

Mary

TOWN COUNCIL MEETING #2-99
JANUARY 19, 1999 - 7:00 P.M.
TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- ITEM #12-99 To consider action relative to applications for victualer licenses for Russell E. Oakes, Brenda Hodgson and Canteen Service Co. (Public Hearing).
- ITEM #13-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Harraseeket Inn. (Public Hearing).
- ITEM #14-99 To consider action relative to the potential spraying for browntail moths. (Public Hearing).
- ITEM #15-99 To consider action relative to the adoption of a new Coastal Waters Ordinance (Chapter 31). (Public Hearing).
- ITEM #16-99 To consider action relative to a Municipal Development and Tax Increment Financing District for Freeport Place. (Public Hearing).
- ITEM #17-99 To consider action relative to a proposed amendment to the Freeport Town Charter concerning Appointments to Boards and Committees. (Public Hearing).
- ITEM #18-99 To consider action relative to proposed amendments to the Freeport Town Charter concerning the approval of Ordinance and Ordinance Amendments. (Public Hearing).
- ITEM #19-99 To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).
- ITEM #20-99 To consider action relative to an appointment to the Planning Board.
- ITEM #21-99 To consider action relative to an appointment to the Planning Board.
- ITEM #22-99 To consider action relative to a re-appointment to the Design Review Board.
- ITEM #23-99 To consider action relative to a re-appointment to the Design Review Board.
- ITEM #24-99 To consider action relative to an appointment to the Design Review Board.
- ITEM #25-99 To consider action relative to an appointment to the Design Review Board.
- ITEM #26-99 To consider action relative to an appointment to the Solid Waste/Recycling Committee.
- ITEM #27-99 To consider action relative to a re-appointment to the Solid Waste/Recycling Committee.
- ITEM #28-99 To consider action relative to a re-appointment to the Solid Waste/Recycling Committee.

ITEM #29-99 To consider action relative to the consideration and adoption of the draft Open Space Plan.

ITEM #1-99 Tabled January 5, 1999

To consider action relative to proposed amendments to the Zoning Ordinance concerning Stormwater Management (Chapter 21).

ITEM #2-99 Tabled January 5, 1999

To consider action relative to the Traffic and Parking Ordinance concerning parking on Depot Street (Chapter 48).

ITEM #3-99 Tabled January 5, 1999

To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning Licenses and License Fees (Chapter 32).

OTHER BUSINESS:

COMMITTEE REPORTS:

ITEM #30-99 To consider action relative to an Executive Session to discuss the acquisition of property.

Adjourn.



AGENDA
FREEPORT TOWN COUNCIL MEETING #2-99
TOWN HALL COUNCIL CHAMBERS
JANUARY 19, 1999 - 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: David Soley, Chairperson, Arnold Road
Genie Beaulieu, Vice Chairperson, Larue Drive
Edward Campbell, Gay Drive
Kenneth Mann, Mann Road
Stafford Soule, Arnold Road
Gloria Fogg DeGrandpre, Wolf Neck Road
John Arsenault, Prout Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #1-99 January 5, 1999 Meeting and accept the Minutes as printed.

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes
(Non-Agenda Items Only)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

+ITEM #12-99 To consider action relative to applications for victualer licenses for Russell Oakes, Brenda Hodgson, and Canteen Service. (Public Hearing).

MOTION: That the Council adjourn and the Licensing Board convene.

ROLL CALL OF MEMBERS:

Genie Beaulieu	Edward Campbell
David Soley	Gloria Fogg DeGrandpre
Stafford Soule	John Arsenault
Kenneth Mann	Dale Olmstead
Sharon Coffin	

MOTION: That the following applications for Victualer Licenses be subject to Public Hearing.

Russell E. Oakes, d/b/a Chowder Express, 2 Mechanic Street
Brenda Hodgson, d/b/a B & G's Grill, Peddler, Public Property
Canteen Service Co., d/b/a The Beanery, Casco Street, L.L. Bean
Canteen Service Co., d/b/a Service Center Cafeteria, Desert Rd. Campus (L.L. Bean)
Canteen Service Co., d/b/a Order Fulfillment Center Cateteria, Desert Rd. Campus (L.L. Bean)
Canteen Service Co., d/b/a Retail Store, Main Street (L.L. Bean)
Canteen Service Co., d/b/a Healthsource Cateteria, 2 Stonewood Drive

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the applications issued to the above named applicants be approved.

MOTION: That the Licensing Board adjourn and the Council reconvene.

ITEM #13-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Harraseeket Inn (Public Hearing).

MOTION: That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Richard P. Gray (Mystic Motor Inn, Inc.), d/b/a Harraseeket Inn, 162 Main Street

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the application issued to the above named applicant be approved.

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

ITEM #14-99 To consider action relative to the potential spraying for browntail moths. (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

NOTE: The Council must decide this issue after the Public Hearing. Notice to areas to be sprayed must occur by February 1, 1999.

ITEM #15-99 To consider action relative to the adoption of a new Coastal Waters Ordinance (Chapter 31). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #15-99 be tabled until February 2, 1999.

