

7/1/98

TOWN COUNCIL MEETING #5-98

MARCH 17, 1998 - 7:00 P.M.

TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- Item #48-98** To consider action relative to applications for victualer licenses for Paul Kelley, James Willey, Jr., Bart Carhart, Peter Tilton, Viengxay Senesombath, Walter Loeman, and Joseph Yilmaz. (Public Hearing).
- Item #49-98** To consider action relative to an expenditure from the fiscal year 1998 Miscellaneous and Contingency Account to provide funding for the Paper Streets Committee.
- Item #50-98** To consider action relative to an expenditure of funds from the Cable T.V. Reserve Account to provide for video equipment.
- Item #51-98** To consider action relative to an expenditure from the Winslow Park Reserve Account for a Hot Water Project.
- Item #52-98** To consider action to sponsoring an application for a Community Block Service Grant on behalf of the Freeport Elders Association.
- Item #53-98** To consider action relative to the adoption and funding of a Five Year Capital Improvements Program for Fiscal Years 1999 to 2003.
- Item #54-98** To consider action relative to awards from Dr. Gould Trust Fund.
- Item #55-98** To consider action relative to awards from the Davis Fund.
- Item #41-98** Tabled March 3, 1998.

To consider action relative to a proposed amendment to the Zoning Ordinance concerning Off-Street Parking and Loading.

Other Business:

1. Presentation on a proposed Natural Gas Pipeline for Freeport – CMP.
2. Report and recommendation from the Municipal Facilities Committee on Tax Acquired Property.
3. Update on an improved street lighting program for Main Street.
4. Update on providing Rescue Services to the Town of Durham and Pownal.
5. Presentation on the Five-Year Capital Improvements Program.

Committee Reports

Adjourn.

AGENDA
FREEPORT TOWN COUNCIL MEETING #5-98
TOWN HALL COUNCIL CHAMBERS
MARCH 17, 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 #4-98 March 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 #5-98
MARCH 17, 1998**

ITEM #48-98 To consider action relative to applications for victualer licenses for Paul Kelley, James Willey, Jr., Bart Carhart, Peter Tilton, Viengxay Senesombath, Walter Loeman, and Joseph Yilmaz. (Public Hearing).

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

ROLL CALL OF MEMBERS:

Genie Beaulieu	Kenneth Mann
David Soley	Edward Campbell
Alan Hindley	Gloria Fogg DeGrandpre
Stafford Soule	Dale Olmstead
Patricia Goodwin	

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

Paul Kelley, d/b/a Maine Made Ice Cream, 76 Main Street
Canteen Service Co./James Willey, Jr., d/b/a L.L. Bean Operation Fulfillment Center, Desert Road Campus
Canteen Service Co./James Willey, Jr., d/b/a L.L. Bean Retail Store, Main Street Store
Bart Carhart, d/b/a The Village Store, Inc., 97 So. Freeport Rd., So. Freeport
Peter Tilton, d/b/a F.H.S. Sports Boosters, Corner Main/Bow Streets
Viengxay Senesombath, d/b/a Thai Garden Restaurant, 233 U.S. Route 1 South
Walter Loeman, d/b/a 15 Independence, 15 Independence Drive
Joseph Yilmaz, d/b/a Jacaranda House B&B, 8 Holbrook Street

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 #49-98 To consider action relative to an expenditure from the fiscal year 1998 Miscellaneous and Contingency Account to provide funding for the Paper Streets Committee.

BE IT ORDERED: That up to \$1,560 be expended from the FY 98 Miscellaneous and Contingency Account to provide for expenses of the Paper Streets Committee.

ITEM #50-98 To consider action relative to an expenditure of funds from the Cable T.V. Reserve Account to provide for video equipment.

BE IT ORDERED: That up to \$10,000 be expended from the Cable T.V. Reserve Account to provide for the purchase of video equipment.

ITEM #51-98 To consider action relative to an expenditure from the Winslow Park Reserve Account to provide for a Hot Water Project.

BE IT ORDERED: That up to \$10,000 be expended from the Winslow Park Reserve Account to provide for a Hot Water Project.

