL BREW PUB (PUBLIC HEARING).

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

CENTER COTTON, INC., GRITTY MCDUFF'S, FREEPORT'S ORIGINAL BREW PUB, 183 B LOWER MAIN STREET (Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

BE IT ORDERED: THAT THE RE-APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Bishop & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

ITEM #180-96 TO CONSIDER ACTION RELATIVE TO RE-APPLICATIONS FOR VICTUALER LICENSES FOR DENNIS DANIEL AND SOCORRO ESPANA (PUBLIC HEARING).

MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Beaulieu & Bishop) (6 Ayes) (0 Nays) (1 Excused-Campbell)

ROLL CALL OF MEMBERS:

CHARLOTTE BISHOP-present
GENIE BEAULIEU-present
ALAN HINDLEY-present
STAFFORD SOULE-present
PAT GOODWIN-present

GLORIA FOGG DEGRANDPRE-present
KENNETH MANN-present
EDWARD CAMPBELL-excused
DALE OLMSTEAD-excused

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

DENNIS DANIEL, D/B/A BEN & JERRY'S ICE CREAM/PRETZELS (PEDDLER/PRIVATE PROPERTY) 83 MAIN STREET, FREEPORT

SOCORRO ESPANA, D/B/A COCO'S TORTILLAS (CATERING SERVICE) 71 CURTIS ROAD, FREEPORT
(Councilors Beaulieu & Bishop) (7 Ayes) (0 Nays) (2 Excused-Campbell, Olmstead)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Beaulieu & Hindley) (7 Ayes) (0 Nays) (2 Excused-Campbell,

Olmstead)

BE IT ORDERED: THAT THE RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. ROLL CALL VOTE (Councilors Beaulieu & Bishop) (7 Ayes) (0 Nays) (2 Excused-Campbell, Olmstead)

MOVED AND SECONDED: THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Councilors Beaulieu & Bishop) (7 Ayes) (0 Nays) (2 Excused-Campbell, Olmstead)

ITEM #181-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING A SHELLFISH MONITOR (CHAPTER 2) PUBLIC HEARING.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors Soule & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

1. Patrick Norton, Chairperson Shellfish Commission, stated that the Commission has not yet had a chance to discuss this item, due to the summer schedule; his sense is that there may be mixed feelings. He stated that he feels accountability is an important factor in municipal government; he prefers that this section not come under the Police Department, but rather, be under its own budget.

2. Councilor Hindley asked for clarification of the Commission's feeling on this.

3. Councilor Beaulieu stated that as they were going through the budget, it was realized that the position should be addressed in the Administrative Code; a monitor would be considered a Town employee and would be considered as staff.

Discussion followed re: meeting schedule, water testing not being a police function, staff not voting on committees, etc.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Soule & Bishop) (6 Ayes) (0 Nays) (1 Excused-Campbell)

MOVED AND SECONDED: THAT ITEM #181-96 BE TABLED UNTIL AUGUST 20, 1996 (Councilors Soule & Beaulieu) (6 Ayes) (0 Nays) (1 Excused-Campbell)

ITEM #182-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING STAFF FOR THE SHELLFISH COMMISSION (CHAPTER 32) PUBLIC HEARING.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors Mann & Hindley) (6 Ayes) (0 Nays) (1 Excused-Campbell)

1. Councilor Mann clarified the duties of the monitor; he reviewed the duties of the staff on the Winslow Park Commission, etc.

2. Planner Cohen stated that staff would work with the Chair to organize the meetings, etc.

3. Councilor Beaulieu stated that regarding the Cable Committee staff is the working force to make sure everything gets channeled to the Town Hall.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Mann & Bishop) (6 Ayes) (0 Nays) (1 Excused-Campbell)

MOVED AND SECONDED: THAT ITEM #182-96 BE TABLED UNTIL AUGUST 20, 1996. (Councilors Mann & Beaulieu) (6 Ayes) (0 Nays) (1

Excused-Campbell)

OTHER BUSINESS:

1. DISCUSSION ON REQUEST OF USE OF TOWN HALL GROUNDS FOR OCTOBER 12, 1996 "FOURTH ANNUAL GREAT CHOWDAH CHALLENGE."

Chairperson DeGrandpre reviewed the letter received from Elizabeth Finlayson, Director of Freeport Community Services. There were no objections to this event taking place.