ITEM #16-99 To consider action relative to a Municipal Development and Tax Increment Financing District for Freeport Place. (Public Hearing).

MOTION: That the proposed Municipal Development and Tax Increment Financing District for Freeport Place be subject to Public Hearing.

MOTION: That the Public Hearing be closed.

MOTION: That Item #16-99 be tabled until February 2, 1999.

ITEM #17-99 To consider action relative to a proposed amendment to the Freeport Town Charter concerning Appointments to Boards and Committees. (Public Hearing).

Shall the Town of Freeport approve the following Charter amendment:

2.03 Appointments

The following officials and boards shall be appointed ~~by ballot~~ by a majority vote of the members of the town council; town manager, town attorney, board of assessment review, planning board, board of appeals and other boards when such appointment is required by state statute or municipal ordinance. The council may, where appropriate and where not prohibited by law, vest in the town manager all or part of the duties of any office.

Explanation and Recommendation

The proposed Charter Amendment would convert Town Council secret ballot votes for Appointments to Town Boards and Committees to public votes. There

COUNCIL MEETING #2-99
JANUARY 19, 1999

is some concern that the current method of voting for appointments violates the State's Public Right to Know Law.

The Town council recommends adoption.

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendment to the Charter of the Town of Freeport be submitted to the voters of the Town of Freeport at the Municipal Election on November 2, 1999.

BE IT FURTHER ORDERED: That the Town Clerk place the text of the Amendment on the Ballot.

ITEM #18-99 To consider action relative to proposed amendments to the Freeport Town Charter concerning the approval of Ordinances and Ordinance Revisions. (Public Hearing).

Shall the Town of Freeport approve the following Charter Amendments:

2.12 Ordinance in General

(b) **Procedure:** A proposed ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each council member and the Town Manager; shall file a reasonable number of copies in the office of the Clerk and such other public places as the council may designate, and shall publish the same as defined in Section 2.12(d) together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it; ~~but in no case shall the ordinance be adopted or rejected in less than 14 days after the public hearing.~~ If an ordinance is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure herein before required in the case of a newly introduced ordinance.

(c) **Effective Date:** ~~Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.~~

(c) ~~(d)~~ **"Publish" Defined:** As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof prepared by the Council Secretary; (2) the

COUNCIL MEETING #2-99
JANUARY 19, 1999

places where copies of it have been filed and the times when they are available for public inspection; and (3) the date, time and place of the public hearing.

Explanation and Recommendation

The Town Council has established streamlining government as one of its goals.

The proposed Charter Amendments will assist in meeting this goal by eliminating the requirement that the Town Council must wait at least 14 days after the Public Hearings to approve changes to the Town's ordinances. The amendments would also eliminate the 30-day waiting period for ordinance revisions to become effective once the Town Council approves them. With these amendments the Town Council would have the option of voting immediately after Public Hearing or tabling action to a later date.

The Town Council recommends approval.

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendment to the Charter of the Town of Freeport be submitted to the voters of the Town of Freeport at the Municipal Election on November 2, 1999.

BE IT FURTHER ORDERED: That the Town Clerk place the text of the Amendment on the Ballot.

ITEM #19-99 To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).

BE IT ORDERED: That a Public Hearing be scheduled for February 2, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

ITEM #20-99 To consider action relative to an appointment to the Planning Board.

BE IT ORDERED: That David Reardon be appointed effective March 1, 1999 to serve as a member of the Planning Board until May 1, 1999.

BE IT FURTHER ORDERED: That Mr. Reardon qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

ITEM #21-99 To consider action relative to an appointment to the Planning Board.

BE IT ORDERED: That Alan Caron be appointed effective immediately to serve as a member of the Planning Board until May 1, 2000.

BE IT FURTHER ORDERED: That Mr. Caron qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #22-99 To consider action relative to a re-appointment to the Design Review Board.

BE IT ORDERED: That Sandy Williams be re-appointed effective immediately to serve as a member of the Design Review Board until October 1, 2001.

BE IT FURTHER ORDERED: That Mr. Williams qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #23-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Barbara Asnes be appointed effective immediately to serve as a member of the Design Review Board until October 1, 2001.

BE IT FURTHER ORDERED: That Ms. Asnes qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #24-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Judith Wood be appointed effective immediately to serve as a member of the Design Review Board until October 1, 1999.

BE IT FURTHER ORDERED: That Ms. Wood qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #25-99 To consider action relative to an appointment to the Medium Density A & B Zoning Advisory Committee.

BE IT ORDERED: That Genie Beaulieu be appointed effective immediately to serve as a member of the Medium Density A & B Zoning Advisory Committee.

BE IT FURTHER ORDERED: That Ms. Beaulieu qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #26-99 To consider action relative to an appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That Beth Ahearn be appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2001.

BE IT FURTHER ORDERED: That Ms. Ahearn qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

ITEM #27-99 To consider action relative to a re-appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That Thomas Bull be re-appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002.

BE IT FURTHER ORDERED: That Thomas Bull qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM 28-99 To consider action relative to a appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That James Cassida be appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002.

BE IT FURTHER ORDERED: That Mr. Cassida qualify by swearing an oath of office before the Town Clerk by January 29, 1999.

