

TOWN COUNCIL MEETING #4-98

MARCH 3, 1998 - 7:00 P.M.

TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- Item #37-98** To consider action relative to an application for a full-time malt, spirituous, and vinous license for Freeport Country Club. **(Public Hearing).**
- Item #38-98** To consider action relative to an application for a full-time malt, spirituous, and vinous license for China Rose Restaurant. **(Public Hearing).**
- Item #39-98** To consider action relative to applications for victualer licenses for Cuong Chi Ly, Thomas Hudak, Michael J. Olsen, Herman Pettegrove, Lloyd Lawrence, Richard Saiocolo, Steve Baram and Paul Kelley. **(Public Hearing).**
- Item #40-98** To consider action relative to a Waste Hauling Application for Pine Tree Waste, Inc.
- Item #41-98** To consider action relative to proposed amendment to the Zoning Ordinance concerning off street parking and loading (Chapter 21). **(Public Hearing).**
- Item #42-98** To consider action relative to Parking leases and subleases.
- Item #43-98** To consider action to an Amended Conservation Easement on property owned by the South Freeport Church.
- Item #44-98** To consider action relative to the formation of a Memorial Day Committee.
- Item #45-98** To consider action relative to a resolution supporting a homestead exemption and an increase in general purpose aid to education.
- Item #46-98** To consider action relative to awarding a bid for a Traffic Light Preemption System.

Other Business:

1. Discussion on the Browntail Moth Problem.
2. Review audit proposal for school expenditures.
3. Discussion on Investment Firm interviews.

Committee Reports

- Item #47-98** To consider action relative to an Executive Session to discuss the Town's Lease obligations for the B.H. Bartol Library Building.

Adjourn.

AGENDA
FREEPORT TOWN COUNCIL MEETING #4-98
TOWN HALL COUNCIL CHAMBERS
MARCH 3, 1998 - 7:00 P.M.

FROM: Dale C. Olmstead, Jr.

TO: Genie Beaulieu, Chairperson, Larue Drive
David Soley, Vice Chairperson, Arnold Road
Edward Campbell, Gay Drive
Alan Hindley, Wardtown Road
Kenneth Mann, Mann Road
Stafford Soule, Arnold Road
Gloria Fogg DeGrandpre, Wolf Neck Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #3-98 February 3, 1998 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 #4-98
MARCH 3, 1998

ITEM #37-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Freeport Country Club. (Public Hearing).

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

Michael J. Olsen, d/b/a Freeport Country Club, 2 Old County Road

MOTION: That the Public Hearing be closed.

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

ITEM #38-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for China Rose Restaurant. (Public Hearing).

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

Cuong Chi Ly, d/b/a China Rose Restaurant, 10 School Street

MOTION: That the Public Hearing be closed.

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

ITEM #39-98 To consider action relative to applications for victualer licenses for Cuong Chi Ly, Thomas Hudak, Michael J. Olsen, Herman Pettegrove, Lloyd Lawrence, Richard Saiocolo, Steve Baram and Paul Kelley. (Public Hearing).

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

ROLL CALL OF MEMBERS:

Genie Beaulieu
David Soley
Alan Hindley
Stafford Soule
Patricia Goodwin

Kenneth Mann
Edward Campbell
Gloria Fogg DeGrandpre
Dale Olmstead

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

Cuong Chi Ly, d/b/a China Rose Restaurant, 10 School Street
Thomas Hudak, d/b/a Maple-Hedge B&B, 22 Park Street
Michael J. Olsen, d/b/a Freeport Country Club, 2 Old County Road
Herman Pettegrove, d/b/a Kendall Tavern B&B, 213 Main Street
Lloyd Lawrence, d/b/a Maple Hill B&B, 18 Maple Avenue
Richard Saiocolo, d/b/a Freeport Taco Bay, Inc., 49 Main Street
Steve Baram, d/b/a Freeport Coffee Company, 5 Bow Street

COUNCIL MEETING #4-98
MARCH 3, 1998

Paul Kelley, d/b/a R.E. Management (Peddler Private Property), 76 Main Street

MOTION: That the Public Hearing be closed.