2. REPORT OF MEETING WITH STANDISH AND BUXTON CONCERNING PROPOSED MDOT ROAD TURN BACK. (REVIEW DRAFT LETTER TO COMMISSIONER MELROSE)

Chairperson DeGrandpre reviewed the draft letter to Commissioner Melrose. She stated that she, Councilor Hindley and Manager Olmstead attended a meeting in Standish regarding this issue.

Councilor Hindley stated that the goal was to make a joint effort with these towns faced with the turnback situation.

Chairperson DeGrandpre stated that Gray-New Gloucester have reached the 4,000 (population) threshold and have been notified by the State that they will be responsible for winter maintenance on their roads. The issue involves more than these types of towns; towns such as Scarborough, Yarmouth, etc., which have already had roads turned back to them can be reevaluated by the State for further turnbacks; we are trying to rally all of the surrounding towns because of the problems arising from this - what is the definition of a "good road" and also the fact of increasing town budgets. Discussion followed re: responsibility for major reconstruction, definition of "maintenance", report from Peter Tubbs, the State's expectations of the towns, etc.

Chairperson DeGrandpre referenced the third paragraph in the draft letter which raises the question of "maintenance"; Manager Olmstead will provide further information on this.

Councilor Mann, re: the second paragraph, stated that one of the things we are trying to get our State representatives to do is change the laws.

Chairperson DeGrandpre stated that the chances for changing the laws in time are slim.

It was mutually agreed to send out the letter to the Commissioner.

3. DISCUSSION ON THE ADVISORY NOVEMBER REFERENDUM QUESTIONS - SOLID WASTE & RECYCLING COMMITTEE

Katherine Bither, Chairperson Solid Waste Committee, provided an overview of efforts to date of the Committee to study the "pay-per-bag" or incentive based system and to make recommendations to the Council. She stated that there are basically two parts to the solid waste management cost to taxpayers to consider; one is the actual collection of the waste from homes and the tipping fees at RWS. Currently, the tipping fee is in the tax base and individuals pay for the collection cost. What has happened is that the tipping fee has increased from an estimated \$50 per ton to \$98 per ton, which would double the budget amount. The Committee felt that a pay-per-bag system is fair, but for families (large families, elderly) which would be impacted by this, costs would be high. Establishing a transfer station would offset these costs. The Committee does not recommend putting on the ballot at this time, the pay-per-bag question, due to lack of time to educate the people on this issue.

Tom Bull, Recycling Committee, stated that we have been struggling with this issue for a long time; we want to find out what the people want to do regarding this issue; this is not the right time to deal with this issue.

Ms. Bither stated that there are many ways to deal with this issue, personalizing it to Freeport's needs.

Discussion followed re: increase in RWS fees, seeking ways to decrease these costs, recycling, commitment to RWS, preserving the free enterprise system, the proposed ballot questions being non-binding, possibility of figures in the questions being misleading, etc.

Planner Cohen clarified that there was an amendment to the question, re: issue of a single hauler, "a single hauler system does not guarantee a reduction in cost".

Ms. Bither stated that for the Committee, she has talked with ten to fifteen communities on these issues; in general, she has found that many other communities that have collection costs from \$.60 to \$1.00 a pick-up per household. She has also researched the ranges of total cost of solid waste per household; the ranges for an annual cost are from \$77 per year to \$200; we are paying about \$200 per year per household for the collection and tipping fee.

Consensus: 4 councilors prefer to keep the April 2, 1996 wording, leaving the dollar amounts in.

4. Councilor Beaulieu reported that the signage change on #95 for the Freeport downtown exits has been completed.

COMMITTEE REPORTS: ORDINANCE COMMITTEE - COUNCILOR CAMPBELL
Councilor Mann stated that they have sent to the Council the ordinance which proposes the new committee for exploring historical sites, recording/updating maps, etc., which has been mandated by the Comprehensive Plan.

MOVED AND SECONDED: TO ADJOURN THE MEETING AT 8:25 P.M.
(Councilors Bishop & Hindley) (6 Ayes) (0 Nays) (1 Excused-Campbell)

Respectfully submitted,

Pat Goodwin, Recording Secretary