ITEM #29-99 To consider action relative to the consideration and adoption of the Draft Open Space Plan.

BE IT ORDERED: That the Draft Open Space Plan be referred to the Planning Board for its recommendations.

BE IT FURTHER ORDERED: That the Planning Board reports on its recommendations by June 1, 1999.

ITEM #1-99 Tabled January 5, 1999.

To consider action relative to proposed amendments to the Zoning Ordinance concerning Stormwater Management (Chapter 21).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance, as submitted to Public Hearing on January 5, 1999, be approved.

ITEM #2-99 Tabled January 5, 1999

To consider action relative to amendments to the Traffic and Parking Ordinance concerning parking on Depot Street (Chapter 48).

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance, as submitted to Public Hearing on January 5, 1999, be approved.

ITEM #3-99 Tabled January 5, 1999.

To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning Licenses and License Fees (Chapter 32).

BE IT ORDERED: That the proposed amendments to the Shellfish Conservation Ordinance, as submitted to Public Hearing on January 5, 1999, be approved.

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

OTHER BUSINESS:

COMMITTEE REPORTS:

ITEM #30-99 To consider action relative to an Executive Session to discuss the acquisition of property.

MOTION: That the Council enter into Executive Session with the Recreation Committee to discuss the acquisition of property.

MOTION: That the Council reconvene.

Adjourn.

MINUTES
FREEPORT TOWN COUNCIL MEETING #2-99
January 19, 1999 – 7:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Vice Chair Larue Drive	X		
David Soley, Chairperson Arnold Road	X		
Edward Campbell Gay Drive			X—arrived 7:20
John Arsenault Prout Road	X		
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Stafford Soule Arnold Road	X		

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #1-99 HELD ON JANUARY 5, 1999 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #21-98 HELD ON JANUARY 5, 1999 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Beaulieu & Arsenault) (6 Ayes) (1 Excused-Campbell)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD.

There were no public comments made.

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

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

ITEM #12-99 To consider action relative to applications for victualer licenses for Russell Oakes, Brenda Hodgson, and Canteen Service (**Public Hearing**).

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

ITEM #12-99 To consider action relative to applications for Victualer licenses for Russell Oakes, Brenda Hodgson, and Canteen Service. (Public Hearing).

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene.

ROLL CALL OF MEMBERS:

Genie Beaulieu-present
David Soley-present
Stafford Soule-present
Kenneth Mann-present
Sharon Coffin-present

Edward Campbell-excused
Gloria Fogg DeGrandpre-excused
John Arsenault-excused
Dale Olmstead-excused

MOVED AND SECONDED: That the following applications for Victualer Licenses be subject to Public Hearing.

Russell E. Oakes, d/b/a Chowder Express, 2 Mechanic Street
Brenda Hodgson, d/b/a B & G's Grill, Peddler, Public Property
Canteen Service Co., d/b/a The Beanery, Casco Street, L.L. Bean
Canteen Service Co., d/b/a Service Center Cafeteria, Desert Rd. Campus (L.L. Bean)
Canteen Service Co., d/b/a Order Fulfillment Center Cateteria, Desert Rd. Campus (L.L. Bean)
Canteen Service Co., d/b/a Retail Store, Main Street (L.L. Bean)
Canteen Service Co., d/b/a Healthsource Cateteria, 2 Stonewood Drive
(Councilors Soule & DeGrandpre) (7 Ayes) (2-Excused-Olmstead & Campbell)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Soule & Arsenault) (7 Ayes) (2-Excused-Olmstead & Campbell)

BE IT ORDERED: That the applications issued to the above named applicants be approved. (Councilors Soule & Arsenault) (7 Ayes) (2-Excused-Olmstead & Campbell)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Soule & Arsenault) (6 Ayes) (1 Excused-Campbell)

ITEM #13-99 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Harraseeket Inn (Public Hearing).

MOVED AND SECONDED: That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Richard P. Gray (Mystic Motor Inn, Inc.), d/b/a Harraseeket Inn, 162 Main Street
(Councilors Arsenault & Soule) (6 Ayes) (1 Excused-Campbell)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Arsenault & Soule) (6 Ayes) (1 Excused-Campbell)

BE IT ORDERED: That the application issued to the above named applicant be approved. (Councilors Arsenault & Soule) (6 Ayes) (2 Excused-Olmstead & Campbell)

COUNCIL MEETING #2-99
JANUARY 19, 1999

ITEM #14-99 To consider action relative to the potential spraying for browntail moths. (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened. (Councilors DeGrandpre & Beaulieu) (6 Ayes) (1 Excused-Campbell)

State Entomologist, Richard Bradbury, explained that 800 acres are infested with browntail moths and the cost of spraying is estimated at \$30,000. He explained that a 100' setback from bodies of water is required if the chemical, Dimilin is used. A chemical named Confirm has been proven as effective as Dimilin but without the harmful marine life side effects. Confirm has not been approved by the Department of Health. Mr. Bradbury noted that the spraying should be done during the 2nd and 3rd week of May and begin very early in the morning. He would recommend that school bus schedules be delayed to avoid children sprayed.

Bill Kenny, Manager of Winslow Park shared his experiences in spraying last year. Pat Morrison-Guild noted that she is a bird watcher and very concerned with the environmental cost of spraying. Dr. Alan Weiner read a report on Confirm and indicated that he did not recommend using this chemical. He noted that there is an organic beef farm on Wolf Neck that may lose its accreditation if chemicals are sprayed on their land. Joan Samuelson noted that she is concerned with aerial spraying and suggested that the Town consider spot spraying. She noted that she has a well and is concerned that chemicals may leak into the ground water. Elyse Thibodeau of South Freeport implored the Council to find out which homes want to be sprayed but not make a decision for everybody. Barbara Asnes spoke in favor of spraying.

Councilor Beaulieu suggested that the letters received from the following people who want to be sprayed should be made part of the record: Dr. Steve Brier, Rebecca T. Clarke, Henry W. Parker, Robert D. Healey, Andrew C. Soule, R. A. Hausley, Jr., Edith Curtis and Alden E. Waterhouse. Councilor Mann advised that Flying Point Campground wants to be sprayed.

Councilors concurred that there is a need to do something but they want to give residents adequate notice and the option not to spray. Legal notices will be mailed to property owners asking if they want their land sprayed. Failure to respond will be interpreted as being in favor of spraying.

MOVED AND SECONDED: That the Town enter into a browntail moth spraying program to spray areas designated by Mr. Bradbury, the State Entomologist, and that the areas be sprayed in a manner recommended by Mr. Bradbury. Before any spraying takes place, a notice shall be sent to all affected residents explaining the spray program and their rights. The notice shall contain available spraying options for residents. I propose that we allocate up to \$30,000 to cover the cost of the spraying program to be taken from the Town's Miscellaneous Contingencies Fund. (Councilors Soley & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors DeGrandpre & Beaulieu) (7 Ayes)

ITEM #15-99 To consider action relative to the adoption of a new Coastal Waters Ordinance (Chapter 31). (Public Hearing).

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

MOVED AND SECONDED: That the Public Hearing be opened. (Councilors Mann & Campbell) (7 Ayes)

Carol Chipman, Chair of the Coastal Waters Commission explained that they have been working on this for four years. She explained the changes that were made since the last public hearing.

Rita Saliba questioned how the Ordinance would affect Riparian Rights under State law. Robert Santomenna questioned why the fees are being raised so dramatically. Mike Brown questioned why the number of commercial passenger boats on Pg. 13 was capped at 6. Ted Berry indicated that he was dismayed that the draft dated 12/21/98 given to him today by the Town Clerk is not the correct draft. He feels this is not a good way to get public input from residents. He noted that the fee schedule is out of whack and is pathetic. He would like to see the fee schedule remain as it is. Sharon Greenlaw echoed Mr. Berry's comments. Tom Schwarm distributed his thoughts in writing explaining the services offered by the Yacht Club. He feels raising the fees is sending the wrong message. Brian Pushard explained how the commercial zone is being made smaller. John Grullo feels that the proposed fee structure is arbitrary and he would like to see it rethought. Thornton Ring doesn't feel the Ordinance is ready to be brought to the public. Ted Wengren of Strout's Point Marina would like to see the revenues produced by the marinas applied to the economic analysis of the harbor. Peter Quesada recommended that the Council pull together the old and the new Ordinances into one document with a short explanation of the goals that the Town is trying to achieve. There are some issues that need tightening up. Dick Doucette suggested taking out the Dunning Boat Yard and the Cove Road property from the budget. Does not feel the fees are fair. He would like the option to generate money from his mooring if he chooses to. Advised that he has not heard anything this year about his mooring fee. Rick Quesada noted that this has been a long process and it is out of line to charge these outrageous fees to the marinas. He had many suggestions but feels some good ideas have floated up tonight such as charging a flat fee per foot. He suggested that the Ordinance be evaluated at least one more time.

Councilor Arsenault noted that he discussed fees with the marinas and there was a consensus that \$275 would be fair for a mooring. He suggests that the Yacht Club's fee be lowered from \$150 to \$100. He recommends that the Commission look at across the board per foot charges for every boat in the harbor. He mentioned that there is no set length for a boat at this time in the Ordinance but feels 50' would be fair.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Mann & Campbell) (7 Ayes)

MOVED AND SECONDED: That Item #15-99 be tabled until February 2, 1999. (Councilors Mann & Campbell) (7 Ayes)

ITEM #16-99 To consider action relative to a Municipal Development and Tax Increment Financing District for Freeport Place. (Public Hearing).

MOVED AND SECONDED: That the proposed Municipal Development and Tax Increment Financing District for Freeport Place be subject to Public Hearing. (Councilors Beaulieu & Arsenault) (7 Ayes)

Jack Lufkin passed out a copy of the Development Plan. Bob Devlin and Craig Coughlin made short presentations. Mary Kennedy spoke in favor of this TIF and asked the Council to support middle and upper income elderly in Freeport. Councilor Mann explained that he is not against the project but is against the TIF. He feels this profit-making organization would build this facility without a tax break. Councilor Campbell feels this facility will provide a service that is not currently offered in Freeport and the town will benefit from this six million dollar project. Councilor Beaulieu

COUNCIL MEETING #2-99
JANUARY 19, 1999

noted that she is happy to help this facility expand in Freeport.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Beaulieu & Campbell (7 Ayes)

MOVED AND SECONDED: That the proposed First Atlantic Municipal Development and Tax Increment Financing Development Program dated January 19, 1999 be approved in accordance with the laws of the State of Maine. (Councilors Beaulieu & Arsenault) (5 Ayes) (1 Nay-Mann) (1 Abstention-Soley)

ITEM #17-99 & #18-99

MOVED AND SECONDED: To table Items 17-99 and 18-99 to the next meeting scheduled for a public hearing on February 2, 1999.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Soule & Campbell) **ROLL CALL VOTE:** (7 Ayes).

ITEM #19-99 To consider action relative to proposed amendments to the General Assistance Ordinance concerning eligibility requirements (Chapter 46).

BE IT ORDERED: That a Public Hearing be scheduled for February 2, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Campbell & Soule) **ROLL CALL VOTE:** (7 Ayes).

ITEM #20-99 To consider action relative to an appointment to the Planning Board.

BE IT ORDERED: That David Reardon be appointed effective February 15, 1999 to serve as a member of the Planning Board until May 1, 1999. (Councilors Beaulieu & Arsenault) **BALLOT VOTE** (7 Ayes).

BE IT FURTHER ORDERED: That Mr. Reardon qualify by swearing an oath of office before the Town Clerk by February 15, 1999. (Councilors Beaulieu & Arsenault) **ROLL CALL VOTE** (7 Ayes).

ITEM #21-99 To consider action relative to an appointment to the Planning Board.

BE IT ORDERED: That Alan Caron be appointed effective immediately to serve as a member of the Planning Board until May 1, 2000.(Councilors Arsenault & Campbell) **BALLOT VOTE** (7 Ayes).

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

BE IT FURTHER ORDERED: That Mr. Caron qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Arsenault & Campbell)
ROLL CALL VOTE (7 Ayes).

ITEM #22-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Sandy Williams be re-appointed effective immediately to serve as a member of the Design Review Board until October 1, 2001. (Councilors DeGrandpre & Campbell) **BALLOT VOTE (7 Ayes).**

BE IT FURTHER ORDERED: That Mr. Williams qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors DeGrandpre & Arsenault)
ROLL CALL VOTE (7 Ayes).

ITEM #23-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Barbara Asnes be appointed effective immediately to serve as a member of the Design Review Board until October 1, 2001. (Councilors Mann & Arsenault) **BALLOT VOTE (7 Ayes).**

BE IT FURTHER ORDERED: That Ms. Asnes qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Mann & Soule) **ROLL CALL VOTE (7 Ayes).**

MOVED AND SECONDED: To take up an item out of order on the agenda and consider **ITEM 3-99.** (Councilors Mann & Campbell) (7 Ayes).

ITEM #3-99 Tabled January 5, 1999.

To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning Licenses and License Fees (Chapter 32).

Garrett Simmons noted that the Shellfish Commission is willing to increase the fees for residential commercial licenses to \$225 for 1999 and \$250 for 2000. Freeport is tied with two other towns for having the highest fee in the State. Chair Soley mentioned the new State regulation regarding non-resident fees. If the resident fee remains at \$200, the non-residents can be charged 2 times that fee. He noted that the Council asked that they cut expenses but after paying for the water testing, there isn't much left to pay for the Warden's fee and they do not want to lose the quality of the water testing. The Warden's salary is covered by the Police Department and some of his time is spent on animal control and traffic.

Councilor Mann and DeGrandpre do not want to see the recreational license fees increased. Councilors Soule and Arsenault agreed that \$10 is reasonable. Mr. Olmstead phoned in and suggested that the Shellfish Commission meet with Mick McGivern and the Warden and discuss transferring some of the water testing which may generate some savings and prevent having to raise the fees.

COUNCIL MEETING #2-99
JANUARY 19, 1999

BE IT ORDERED: That the proposed amendments to the Shellfish Conservation Ordinance, as submitted to Public Hearing on January 5, 1999, be tabled to February 2, 1999. (Councilors Mann & Soule) (7 Ayes).

ITEM #24-99 To consider action relative to an appointment to the Design Review Board.

BE IT ORDERED: That Judith Wood be appointed effective immediately to serve as a member of the Design Review Board until October 1, 1999. (Councilors Beaulieu & Arsenault) **BALLOT VOTE** (7 Ayes).

BE IT FURTHER ORDERED: That Ms. Wood qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Beaulieu & Soule) **ROLL CALL VOTE** (7 Ayes).

ITEM #25-99 To consider action relative to an appointment to the Medium Density A & B Zoning Advisory Committee

BE IT ORDERED: That Genie Beaulieu be appointed effective immediately to serve as a member of the Medium Density A & B Zoning Advisory Committee. (Councilors Arsenault & Soule) **BALLOT VOTE** (7 Ayes)

BE IT FURTHER ORDERED: That Ms. Beaulieu qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Arsenault & Soule) **ROLL CALL VOTE** (7 Ayes)

ITEM #26-99 To consider action relative to an appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That Beth Ahearn be appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2001. (Councilors DeGrandpre & Soule) **BALLOT VOTE** (7 Ayes)

BE IT FURTHER ORDERED: That Ms. Ahearn qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors DeGrandpre & Soule) **ROLL CALL VOTE** (7 Ayes)

ITEM #27-99 To consider action relative to a re-appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That Thomas Bull be re-appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002. (Councilors Mann & Arsenault) **BALLOT VOTE** (7 Ayes)

BE IT FURTHER ORDERED: That Mr. Bull qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Mann & Soule) **ROLL CALL VOTE** (7 Ayes)

COUNCIL MEETING #2-99
JANUARY 19, 1999

ITEM 28-99 To consider action relative to a re-appointment to the Solid Waste/Recycling Committee.

BE IT ORDERED: That James Cassida be appointed effective immediately to serve as a member of the Solid Waste/Recycling Committee until January 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE (7 Ayes)**

BE IT FURTHER ORDERED: That Mr. Cassida qualify by swearing an oath of office before the Town Clerk by January 29, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE (7 Ayes)**

ITEM #29-99 To consider action relative to the consideration and adoption of the Draft Open Space Plan.

BE IT ORDERED: That the Draft Open Space Plan be referred to the Planning Board for its recommendations.

BE IT FURTHER ORDERED: That the Planning Board reports on its recommendations by June 1, 1999. (Councilors Soule & DeGrandpre) **ROLL CALL VOTE (7 Ayes)**

ITEM #1-99 Tabled January 5, 1999.

To consider action relative to proposed amendments to the Zoning Ordinance concerning Stormwater Management (Chapter 21).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance, as submitted to Public Hearing on January 5, 1999, be approved. (Councilors Campbell & Soule) **ROLL CALL VOTE (7 Ayes)**

ITEM #2-99 Tabled January 5, 1999

To consider action relative to amendments to the Traffic and Parking Ordinance concerning parking on Depot Street (Chapter 48).

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance, as submitted to Public Hearing on January 5, 1999, be approved. (Councilors Arsenault & Beaulieu) **ROLL CALL VOTE (7 Ayes)**

ITEM #30-99 To consider action relative to an Executive Session to discuss the acquisition of property.

MOVED AND SECONDED: That the Council enter into Executive Session with the Recreation Committee to discuss the acquisition of property. (Councilors DeGrandpre & Campbell) (7 Ayes).

MOVED AND SECONDED: That the Council reconvene at 12:22 a.m. (Councilors Campbell & Soule) (7 Ayes)

**COUNCIL MEETING #2-99
JANUARY 19, 1999**

MOVED AND SECONDED: To adjourn at 12: 22 a.m. (Councilors Campbell & Beaulieu) (7 Ayes).

Respectfully,

Sharon Coffin

Sharon Coffin
Recorder

*Approved: meeting #2-99 (1-19-99)
P.H. meeting #1-99 (1-5-99)
Item #1-99*

Revised 12-15-98

Adopted
**PROPOSED AMENDMENTS
FREEPORT ZONING ORDINANCE
CHAPTER 21**

Section 529: Stormwater Management

Adequate provisions shall be made to manage any stormwater flows generated by a development. All developments subject to Site Plan and/or Subdivision Review shall meet the following standards for stormwater management:

1. Stormwater shall be detained on the site using the natural features of the site to the greatest extent possible.
2. The rate of stormwater flows from the site after development shall not exceed the predevelopment rate of stormwater flow from the site unless the discharge is directly into the ocean or into the Cousins, Royal or Harraseeket Rivers or if the applicant can demonstrate through engineering studies that no negative impact on downgradient drainage facilities due to increased stormwater runoff rates from a site will result.
3. The quality of the stormwater flows offsite shall be addressed. Retention of the first one-half inch of runoff from a storm event for 24 hours or other stormwater quality improvement measures may be necessary to minimize or eliminate sediments and other contaminants from the stormwater leaving the site.
4. In addition to any other applicable requirements of this Ordinance and the Freeport Subdivision Ordinance, any development which would require a stormwater management permit from the Maine Department of Environmental Protection under 38 M.R.S.A. 420-D shall comply with the rules adopted by the Department of Environmental Protection under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the Freeport Planning Board. Where the standards or other provisions of such stormwater rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

Section 602. Site Plan Review

D. Submission Requirements

- 2.m A stormwater drainage plan showing:
1. the existing and proposed method of handling stormwater run-off;
 2. the direction of flow of the run-off through the use of arrows;
 3. the location, elevations and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers;
 4. engineering calculations used to determine drainage requirements based upon the pre and post development conditions of a two

year, ~~ten (10) year~~ and a twenty-five (25) year storm frequency, and the drainage plan shall limit off-site drainage to zero or less percent increases.

5. plan for maintaining and/or improving stormwater quality. Retention of the first one-half inch of run-off from a storm event for 24 hours may be required.

6. Compliance with Section 529.4, if applicable.

E. Criteria and Standards

- 1.e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. and The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. ~~or less off-site increase after development.~~ On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ~~ten year~~ and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

*Approved Jan. 19, 1999
Meeting # 2-99; item # 2-99
P.H. Meeting # 1-99 (1-5-99)*

Adopted
**PROPOSED AMENDMENT TO THE
TRAFFIC & PARKING ORDINANCE
(CHAPTER 48)**

Sec. 48-302 Three-Hour Parking Zone

2. ~~On both sides of Depot Street from Bow Street to Mill Street.~~
On the easterly side of Depot Street from a point 135 feet south of Bow Street, to the parking lot entrance at Map 10, Lot 24.
3. ~~On the west side of Depot Street from Grove Street to Mill Street.~~

Sec. 48-311 Bus Loading and Unloading Zones

4. ~~On the east side of Depot Street from the Public Restroom Facilities (Map 10, Lot 24).~~



January 10, 1999

**Maine Board of Pesticides Control
28 State House Station
Augusta, Maine 04333-0028**

RE: Browntail Moth problem

Dear Sir or Madam :

We are residents who reside on flying point in Freeport. For the past two summers we have had a serious outbreak of allergic reactions to the browntail moth caterpillar. At least 5 individuals I know of on our block have been affected, including myself on three occasions. One of our residents developed an anaphylactic reaction and was gravely ill.

The pharmacist at Shop 'N Save in Brunswick relayed to me that Freeport was the hardest hit of all coastal communities, and that drug requests for sick people were coming in fast and furious. Over-the-counter medication did not help me with my reaction, and I was placed on oral steroids for all three outbreaks last summer. I also suffered the summer before!

Please consider utilizing the aerial spray program before one of our residents is fatally affected. We have suffered too much already.

Most sincerely,



**Dr. Steven R. Brier
76 Maquoit Drive
Freeport, ME 04032-6320**

✓ **cc: Town of Freeport**

We desperately
need a TOWN-
SPONSORED CONTROL
PROGRAM THIS SPRING
& SUMMER FOR
THE BROWN-TAIL MOTH
HEALTH PROBLEM!

Rebecca T. Clarke
Island Trust
26 Freedom Song Lane
Wiscasset, ME 04578

January 9, 1999

Freeport Town Council
30 Main Street
Freeport ME 04032

Dear Council Members,

I am writing on behalf of myself and my siblings who jointly own Sow & Pigs island.

Last spring, we contacted three companies about spraying Sow & Pigs against the browntail moth. They all refused, saying it was impractical to bring equipment onto the island. It was a very difficult spring and summer for us all.

We respectfully request that the Town of Freeport sponsor a control program for the browntail moth to ensure that all Freeport shorelines and islands are adequately protected. Such a program would be deeply appreciated by all of us owners of small islands since the only access we have is via the shore.

By sponsoring such a control program you would provide a highly visible and significantly valuable service to us as members of your tax base who are otherwise unable to utilize town services.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Rebecca T. Clarke', with a long horizontal flourish extending to the right.

Rebecca T. Clarke



Henry W. Parker
430 Kingsley Ave.
Palo Alto, CA 94301-3221
email: hwparker@mediacity.com

January 8, 1999

Freeport Town Council
30 Main Street
Freeport, ME 04032

Dear Council,

I own island property in Freeport; where the browntail moth has been a serious problem last year. I understand that there is a pesticide called "Confirm" that is safe to use for spraying on the flats as well as inland and thus can give protection to serious outbreaks of the browntail.

While the outbreak of the browntail may have peaked and not be a problem this year, in case it is as bad as last year I urge you to consider a control program.

Very truly yours,


Henry W. Parker



ROBERT D. HEALY
16 NORTH ST. P.O. Box 780
WILLIAMSBURG, MA 01096

January 6, 1999

Freeport Town Council
30 Main Street
Freeport, Maine 04032

Dear Council Members:

I am a Freeport island property owner. I would like to request that Freeport sponsor a control program for the browntail moth for the Freeport islands. By your doing this, I would be able to use my property next summer.

Thank you,

A handwritten signature in black ink, appearing to read "Robert D. Healy", with a long horizontal flourish extending to the right.



**Little Bustins Island Association
c/o Andrew C. Soule, Treasurer
1 Channel Point Road
Yarmouth, ME 04096**

January 6, 1999

**Freeport Town Council
30 Main Street
Freeport, ME 04032**

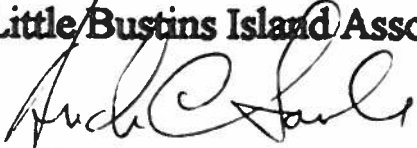
Dear Council Members:

We own island property in Freeport and were unable to spray for the browntail moth last year due to the waterline restrictions and island access. We experienced heavy damage to our shoreline oak trees and had a number of health complaints and concerns from our summer group.

We request that Freeport sponsor a control program for the browntail moth for the Freeport islands.

Yours,

Little Bustins Island Association


Andrew C. Soule, Treasurer



Sheepport Town Council

1/8/99

Dear Council Members,

As a landowner in town, I am concerned about the spread of the brown tail moth and its effects. I urge the approval and funding of aerial spraying of all coastal, inland, and island property to rid us of this problem. Thank you for your effort.