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

ITEM #40-98 To consider action relative to a Waste Hauling Application for Pine Tree Waste, Inc.

BE IT ORDERED: That the Waste Hauling Application issued to Pine Tree Waste, Inc. of South Portland be approved.

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

ITEM #41-98 To consider action relative to proposed amendment to the Zoning Ordinance concerning off street parking and loading (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #41-98 be tabled until March 17, 1998.

ITEM #42-98 To consider action relative to Parking leases and subleases.

BE IT ORDERED: That a parking lease between the Town of Freeport and DASH, Inc. and a parking sublease between the Town of Freeport and Hilton Commercial Properties for the leasing of five (5) parking spaces be approved.

ITEM #43-98 To consider action relative to an Amended Conservation Easement on property owned by the South Freeport Church.

BE IT ORDERED: That the proposed Amended Conservation Easement dated February 27, 1998, for property owned by the South Freeport Church be accepted.

ITEM #44-98 To consider action relative to the formation of a Memorial Day Committee.

BE IT ORDERED: That a Memorial Day Committee be formed and charged with organizing activities for Memorial Day, 1998.

BE IT FURTHER ORDERED: That the following be appointed as members of the Committee:

Edward Campbell
Sherman Snow
Henry Perkins
Clayton Teague
Leo Valliere
Don Pryor

Gerald Schofield
Duncan Daly
Rick Simard
Susan Bari
Rev. Alden Pearson

ITEM #45-98 To consider action relative to a resolution supporting a homestead exemption and an increase in general purpose aid to education.

WHEREAS, it is vital to our common interest there be proportionate, fair and stable balance among the three major sources (*property, sales and income*) of tax revenue necessary to support state and local government;

WHEREAS, we rely disproportionately (*approximately 44 percent*) on the property tax as a source of this revenue and only 26 percent on the sales tax and 30 percent on the income tax;

WHEREAS, the State has surplus funds which can be used to the property tax burden on Maine people and help restore the balance among tax revenue sources;

WHEREAS, a homestead exemption would be an effective method to reduce a Maine resident's property tax on the front end by reducing the valuation (*for tax purposes*) of a Maine citizen's primary residence;

WHEREAS, increased State funding for General Purpose Aid (GPA) to education would also relieve the property tax burden;

BE IT RESOLVED: That the Freeport Town Council supports proposals by the Governor and members of the Legislature to create a homestead exemption, paralleled after the veterans' exemption, funded by State surplus funds and to increase General Purpose Aid to education to provide property tax relief to Maine residents.

BE IT FURTHER RESOLVED: That this resolution be forwarded to Governor Angus King and members of our Legislature Delegation to support enactment of these proposals during the Second Session of the 118th Legislature.

ITEM #46-98 To consider action relative to awarding a bid for a Traffic Light Preemption System.

MOTION: That the Town Manager report on bids received.

BE IT ORDERED: That the bid from _____ in the amount of \$ _____ for the installation of a Traffic Light Preemption System be accepted.

NOTE: Funds for the Preemption System will be taken from the West Street/Main Street Traffic Light Account funded by the State of Maine.

OTHER BUSINESS:

1. Discussion on the Browntail Moth problem.
2. Review audit proposal for school expenditures.
3. Discussion on Investment Firm interviews.

**COUNCIL MEETING #4-98
MARCH 3, 1998**

COMMITTEE REPORTS:

ITEM #47-98 To consider action relative to an Executive Session to discuss the Town's Lease obligations for the B.H. Bartol Library Building.

MOTION: That the Council enter into Executive Session to discuss the Town's Lease obligations for the B.H. Bartol Library Building.

MOTION: That the Council reconvene.

Adjourn.