ITEM #52-98 To consider action relative to sponsoring an application for a Community Block Service Grant on behalf of the Freeport Elders Association.

BE IT ORDERED: That the Town of Freeport sponsor a Community Block Grant Application from the Department of Economic and Community Development on behalf of the Freeport Elders Association.

ITEM #53-98 To consider action relative to the adoption and funding of a Five Year Capital Improvements Program for Fiscal Years 1999 to 2003.

BE IT ORDERED: That a Public Hearing be scheduled for April 6, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed Capital Improvements Program for Fiscal Years 1999 to 2003.

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 #54-98 To consider action relative to awards from Dr. Gould Trust Fund.

BE IT ORDERED: That seven individuals receive awards totaling \$1,101.15 to provide for medical expenses.

NOTE: All individuals have qualified through the General Assistance Office.

ITEM #55-98 To consider action relative to awards from the Davis Fund.

BE IT ORDERED: That two individuals receive awards totaling \$121.67 to provide for medical expenses.

NOTE: Both individuals have qualified through the General Assistance Office.

ITEM #41-98 Tabled March 3, 1998.

To consider action relative to a proposed amendment to the Zoning Ordinance concerning Off-Street Parking and Loading.

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance, as submitted to Public Hearing on March 3, 1998, be approved.

OTHER BUSINESS:

1. Presentation on a proposed Natural Gas Pipeline for Freeport - CMP.
2. Report and recommendation from the Municipal Facilities Committee on Tax Acquired Property.
3. Update on an improved street lighting program for Main Street.
4. Update on providing Rescue Services to the Town of Durham and Pownal.

**COUNCIL MEETING #5-98
MARCH 17, 1998**

- 5. Presentation on the Five-Year Capital Improvements Program.**

COMMITTEE REPORTS:

MINUTES
FREEPORT TOWN COUNCIL MEETING #5-98
MARCH 17, 1998 - 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER:

	<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 #4-98 HELD ON MARCH 3, 1998 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #4-98 HELD ON MARCH 3, 1998 AND ACCEPT THE MINUTES AS PRINTED. (Councilors DeGrandpre & Soule) (6 Ayes) (1 Excused-Campbell)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD.

1. Manager Olmstead stated that during the week of April 5th, the Town will be collecting debris from the ice storm. He requested that residents bring their debris to the side of the road. There will be several contractors engaged in the pick-up, going to each road, public and private. The brush collected will be taken to the Recycling Center, chipped and made available to residents for their use, at no charge to the residents.

Miscellaneous discussion followed re: cost, reimbursement, storm date, etc.

MOVED AND SECONDED: THAT THE PUBLIC COMMENT PERIOD BE CLOSED. (Councilors Soley & Hindley) (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 #48-98 To consider action relative to applications for victualer licenses for Paul Kelley, James Willey, Jr., Bart Carhart, Peter Tilton, Viengxay Senesombath, Walter Loeman, and Joseph Yilmaz. (Public Hearing).

MOVED AND SECONDED: That the Council adjourn and the Licensing Board convene. (Councilors Soley & DeGrandpre) (6 Ayes) (1 Excused-Campbell)

ROLL CALL OF MEMBERS:

Genie Beaulieu
David Soley
Alan Hindley
Stafford Soule
Patricia Goodwin

Kenneth Mann
Edward Campbell-excused
Gloria Fogg DeGrandpre
Dale Olmstead

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

Paul Kelley, d/b/a Maine Made Ice Cream, 76 Main Street
Canteen Service Co./James Willey, Jr., d/b/a L.L. Bean Operation Fulfillment Center,
Desert Road Campus
Canteen Service Co./James Willey, Jr., d/b/a L.L. Bean Retail Store, Main Street Store
Bart Carhart, d/b/a The Village Store, Inc., 97 So. Freeport Rd., So. Freeport
Peter Tilton, d/b/a F.H.S. Sports Boosters, Corner Main/Bow Streets
Viengxay Senesombath, d/b/a Thai Garden Restaurant, 233 U.S. Route 1 South
Walter Loeman, d/b/a 15 Independence, 15 Independence Drive
Joseph Yilmaz, d/b/a Jacaranda House B&B, 8 Holbrook Street

(Councilors Soley & Soule) (8 Ayes) (1 Excused-Campbell)

Councilor Mann requested an update re: applications requiring the applicant(s) to state whether or not they had had a municipal violation and if this was a requirement of the Ordinance.

Manager Olmstead stated that this was not a requirement of the Ordinance; the new applications eliminate that question.

Miscellaneous discussion followed re: future Ordinance Committee meeting, opportunity to discuss this issue further, Boosters' site location and agreement with the Town, severity of crimes, possibility of amending the Ordinance, etc.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Soley & Soule) (8 Ayes) (1 Excused-Campbell)

BE IT ORDERED: That the applications issued to the above named applicants be approved. **ROLL CALL VOTE** (Councilors Soley & Soule) {8 Ayes (Recuse Soley-Kelley)} (1 Excused-Campbell)

MOVED AND SECONDED: That the Licensing Board adjourn and the Council reconvene. (Councilors Soley & Soule) (8 Ayes) (1 Excused-Campbell)

ITEM #49-98 To consider action relative to an expenditure from the fiscal year 1998 Miscellaneous and Contingency Account to provide funding for the Paper Streets Committee.

BE IT ORDERED: That up to \$1,560 be expended from the FY 98 Miscellaneous and Contingency Account to provide for expenses of the Paper Streets Committee. (Councilors Hindley & Soule)

Miscellaneous discussion followed re: costs, mailings, plan to do the project, etc.

MOVED AND SECONDED: That Item #49-98 be tabled to the April 7, 1998 meeting. (Councilors Soley & Mann) (6 Ayes) (1 Excused-Campbell)

ITEM #50-98 To consider action relative to an expenditure of funds from the Cable T.V. Reserve Account to provide for video equipment.

BE IT ORDERED: That up to \$10,000 be expended from the Cable T.V. Reserve Account to provide for the purchase of video equipment. (Councilors Soule & Hindley)

John Arsenault explained the need for this request.

Miscellaneous discussion followed re: quote from Maine Video, bid process including specs, repairs of equipment, warrantee and service of equipment, compatibility of equipment, etc.

MOVED AND SECONDED: That Item #50-98 be tabled to the April 7, 1998 meeting. (Councilors Soley & Mann) (4 Ayes) (2 Nays-Hindley, DeGrandpre) (1 Excused-Campbell)

ITEM #51-98 To consider action relative to an expenditure from the Winslow Park Reserve Account to provide for a Hot Water Project.

BE IT ORDERED: That up to \$10,000 be expended from the Winslow Park Reserve Account to provide for a Hot Water Project. (Councilors Mann & Soule)

Bill Kenny explained the need for this request.

Miscellaneous discussion followed re: comparison of costs for electric VS. propane, need for quick recovery of tanks, request to follow bid process for future items at a cost over \$10,000, etc.

MOVED AND SECONDED: That Item #51-98 be amended to read that up to \$10,000 be expended from the Winslow Park Capital Account to purchase items necessary for the Hot Water Project, including \$8973 for the water heaters, and delegate to the Winslow Park Committee the right to obtain bids and purchase the water heaters they feel will be appropriate. (Councilors Soley & Soule) (6 Ayes) (1 Excused-Campbell)

ROLL CALL VOTE AS AMENDED (6 Ayes) (1 Excused-Campbell)

ITEM #52-98 To consider action relative to sponsoring an application for a Community Block Service Grant on behalf of the Freeport Elders Association.

BE IT ORDERED: That the Town of Freeport sponsor a Community Block Grant Application from the Department of Economic and Community Development on behalf of the Freeport Elders Association. (Councilors DeGrandpre & Soule)

Miscellaneous discussion followed regarding this item.

ROLL CALL VOTE (6 Ayes) (1 Excused-Campbell)

ITEM #53-98 To consider action relative to the adoption and funding of a Five Year Capital Improvements Program for Fiscal Years 1999 to 2003.

BE IT ORDERED: That a Public Hearing be scheduled for April 7, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed Capital Improvements Program for Fiscal Years 1999 to 2003.

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.
ROLL CALL VOTE (Councilors Soley & Soule) (6 Ayes) (1 Excused-Campbell)

ITEM #54-98 To consider action relative to awards from Dr. Gould Trust Fund.

BE IT ORDERED: That seven individuals receive awards totaling \$1,101.15 to provide for medical expenses. **ROLL CALL VOTE** (Councilors Hindley & Soule) (6 Ayes) (1 Excused-Campbell)

NOTE: All individuals have qualified through the General Assistance Office.

ITEM #55-98 To consider action relative to awards from the Davis Fund.

BE IT ORDERED: That two individuals receive awards totaling \$121.67 to provide for medical expenses. **ROLL CALL VOTE** (Councilors Soule & DeGrandpre) (6 Ayes) (1 Excused-Campbell)

NOTE: Both individuals have qualified through the General Assistance Office.

ITEM #41-98 Tabled March 3, 1998.

To consider action relative to a proposed amendment to the Zoning Ordinance concerning Off-Street Parking and Loading.

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance, as submitted to Public Hearing on March 3, 1998, be approved. (Councilors Mann & DeGrandpre)

Miscellaneous discussion followed re: possibility of omitting "gross floor area", use being applied for, etc.

ROLL CALL VOTE (6 Ayes) (1 Excused-Campbell)

OTHER BUSINESS:

1. Update on providing Rescue Services to the Town of Durham and Pownal. Manager Olmstead reported that the Town of Durham approved \$1,445, which does not meet the cost of providing the service to Durham. If we are going to discontinue service to Durham, the Council has to take action this evening.

John Thurlow, Durham Board of Selectmen explained how the figure was approved.

Mike Hughes, Durham Budget Committee, stated that Durham has a very limited base; there was confusion as to what figures upon which to make their calculations.

Miscellaneous discussion followed re: alternatives for Durham; Freeport's figures represent reasonable amounts, Freeport cannot subsidize Durham, if the selectmen have any questions they need to contact the Manager, figure not negotiable, Freeport's expectations were made clear, etc.

Don Brown, citizen of Durham, requested that the Selectmen receive a letter from the Council as to how the vote comes out.

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

MOVED AND SECONDED: That Freeport and the Freeport Rescue services take immediate actions to terminate service to the Town of Durham effective July 1, 1998. Further, that we not cancel service to Durham if the Town of Durham pays its pro rata share of the Rescue costs, i.e., \$5,664 prior to July 1, 1998. (Councilors Soley & DeGrandpre) (6 Ayes) (1 Excused-Campbell)

2. Presentation on a proposed Natural Gas Pipeline for Freeport - CMP.

Roy Lane, CMP principal contact person for community relations, provided an overview of the proposal to provide natural gas to Freeport. He introduced Mike Leesman, New York State Electric and Gas, David Miller and Bob Devlin.

Miscellaneous discussion followed re: installation process, location of the gas line, equipment and piping to be used, difference in rates, etc.

3. Report and recommendation from the Municipal Facilities Committee on Tax Acquired Property.

Manager Olmstead reviewed the status of several properties that the Municipal Facilities Committee's recommendations of how to resolve each property, based on the new policy. He reported that every residential property that has a municipal lien on it has a payment arrangement.

Miscellaneous discussion followed re: cost to clear title, court process for clear title, soils tests, particulars of individual properties, etc.

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

MOVED AND SECONDED: That the Town Council put the Spar Cove property and the Beech Hill property out to bid. That the Town Council seek to clear the title to the Grant Road property and the Pownal Road property and that the Town Council spend up to \$350 for soils site evaluation for a septic bed at the Griffin Road property. (Councilors Soley & Soule) (6 Ayes) (1 Excused-Campbell)

4. Update on an improved street lighting program for Main Street.

Manager Olmstead stated that T.I.F. funds can be used for paying the additional operating costs of the improved street lighting program, \$4,200 per year in additional street lighting costs. Once the electric industry is deregulated in the year 2000, we will not be obligated to buy power from CMP; we will be able to seek the best rates for power. However, we will have to continue rental costs. He has a problem for using up the T.I.F. funds in three years; he suggested that the Council propose a gradual budget increase, weaning off T.I.F. funds over an estimated five years. Manager Olmstead offered to develop a five-year budget for this if the program is approved.

MOVED AND SECONDED: To introduce an item not on the printed agenda.
(Councilors Mann & DeGrandpre) (6 Ayes) (1 Excused-Campbell)

MOVED AND SECONDED: That the proposed traffic light plan that was recommended by the Traffic and Parking Committee be implemented for Main Street. (Councilors Mann & Soule) (6 Ayes) (1 Excused-Campbell)

5. Presentation on the Five-Year Capital Improvements Program.

Manager Olmstead stated it might be preferable to discuss this item at Public Hearing, due to the lateness of the meeting this evening.

6. Manager Olmstead stated that the Federal Government has made available to communities mitigation grants to be used to pay for projects that would prepare communities for the next natural disaster. The YMCA has requested that the Town of Freeport sponsor a grant application that they would like to make to FEMA. It has to be a municipally sponsored application, similar to the request from the Freeport Elders. The YMCA would like to have generator capabilities for the YMCA building which would allow them to become a shelter.

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

MOVED AND SECONDED: That the Town of Freeport sponsor a request from the Casco Bay YMCA to apply to FEMA for a grant, at no cost to the Town. (Councilors Soley & DeGrandpre)

Discussion followed re: potential for dual shelters, possibility to get an agreement from the YMCA that it would be the place to go in any emergency, Red Cross would man the facility, etc.

VOTE (5 Ayes) (1 Nay-Hindley) (1 Excused-Campbell)

7. Councilor Hindley questioned the revision to the T.I.F.

Manager Olmstead stated that it was the revision that the Council approved to provide sewer to the Freeport Inn.

8. Councilor Soley asked if the different departments would be providing backup materials, quotes, etc., for budget requests.

Manager Olmstead stated that these would be provided.

9. Councilor Hindley asked when the next meeting with M.D.O. T. regarding road turnbacks would be held.

Manager Olmstead stated that it will be held in April.

COMMITTEE REPORTS: No committee reports this evening.

MOVED AND SECONDED: That the meeting be adjourned at 10:35 P.M. (Councilors Hindley & Soley) (6 Ayes) (1 Excused-Campbell)

Respectfully submitted,

Pat Goodwin, Recording Secretary

*Approved - March 17, 1998
Meeting # 5-98; Item # 44-98
P.H. Meeting # 4-98 (3-3-98)*

Adopted
DRAFT AMENDMENT

FREEPORT ZONING ORDINANCE

CHAPTER 21

Article V: Performance Standards

Section 514. Off-Street Parking and Loading

A. Off-Street Parking

- 4. Retail Trade, Ship Chandlery, Commercial Sales and Service, Commercial Fishery:**

Furniture/Large Appliance Showroom:

**1 parking space for
each 500 square feet
or major fraction
thereof of gross
floor area.**

Bowling Alley:

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



MEMO

TO: Freeport Town Council
FROM: Planning Board
SUBJECT: ZONING ORDINANCE AMENDMENT
DATE: January 27, 1998

On January 21, 1998, the Freeport Planning Board voted unanimously to recommend to the Council the following amendment to the Freeport Zoning Ordinance: revise the parking requirements for "Furniture/Large Appliance Showrooms" from 1 parking space for each 150 square feet of gross floor area to 1 parking space for each 500 square feet of gross floor area.

The amendment is recommended for the following reasons:

1. These uses require fewer parking spaces than the typical retail use because fewer customers frequent the stores per hour, as documented by national statistics from the "International Traffic Engineers Manual".
2. This amendment is consistent with the adopted Freeport Comprehensive Plan for the following reasons:
 - a. This is a minor modification which is consistent with the policies, goals and strategies of the Plan.
 - b. It will encourage the creation and retention of jobs and the diversification of the economy because the parking requirements are more suitable for these uses.

JC:jmm