S. A. Hussey Jr.

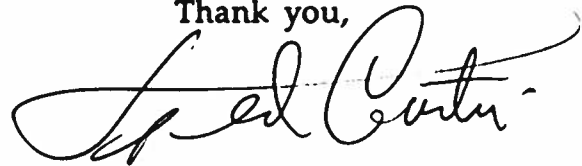


Freeport Town Council
30 Main Street
Freeport, Maine 04032

Dear Council Members:

I am a Freeport island property owner. I would like to request that Freeport sponsor a control program for the browntail moth for the Freeport islands. By your doing this, I would be able to use my property next summer.

Thank you,

A handwritten signature in cursive script, reading "Fred Carter". The signature is written in dark ink and is positioned below the "Thank you," text.



January 2, 1999
86 Sanford Town Rd
Redding CT 06896

Freeport Town Council
30 Main Street
Freeport, Maine 04032

Dear Council Members:

I am a Freeport island property owner. I would like to request that Freeport sponsor a control program for the browntail moth for the Freeport islands. By your doing this, I would be able to use my property next summer.

Thank you,

Alden E. Waterhouse
Owner - Crab Island

As an island property owner I really don't expect a lot for my property taxes.

Except to be able to use it - and have a mooring for my boat.

Which is why I'm watching the mooring issue and requesting that Freeport sponsor a control program for the browntail moth



**Tom Schwarm
11 Grover's Crossing
Freeport, ME 04032**

January 18, 1999

**Town Council
Town of Freeport
30 Main Street
Freeport, ME 04032**

**Re: Proposed Chapter 31
Coastal Waters Ordinance**

Dear Councilors:

I prepared this letter to summarize some concerns about the proposed Chapter 31, Coastal Waters Ordinance that will be voted on shortly. First, I would like to thank the Coastal Waters Commission for their diligent and comprehensive work on this ordinance. It is a long and difficult process, and they deserve our thanks. Notwithstanding the Commission's extensive work, there remain some areas of concern.

According to the draft ordinance, the purpose includes "to promote the availability and use of valuable public resources, and to create a fair and efficient framework for administration of same". During public meetings, it has become apparent that funding of Town facilities in Harraseeket River is also a purpose of the proposed ordinance. The proposed ordinance raises mooring fees on as the primary means of achieving these objectives. In my opinion, mooring fees should reflect the costs to the Town of managing the moorings and should not be a method for raising general revenues or a method to redistribute mooring privileges. Specific mooring fees are discussed below.

Yacht Club: The Harraseeket Yacht club has been active in the harbor for more than 50 years. It provides parking and dock space to holders of mooring assignments, which relieves congestion at the Town Dock. The Yacht Club has 4 moorings, which are used primarily for boats used in the sailing program. This program is provided to youth in the area (members and non-members) at a cost subsidized by club members. Raising the mooring fees would be a signal to the youth of Freeport and the Yacht Club that the Town does not value the sailing program. Since Yacht Club members do not use the Town wharf, their mooring fees should not be raised to pay for the wharf.

Marinas: Marinas provide valuable services, jobs, and revenues to Freeport. Like the Yacht Club, the marinas relieve congestion at the Town Dock. They provide fuel, maintenance, and other essential services to the boats in the harbor. The marinas also provide towing and other rescue services that relieve the pressures on the Harbor Master. Their slips and rental moorings provide for transients as well as residents that do not have a mooring assignment. The Town should be appreciative of these businesses and should



encourage their well-being. Since marinas do not use the Town wharf, their mooring fees should not be raised to pay for the wharf.

Non-residents: While it is reasonable to charge a higher fee to non-residents since they do not support Town facilities in the harbor through taxes, the fees should still be reasonable. Many of these people are part-year or previous residents of Freeport. These people also are customers of the marinas. Many are members of the Yacht Club and subsidize the sailing program with their dues. Excessive mooring fees would discourage these people and potentially could affect the viability of the marinas and the Yacht Club. Since most of these people do not use the Town wharf, their mooring fees should not be raised to pay for the wharf.

Fisherman and other commercial enterprises: These are difficult business that the Town supports with the Town wharf and floats. Clearly these businesses need support from the Town. Raising their fees will not materially reduce the burden of the Town wharf and will be discouraging to these businesses. They deserve better.

Mooring availability: The proposed ordinance seems to encourage the transfer of moorings from non-residents and marinas to residents to promote "availability". This approach, if successful, would eliminate the revenue gains that are anticipated from the higher mooring fees. It could also eliminate marina moorings, which provide availability to those without mooring assignments. There are fairer and more productive methods to increase availability. These include phasing in 3-point moorings, dredging, and increasing the number of slips.

In conclusion, I would like to encourage the Council to reconsider the mooring fees in the proposed ordinance. They are complicated, unfair, and could lead to undesired consequences. Instead, I would encourage continuation of the existing fee structure and development of methods to increase the number of mooring and/or slips in the harbor. This would increase availability and revenues at the same time without unfairly penalizing holders of mooring assignments and the existing institutions in the harbor.

Thank you for your attention.

Sincerely,