MINUTES
FREEPORT TOWN COUNCIL MEETING #4-98
MARCH 3, 1998 – 7:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Chairperson Larue Drive	X		
David Soley, Vice-Chairperson Arnold Road	X		
Edward Campbell Gay Drive	X		
Alan Hindley Wardtown 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 #3-98 HELD ON FEBRUARY 3, 1998 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #3-98 HELD ON FEBRUARY 3, 1998 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Soule)

MOVED AND SECONDED: THAT THE MINUTES BE AMENDED ON PAGE 6, UNDER OTHER BUSINESS, #3, 5TH PARAGRAPH, TO CHANGE THE WORDING TO, "MANAGER OLMSTEAD STATED THAT HE WOULD DISCUSS THIS WITH MS. FILMORE FOR SUGGESTIONS ON IMPROVING THE RETURN ON THE FUNDS". (Councilors Beaulieu & Campbell) (7 Ayes) (0 Nays)

Vote as amended (7 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD.
(There were no comments from the public this evening.)

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors

Campbell & Hindley) (7 Ayes) (0 Nays)

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

ITEM #37-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for Freeport Country Club. (Public Hearing).

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

Michael J. Olsen, d/b/a Freeport Country Club, 2 Old County Road

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

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

BE IT ORDERED: That the application issued to the above named applicant be approved. **ROLL CALL VOTE** (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

ITEM #38-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for China Rose Restaurant. (Public Hearing).

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

Cuong Chi Ly, d/b/a China Rose Restaurant, 10 School Street

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

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: That the application issued to the above named applicant be approved. **ROLL CALL VOTE** (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

ITEM #39-98 To consider action relative to applications for victualer licenses for Cuong Chi Ly, Thomas Hudak, Michael J. Olsen, Herman Pettegrove, Lloyd Lawrence, Richard Saiocolo, Steve Baram and Paul Kelley. (Public Hearing).

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

ROLL CALL OF MEMBERS: (All Present)

Genie Beaulieu
David Soley
Alan Hindley
Stafford Soule
Patricia Goodwin

Kenneth Mann
Edward Campbell
Gloria Fogg DeGrandpre
Dale Olmstead

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

Cuong Chi Ly, d/b/a China Rose Restaurant, 10 School Street
Thomas Hudak, d/b/a Maple-Hedge B&B, 22 Park Street
Michael J. Olsen, d/b/a Freeport Country Club, 2 Old County Road
Herman Pettegrove, d/b/a Kendall Tavern B&B, 213 Main Street
Lloyd Lawrence, d/b/a Maple Hill B&B, 18 Maple Avenue
Richard Saiocolo, d/b/a Freeport Taco Bay, Inc., 49 Main Street
Steve Baram, d/b/a Freeport Coffee Company, 5 Bow Street
Paul Kelley, d/b/a R.E. Management (Peddler Private Property), 76 Main Street

(Councilors Soule & DeGrandpre) (9 Ayes) (0 Nays)

Discussion followed re: taxes being paid prior to applications being issued, concern for putting someone out of business by not approving applications, waiving the ordinance, application specifications, etc.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Soule & Campbell) (9 Ayes) (0 Nays)

BE IT ORDERED: That the applications issued to the above named applicants be approved subject to all taxes being paid. **ROLL CALL VOTE** (Councilors Soule & Campbell) (9 Ayes) (0 Nays) (1 Recuse- Soley-Kelley)

ITEM #40-98 To consider action relative to a Waste Hauling Application for Pine Tree Waste, Inc.

BE IT ORDERED: That the Waste Hauling Application issued to Pine Tree Waste, Inc. of South Portland be approved. **ROLL CALL VOTE** (Councilors Mann & Campbell) (9 Ayes) (0 Nays)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Mann & Campbell) (9 Ayes) (0 Nays)

ITEM #41-98 To consider action relative to proposed amendment to the Zoning Ordinance concerning off street parking and loading (Chapter 21). (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened. (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

Town Planner Cohen reviewed the proposed amendment to the Zoning Ordinance.

Discussion followed re: 1 parking space for every 500 square feet of gross floor area, possible need for a definition of "furniture and large appliances", etc.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That Item #41-98 be tabled until March 17, 1998. (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

ITEM #42-98 To consider action relative to Parking leases and subleases.

BE IT ORDERED: That a parking lease between the Town of Freeport and DASH, Inc. and a parking sublease between the Town of Freeport and Hilton Commercial Properties for the leasing of five (5) parking spaces be approved. **ROLL CALL VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

ITEM #43-98 To consider action relative to an Amended Conservation Easement on property owned by the South Freeport Church.

BE IT ORDERED: That the proposed Amended Conservation Easement dated February 27, 1998, for property owned by the South Freeport Church be accepted. (Councilors Soley & Campbell)

Arnold MacDonald, South Freeport Church, explained the need for the proposed amendment; he requested that the Town accept the easement.

Discussion followed re: acreage, grandfathered lot, covenant being more restrictive than what currently exists, property being open to the public, etc.

ROLL CALL VOTE (7 Ayes) (0 Nays)

ITEM #44-98 To consider action relative to the formation of a Memorial Day Committee.

BE IT ORDERED: That a Memorial Day Committee be formed and charged with organizing activities for Memorial Day, 1998.

BE IT FURTHER ORDERED: That the following be appointed as members of the Committee:

Edward Campbell
Sherwood Snow
Henry Perkins
Clayton Teague
Leo Valliere
Don Pryor

Gerald Schofield
Duncan Daly
Rick Simard
Susan Barre
Rev. Alden Pearson

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

ITEM #45-98 To consider action relative to a resolution supporting a homestead exemption and an increase in general purpose aid to education.

WHEREAS, it is vital to our common interest there be proportionate, fair and stable balance among the three major sources (*property, sales and income*) of tax revenue necessary to support state and local government;

WHEREAS, we rely disproportionately (*approximately 44 percent*) on the property tax as a source of this revenue and only 26 percent on the sales tax and 30 percent on the income tax;

WHEREAS, the State has surplus funds which can be used to the property tax burden on Maine people and help restore the balance among tax revenue sources;

WHEREAS, a homestead exemption would be an effective method to reduce a Maine resident's property tax on the front end by reducing the valuation (*for tax purposes*) of a Maine citizen's primary residence;

WHEREAS, increased State funding for General Purpose Aid (GPA) to education would also relieve the property tax burden;

BE IT RESOLVED: That the Freeport Town Council supports proposals by the Governor and members of the Legislature to create a homestead exemption, paralleled after the veterans' exemption, funded by State surplus funds and to increase General Purpose Aid to education to provide property tax relief to Maine residents.

BE IT FURTHER RESOLVED: That this resolution be forwarded to Governor Angus King and members of our Legislature Delegation to support enactment of these proposals during the Second Session of the 118th Legislature.

(Councilors Campbell & Soule)

Discussion followed re: this resolution being a request of MMA supporting this in place of a homestead exemption, similar to a veterans exemption which will be reflected on the Assessor's records, estimate of \$126 per homeowner, concern that any type of homestead exemption not being good for Maine, etc.

ROLL CALL VOTE (4 Ayes) (3 Nays-Mann, Hindley, Soley)

ITEM #46-98 To consider action relative to awarding a bid for a Traffic Light Preemption System.

MOVED AND SECONDED: That the Town Manager report on bids received.
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

Manager Olmstead stated that two bids had been received:

Highway Tech, Sabbathus, Maine total \$11,674

Hunt Associates, Gorham, Maine \$ 7,405

BE IT ORDERED: That the bid from Hunt Associates in the amount of \$7,405 for the installation of a Traffic Light Preemption System be accepted. **ROLL CALL VOTE**
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

NOTE: Funds for the Preemption System will be taken from the West Street/Main Street Traffic Light Account funded by the State of Maine.

OTHER BUSINESS:

1. Discussion on the Browntail Moth problem.
Councilor Soley raised concern about not taking some action before the Town becomes heavily infested.

Dick Bradbury, Maine Forest Service, stated that the current chemical used is harmful to marine life; it cannot be used within 100 feet of the ocean; the spray is used in residential and high use recreational areas. The entire Town does have browntail moth life stages in it.

Councilor Soley asked if it would be cheaper to act now before we are heavily infested.

Mr. Bradbury does not recommend the Town to intervene at this point because the methods we have are not environmentally acceptable. Because this infestation is so wide spread, that local action will not restrict the spread of this insect in Freeport. Even when high infestation occurs, we only recommend spraying in residential and high use recreational areas.

Discussion followed re: the area east of 295, spraying does represent a health hazard to marine resources, average cost to spray would be \$200 to \$400, depending on lot size and spraying on a large scale would range from \$20 to \$35 per acre, trees could be killed with extensive spraying, recommendation to spray Winslow Park at an average of \$250 per hour (4 to 8 hours of work), moths survive in mild weather, etc.

2. Chairperson Beaulieu stated that it is time to submit nominations for the Citizen of the Year Award; we take nominations between January 1 and March 31.

3. Review audit proposal for school expenditures.

Manager Olmstead summarized the proposal received from the auditors. He recommended doing Item 3 at a cost of \$1,500. The auditors could not get to this project until the third week of April.

Councilor Soley stated he feels we should do this in-house.

Chairperson Beaulieu stated she prefers this being done from an unbiased view.

Discussion followed re: which months to examine, potentially current accounting practices not being preferred, starting with Item 3, etc.

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Councilors Campbell & Hindley) (6 Ayes) (1 Nay-Soley)

MOVED AND SECONDED: To authorize the Town Manager to engage the services of MacDonald Page to compare the date of the original recording to the date of voiding, compare the original account and period charged to the account and period charged upon voiding and the account charged upon reissue of the check for all expenditures made and voided for the Town of Freeport School Department for the months of July, August and September of 1997, at a cost up to \$1,500, funded from the Miscellaneous and Contingency Fund. (Councilors Campbell & Hindley)

Councilor Mann stated he prefers to look at June as well.

Councilor Soley stated they should either look at checks written in June or look at checks voided in July and August.

Manager Olmstead feels that what will be examined are funds that surface in July from voided checks written previously to July.

Councilor Campbell stated that this is not politically motivated; we have two letters from our accountants which show abnormalities in the accounting process of a budget of about \$12 million; it is prudent on our part to spend an estimated \$1,500 to ask our accountants to clarify this.

Councilor Soley stated that we should discuss this with the School Department prior to hiring the accountants; he feels this is politically motivated.

Councilor Hindley stated that it is our responsibility to do this.

Councilor DeGrandpre stated that having an outside firm do this is the preferred way to proceed.

VOTE (5 Ayes) (2 Nays-Soley, Soule)

4. Manager Olmstead stated that we have been getting a number of calls as a result of the Ice Storm. We have set the week of April 6 go April 10 for clean up. The Town will pick up debris which is brought to the curbs of residents and taken to the Recycling Center to be chipped. These wood chips will be available for residents to use for landscaping, etc. If there is a storm we will reschedule pick-up.
5. Manager Olmstead stated that we have continued to work on the issue of the national gas pipeline; we have substantial interest that has been expressed by a couple of firms; one would like to meet with the Council under Other Business. The PUC will grant franchises; CMP will be a serious player in this project.

Miscellaneous discussion followed.

6. Discussion on Investment Firm interviews.

Councilor Soley stated that there has been a change to the A. G. Edwards proposal to have both the management of A. G. Edwards and the trust powers of Androscoggin Bank.

Miscellaneous discussion followed regarding this item.

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

MOVED AND SECONDED: To enter into Executive Session to discuss a contract for our investments. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council reconvene. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Town of Freeport select A. G. Edwards and Androscoggin Bank to handle the Town's investments. (Councilors Campbell & Soley) (7 Ayes) (0 Nays)

Councilor Soley further recommended that we give the advisor a full picture of the Town trust accounts.

COMMITTEE REPORTS: (There were no committee reports this evening.)

ITEM #47-98 To consider action relative to an Executive Session to discuss the Town's Lease obligations for the B.H. Bartol Library Building.

MOVED AND SECONDED: That the Council enter into Executive Session to discuss the Town's Lease obligations for the B.H. Bartol Library Building. (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council reconvene. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council Meeting be adjourned at 10:01 P.M. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary