

TOWN COUNCIL MEETING #12-98

JULY 22, 1998 - 7:00 P.M.

TOWN COUNCIL CHAMBERS

SUMMARY AGENDA

- ITEM #154-98** To consider action relative to applications for victualer licenses for Socorro Espana, Matt Williams, Constance Blackner and Catherine Carty-Wilbur. (Public Hearing).
- ITEM #155-98** To consider action relative to an application for a full-time malt, spirituous, and vinous license for The Corsican Restaurant. (Public Hearing).
- ITEM #156-98** To consider action relative to applications for Special Amusement Permits for Dancing and Entertainment for Harraseeket Inn, Gritty McDuff's, and Ocean Farms of Freeport. (Public Hearing).
- ITEM #157-98** To consider action relative to an amendment to the Zoning Ordinance concerning parking requirements in Commercial Districts I, II and IV and the Local Business District (Chapter 21). (Public Hearing).
- ITEM #158-98** To consider action relative to an amendment to the Zoning Ordinance concerning the definition of Retail Trade (Chapter 21). (Public Hearing).
- ITEM #159-98** To consider action relative to amendments to the Public Peddlers Ordinance concerning Public Property Peddlers (Chapter 43). (Public Hearing).
- ITEM #160-98** To consider action relative to amendments to the Zoning Ordinance concerning Private Property Peddlers (Chapter 21). (Public Hearing).
- ITEM #161-98** To consider action relative to an amendment to the Zoning Ordinance concerning the Local Business District (Chapter 21). (Public Hearing).
- ITEM #162-98** To consider action relative to the approval of Waste Hauler licenses.
- ITEM #163-98** To consider action relative to the acceptance of an award from the 1998 Small Community Grant Program.
- ITEM #164-98** To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking on Harraseeket Road (Chapter 48).
- ITEM #165-98** To consider action relative to an amendment to the Administrative Code concerning Board and Commission attendance requirements (Chapter 2).
- ITEM #166-98** To consider action relative to a Re-Appointment to the Board of Appeals.
- ITEM #167-98** To consider action relative to a Re-Appointment to the Board of Appeals.
- ITEM #168-98** To consider action relative to a Re-Appointment to the Conservation Commission.
- ITEM #169-98** To consider action relative to a Re-Appointment to the Conservation Commission.

ITEM #170-98 To consider action relative to an Appointment to the Conservation Commission.

ITEM #171-98 To consider action relative to a Re-Appointment to the Shellfish Commission.

ITEM #172-98 To consider action relative to a Re-Appointment to the Assessment Review Board.

ITEM #173-98 To consider action relative to the potential transfer of the Cable Franchise Agreement from FrontierVision to Casco Cable.

ITEM #174-98 To consider action relative to the approval of a parking lease and sub-lease.

ITEM #175-98 To consider action relative to the issuance of a Municipal Quit Claim Deed.

ITEM #132-98 Tabled June 16, 1998.

To consider action relative to the adoption of an ordinance regulating the Manner and Sale of Tobacco Products (Chapter 41).

ITEM #137-98 Tabled June 16, 1998.

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning a drop-off area in front of South Freeport Church (Chapter 48).

OTHER BUSINESS:

1. Meeting with the Solid Waste/Recycling Committee to discuss establishing a Solid Waste Transfer area.
2. Sign Local Road Assistance Program Certification Form.
3. Update on status of Landfill Leachate collection system.
4. Feasibility of consolidating accounting for school and municipal for cost savings. (Requested by Councilor Campbell).
5. Discussion of tuitioning non-resident students for Freeport. (Requested by Councilor Campbell).

COMMITTEE REPORTS:

Adjourn.

AGENDA
FREEPORT TOWN COUNCIL MEETING #12-98
TOWN HALL COUNCIL CHAMBERS
JULY 22, 1998 - 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: 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 #11-98 June 16, 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.

ITEM #154-98 To consider action relative to applications for victualer licenses for Socorro Espana, Matt Williams, Constance Blackner and Catherine Carty-Wilbur. (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.

Socorro Espana, d/b/a Vita's Tortillas, 71 Curtis Road
Matt Williams, d/b/a Peddler Private Property (Ben & Jerry's), 83 Main Street
Constance Blackner, d/b/a 3 Sisters B & B, 8 Independence Drive
Catherine Carty-Wilbur, d/b/a The Chocolate Factory, 11 Independence 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 #155-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for The Corsican Restaurant (Public Hearing).

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

Robin C. Wade, Pres. - The Leading Edge, Inc. d/b/a The Corsican Restaurant, 9
Mechanic Street

MOTION: That the Public Hearing be closed.

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

ITEM #156-98 To consider action relative to applications for Special Amusement Permits for Dancing and Entertainment for Harraseeket Inn, Gritty McDuff's, and Ocean Farms of Freeport. (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the following applications for Special Amusement Permits for Dancing and Entertainment be subject to Public Hearing.

Nancy Gray, d/b/a Harraseeket Inn, 162 Main Street
Richard Pfeffer, d/b/a Gritty McDuff's, 183B U.S. Route 1 South
Eldon Macleod, d/b/a Ocean Farms of Freeport, 23 Main Street

MOTION: That the Public Hearing be closed.

ITEM #157-98 To consider action relative to an amendment to the Zoning Ordinance concerning parking requirements in Commercial Districts I, II and IV and the Local Business District (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #157-98 be tabled until August 11, 1998.

ITEM #158-98 To consider action relative to an amendment to the Zoning Ordinance concerning the definition of Retail Trade (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #158-98 be tabled until August 11, 1998.

ITEM #159-98 To consider action relative to amendments to the Public Peddlers Ordinance concerning Public Property Peddlers (Chapter 43). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #159-98 be tabled until August 11, 1998.

ITEM #160-98 To consider action relative to amendments to the Zoning Ordinance concerning Private Property Peddlers (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #160-98 be tabled until August 11, 1998.

ITEM #161-98 To consider action relative to an amendment to the Zoning Ordinance concerning the Local Business District (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #161-98 be tabled until August 11, 1998.

ITEM #162-98 To consider action relative to the approval of Waste Hauler licenses.

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	

BE IT ORDERED: That the following Waste Hauling licenses be approved for fiscal year 1998:

1. Danny Wentworth, d/b/a D. Wentworth Rubbish Removal, Varney Sq. Est, Freeport
2. Jerry Regis, d/b/a Pine Tree Waste, Inc., 33 Rigby Road, South Portland
3. James N. Brown d/b/a Waste Management of Maine, Inc., 2000 Forest Avenue, Portland
4. William B. Reynolds, d/b/a Reynolds & Sons Disposal, Inc., P.O. Box 1092, Portland
5. Filomena Troiano, d/b/a Troiano Waste Services, Inc., 197 Lincoln Street, South Portland
6. Russell G. Stull, d/b/a Yarmouth Rubbish and Recycling, 52 Libby Road, Scarborough
7. Keith Wentworth, d/b/a Keith Wentworth Rubbish Removal, 158 Upper Mast Landing Road, Pownal
8. James Reynolds, d/b/a United Waste Systems of Maine, P.O. Box 1140, Scarborough
9. Frank Waterman, Sr., d/b/a Waterman's Rubbish Removal/Recycling Inc., 345 U.S. Route 1 North, Freeport

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

ITEM #163-98 To consider action relative to the acceptance of an award from the 1998 Small Community Grant Program.

BE IT ORDERED: That a grant in the amount of \$5,000 from the 1998 Small Community Grant Program to provide for the replacement of a private septic system on Roberta Lane be accepted.

NOTE: Any match will be provided by the applicant. No Town funds are involved.

ITEM #164-98 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking on Harraseeket Road (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for August 11, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic and Parking 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 #165-98 To consider action relative to an amendment to the Administrative Code concerning Board and Commission attendance requirements (Chapter 2).

BE IT ORDERED: That a Public Hearing be scheduled for August 11, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code (Chapter 2).

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 #166-98 To consider action relative to a Re-Appointment to the Board of Appeals.

BE IT ORDERED: That Jane Benson be re-appointed, effective immediately, to serve as a member of the Board of Appeals until July 1, 2001.

BE IT FURTHER ORDERED: That Ms. Benson qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #167-98 To consider action relative to a Re-Appointment to the Board of Appeals.

BE IT ORDERED: That Richard Warren be re-appointed, effective immediately, to serve as a member of the Board of Appeals until July 1, 2001.

BE IT FURTHER ORDERED: That Mr. Warren qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #168-98 To consider action relative to a Re-Appointment to the Conservation Commission.

BE IT ORDERED: That Stewart Fefer be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001.

BE IT FURTHER ORDERED: That Mr. Fefer qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #169-98 To consider action relative to a Re-Appointment to the Conservation Commission.

BE IT ORDERED: That Robert Moore be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001.

BE IT FURTHER ORDERED: That Mr. Moore qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #170-98 To consider action relative to an Appointment to the Conservation Commission.

BE IT ORDERED: That Arthur Spiers be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001.

BE IT FURTHER ORDERED: That Mr. Spiers qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #171-98 To consider action relative to a Re-Appointment to the Shellfish Commission.

BE IT ORDERED: That Richard Graves be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2001.

BE IT FURTHER ORDERED: That Mr. Graves qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #172-98 To consider action relative to a Re-Appointment to the Assessment Review Board.

BE IT ORDERED: That Annee Tara be re-appointed, effective immediately, to serve as a member of the Assessment Review Board until august 1, 2001.

BE IT FURTHER ORDERED: That Ms. Tara qualify by swearing an oath of office before the Town Clerk by August 7, 1998.

ITEM #173-98 To consider action relative to the Potential Transfer of the Cable Franchise Agreement from FrontierVision to Casco Cable.

BE IT ORDERED: That the letter from the Council Chairperson to FrontierVision Partners, L.P., dated July 6, 1998, be confirmed.

ITEM #174-98 To consider action relative to the approval of a parking lease and sub-lease.

BE IT ORDERED: That the parking lease between the Town of Freeport and Marilyn Rowe and a parking sub-lease between the Town of Freeport and William Rowe for the leasing of two (2) parking spaces be approved.

ITEM #175-98 To consider action relative to the issuance of a Municipal Quit Claim Deed.

BE IT ORDERED: That a Municipal Quit Claim Deed be issued for the following property.

TO: Joseph E. and Sharon M. Flynn
FOR PROPERTY: Tax Map 1, Lot 30 – South Freeport Road
TAX YEAR: 1996

NOTE: Property has been sold and taxes paid.

**COUNCIL MEETING #12-98
JULY 22, 1998**

ITEM #132-98 Tabled June 16, 1998.

To consider action relative to the adoption of an ordinance regulating the Manner and Sale of Tobacco Products (Chapter 41).

BE IT ORDERED: That the proposed ordinance regulating the Manner and Sale of Tobacco Products, as submitted to Public Hearing on June 16, 1998, be adopted.

ITEM #137-98 Tabled June 16, 1998.

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning a drop-off area in front of South Freeport Church (Chapter 48).

BE IT ORDERED: That the proposed amendment to the Traffic and Parking Ordinance, as submitted to Public Hearing on June 16, 1998, be adopted.

OTHER BUSINESS:

1. Meeting with the Solid Waste/Recycling Committee to discuss establishing a Solid Waste Transfer area.
2. Sign Local Road Assistance Program Certification Form.
3. Update on status of Landfill Leachate collection system.
4. Feasibility of consolidating accounting for school and municipal for cost savings. (Requested by Councilor Campbell).
5. Discussion on tuitioning non-resident students for Freeport. (Requested by Councilor Campbell).

COMMITTEE REPORTS:

Adjourn.

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-98
JULY 22, 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 #11-98 HELD ON JUNE 16, 1998 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #11-98 HELD ON JUNE 16, 1998 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Hindley) (7 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD.

(There were no public comments this evening.)

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

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

ITEM #154-98 To consider action relative to applications for victualer licenses for Socorro Espana, Matt Williams, Constance Blackner and Catherine Carty-Wilbur. (Public Hearing).

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

ROLL CALL OF MEMBERS: (all present)

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

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

Socorro Espana, d/b/a Vita's Tortillas, 71 Curtis Road
Matt Williams, d/b/a Peddler Private Property (Ben & Jerry's), 83 Main Street
Constance Blackner, d/b/a 3 Sisters B & B, 8 Independence Drive
Catherine Carty-Wilbur, d/b/a The Chocolate Factory, 11 Independence Drive

(Councilors Hindley & Campbell) (9 Ayes) (0 Nays)

Councilor Mann stated that Constance Blackner has not submitted their license.

MOVED AND SECONDED: That Item #154-98 be amended to add, "subject to completion of all appropriate documentation. (Councilors Campbell & Mann) (9 Ayes) (0 Nays)

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

BE IT ORDERED: That the applications issued to the above named applicants be approved as amended. **ROLL CALL VOTE** (Councilors Hindley & Soule) (9 Ayes) (0 Nays)

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

ITEM #155-98 To consider action relative to an application for a full-time malt, spirituous, and vinous license for The Corsican Restaurant (Public Hearing).

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

Robin C. Wade, Pres. – The Leading Edge, Inc. d/b/a The Corsican Restaurant, 9 Mechanic Street

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

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

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

ITEM #156-98 To consider action relative to applications for Special Amusement Permits for Dancing and Entertainment for Harraseeket Inn, Gritty McDuff's, and Ocean Farms of Freeport. (Public Hearing).

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

MOVED AND SECONDED: That the following applications for Special Amusement Permits for Dancing and Entertainment be subject to Public Hearing.

Nancy Gray, d/b/a Harraseeket Inn, 162 Main Street
Richard Pfeffer, d/b/a Gritty McDuff's, 183B U.S. Route 1 South
Eldon Macleod, d/b/a Ocean Farms of Freeport, 23 Main Street

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

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

BE IT ORDERED: That the above applications be approved. **ROLL CALL VOTE** (Councilors Mann & Hindley) (7 Ayes) (0 Nays)

ITEM #157-98 To consider action relative to an amendment to the Zoning Ordinance concerning parking requirements in Commercial Districts I, II and IV and the Local Business District (Chapter 21). (Public Hearing).

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

Councilor Soley explained that this item was to correct a problem in the Zoning Ordinance.

David Laurie, attorney for Royal Rivers Natural Foods, stated that the owner is proposing to buy the building and property, the Basket Barn. This will be a second location for Royal Rivers Natural Foods. Currently, there is not sufficient retail space due to the current zoning requirements.

Miscellaneous discussion followed re: the U.S. Route 1 South corridor, shared parking, rational for omitting the CIII district, etc.

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

MOVED AND SECONDED: That Item #157-98 be tabled until August 11, 1998. (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

ITEM #158-98 To consider action relative to an amendment to the Zoning Ordinance concerning the definition of Retail Trade (Chapter 21). (Public Hearing).

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

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

MOVED AND SECONDED: That Item #158-98 be tabled until August 11, 1998. (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

ITEM #159-98 To consider action relative to amendments to the Public Peddlers Ordinance concerning Public Property Peddlers (Chapter 43). (Public Hearing).

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

Miscellaneous discussion followed re: different levels of crimes, verbiage clarification, safety of the carts, etc.

Councilor Mann raised concerns about some of the wording being unreasonable and the wording of sketch or photograph.

Councilor Soley suggested removing "misdemeanor" and adding "any health violations".

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

MOVED AND SECONDED: That Item #159-98 be tabled until August 11, 1998. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

ITEM #160-98 To consider action relative to amendments to the Zoning Ordinance concerning Private Property Peddlers (Chapter 21). (Public Hearing).

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

Miscellaneous discussion re: date of grandfathering, potential language to clarify issues, etc.

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

MOVED AND SECONDED: That Item #160-98 be tabled until August 11, 1998. (Councilors Hindley & Campbell) (6 Ayes) (1 Excused-Soley)

ITEM #161-98 To consider action relative to an amendment to the Zoning Ordinance concerning the Local Business District (Chapter 21). (Public Hearing).

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

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

MOVED AND SECONDED: That Item #161-98 be tabled until August 11, 1998. (Councilors Soule & Campbell) (6 Ayes) (1 Excused-Soley)

ITEM #162-98 To consider action relative to the approval of Waste Hauler licenses.

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

ROLL CALL OF MEMBERS:

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

BE IT ORDERED: That the following Waste Hauling licenses be approved for fiscal year 1998:

1. Danny Wentworth, d/b/a D. Wentworth Rubbish Removal, Varney Sq. Est, Freeport
2. Jerry Regis, d/b/a Pine Tree Waste, Inc., 33 Rigby Road, South Portland
3. James N. Brown d/b/a Waste Management of Maine, Inc., 2000 Forest Avenue, Portland
4. William B. Reynolds, d/b/a Reynolds & Sons Disposal, Inc., P.O. Box 1092, Portland
5. Filomena Troiano, d/b/a Troiano Waste Services, Inc., 197 Lincoln Street, South Portland
6. Russell G. Stull, d/b/a Yarmouth Rubbish and Recycling, 52 Libby Road, Scarborough
7. Keith Wentworth, d/b/a Keith Wentworth Rubbish Removal, 158 Upper Mast Landing Road, Pownal
8. James Reynolds, d/b/a United Waste Systems of Maine, P.O. Box 1140, Scarborough
9. Frank Waterman, Sr., d/b/a Waterman's Rubbish Removal/Recycling Inc., 345 U.S. Route 1 North, Freeport

ROLL CALL VOTE (Councilors Mann & Campbell)

MOVED AND SECONDED: That Item 162-98 be tabled. (Councilors Campbell & Hindley) (7 Ayes) (2 Excused-Soley & Olmstead)

ITEM #163-98 To consider action relative to the acceptance of an award from the 1998 Small Community Grant Program.

BE IT ORDERED: That a grant in the amount of \$5,000 from the 1998 Small Community Grant Program to provide for the replacement of a private septic system on Roberta Lane be accepted. **ROLL CALL VOTE** (Councilors DeGrandpre & Campbell) (6 Ayes) (1 Excused-Soley)

NOTE: Any match will be provided by the applicant. No Town funds are involved.

MOVED AND SECONDED: To return to Item 162-98. (Councilors Campbell & Hindley) (7 Ayes) (0 Nays)

MOVED AND SECONDED: To amend Item 162-98, #7, to correct the address to 131 Durham Road, Freeport. (Councilors DeGrandpre & Mann) (7 Ayes) (0 Nays)

BE IT ORDERED: That the applicants be approved as amended. **ROLL CALL VOTE** (Councilors Mann & Hindley) (9 Ayes) (0 Nays)

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

ITEM #164-98 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking on Harraseeket Road (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for August 11, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic and Parking 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. **ROLL CALL VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

ITEM #165-98 To consider action relative to an amendment to the Administrative Code concerning Board and Commission attendance requirements (Chapter 2).

BE IT ORDERED: That a Public Hearing be scheduled for August 11, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code (Chapter 2).

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

ITEM #166-98 To consider action relative to a Re-Appointment to the Board of Appeals.

BE IT ORDERED: That Jane Benson be re-appointed, effective immediately, to serve as a member of the Board of Appeals until July 1, 2001. **BALLOT VOTE** (Councilors Hindley & DeGrandpre) (6 Ayes) (1 Excused-Campbell)

BE IT FURTHER ORDERED: That Ms. Benson qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Hindley & Soule) (7 Ayes) (0 Nays)

ITEM #167-98 To consider action relative to a Re-Appointment to the Board of Appeals.

BE IT ORDERED: That Richard Warren be re-appointed, effective immediately, to serve as a member of the Board of Appeals until July 1, 2001. **BALLOT VOTE** (Councilors Soule & DeGrandpre) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Mr. Warren qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

ITEM #168-98 To consider action relative to a Re-Appointment to the Conservation Commission.

BE IT ORDERED: That Stewart Fefer be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001. **BALLOT VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Mr. Fefer qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #169-98 To consider action relative to a Re-Appointment to the Conservation Commission.

BE IT ORDERED: That Robert Moore be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001. **BALLOT VOTE** (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Mr. Moore qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

ITEM #170-98 To consider action relative to an Appointment to the Conservation Commission.

BE IT ORDERED: That Arthur Spiess be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2001. **BALLOT VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Mr. Spiess qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

ITEM #171-98 To consider action relative to a Re-Appointment to the Shellfish Commission.

BE IT ORDERED: That Richard Graves be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2001. **BALLOT VOTE** (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Mr. Graves qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

ITEM #172-98 To consider action relative to a Re-Appointment to the Assessment Review Board.

BE IT ORDERED: That Annee Tara be re-appointed, effective immediately, to serve as a member of the Assessment Review Board until August 1, 2001. **BALLOT VOTE** (Councilors Hindley & Soule) (7 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That Ms. Tara qualify by swearing an oath of office before the Town Clerk by August 7, 1998. **ROLL CALL VOTE** (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

ITEM #173-98 To consider action relative to the Potential Transfer of the Cable Franchise Agreement from FrontierVision to Casco Cable.

BE IT ORDERED: That the letter from the Council Chairperson to FrontierVision Partners, L.P., dated July 6, 1998, be confirmed. **ROLL CALL VOTE** (Councilors Soule & Campbell)

Manager Olmstead explained the schedule of the transfer and future Council approval.

Discussion followed re: specific roads, 90-day period, 14 communities agreeing to transfer, use of Bell Atlantic poles, etc.

MOVED AND SECONDED: That Item #173-98 be tabled indefinitely. (Councilors Mann & Soley) (7 Ayes) (0 Nays)

ITEM #174-98 To consider action relative to the approval of a parking lease and sub-lease.

BE IT ORDERED: That the parking lease between the Town of Freeport and Marilyn Rowe and a parking sub-lease between the Town of Freeport and William Rowe for the leasing of two (2) parking spaces be approved. **ROLL CALL VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #175-98 To consider action relative to the issuance of a Municipal Quit Claim Deed.

BE IT ORDERED: That a Municipal Quit Claim Deed be issued for the following property.

TO: Joseph E. and Sharon M. Flynn
FOR PROPERTY: Tax Map 1, Lot 30 – South Freeport Road
TAX YEAR: 1996

ROLL CALL VOTE (Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

NOTE: Property has been sold and taxes paid.

ITEM #132-98 Tabled June 16, 1998.

To consider action relative to the adoption of an ordinance regulating the Manner and Sale of Tobacco Products (Chapter 41).

BE IT ORDERED: That the proposed ordinance regulating the Manner and Sale of Tobacco Products, as submitted to Public Hearing on June 16, 1998, be adopted. **ROLL CALL VOTE** (Councilors Soley & Campbell)

Steve James, owner of Freeport Variety, stated that if the Council enacts this ordinance, it is a terrible over-reaction to something there is no need for. According to the Chief of Police has had no problems with shoplifting of cigarettes; neither has he. He realizes that councilors want to do everything in their power to get cigarettes out of the hands of children, but feels it is being addressed the wrong way. He requests that the Council reconsider.

Councilor asked Mr. James how he knew children were obtaining cigarettes.

Mr. James replied that he sees it daily. He described an incident in his store where a mother bought cigarettes for her underage daughter.

Richard Veyer, Director of Prevention and Control of the American Cancer Society, stated that an estimated 9%, nation-wide, of underage children do get cigarettes from shoplifting. He feels that shoplifting is significant in Town. Having the cigarettes behind the counter gives the clerk an opportunity to intervene. Virtually no one starts smoking as an adult. Part of the strategy of the tobacco industries is to make cigarettes available through self-service displays. The Cancer Society feels that even though there is a an incentive and benefit for storeowners to use these displays from slotting fees, there is a huge negative impact to the Freeport community. The Cancer Society supports the Council passing this ordinance.

Discussion followed re: the number of shoplifting incidents.

Michael Pascarella, Kendall Lane, stated the he felt the ordinance represents over-regulation; he does not feel that it will have the expected impact, nor that the incentive from tobacco distributors can be that great an incentive to store owners.

Councilor Soley stated that Bow Street Market made a conscious decision to place cigarettes behind the counter and lost \$10,000 annually.

Chris Toy, Middle School Principal, described incidents regarding minors' shoplifting of cigarettes. He stated that local companies know the right thing to do, but admits there are no perfect solutions.

Councilor Mann described an incident in his youth in which a student had stolen a candy bar and was suspended for two weeks. He stated that there must have been a system in place to deal with such incidents. He asked Mr. Toy what happens to children who steal.

Mr. Toy replied that the students are suspended and the other students realize what has happened.

Mr. Toy replied that the students are suspended and the other students realize what has happened.

Dr. Loni Graham stated that national research shows that 9% of children obtain tobacco products through shoplifting; second, tobacco products are not candy bars - they are addictive products.

Councilor Campbell stated that he applauds Mr. James and what he deals with; he has no sympathy with tobacco distributors. He hopes that we can help some children not to smoke; if we do, we will have accomplished our goal. We are trying to prevent children from starting to smoke.

Councilor Soule stated that we all want to keep cigarettes out of the reach of children; we realize it is not the total answer, but is one step in the right direction.

Councilor Soley stated that we have a problem in Freeport that we need to deal with as quickly as we can.

Councilor Mann stated that he is a storeowner who has never liked selling cigarettes. He keeps the displays out of reach. He feels that stealing is a far worse crime than smoking. He wanted it on the record that he is a storeowner, but does not feel he has a conflict of interest. He supports this ordinance.

Councilor DeGrandpre stated that she thinks it would be a very good idea to set up some meetings with parents and school officials regarding this issue. She stated that she does not see this ordinance related to shoplifting, but rather, smoking. She added that she sees this as a connection to the ordinance regarding banning styrofoam in Freeport a few years ago.

MOVED AND SECONDED: To table Item #132-98 until the first meeting in January 1998. (Councilor Hindley & Mann) (1 Aye) (6 Nays-Soley, DeGrandpre, Beaulieu, Soule, Campbell, Mann)

Councilor Hindley stated that he has talked to various storeowners regarding this issue, but wants his vote to represent a thoughtful, reasonable decision. He requested more time to investigate the situation before voting on this item, as he has concerns for individual rights of all.

Councilor Soley stated that there is no individual right to sell dangerous, addictive products. Second, we have gone to the storeowners, discussing the issue, and this was not successful. Thirdly, we held a public hearing, gathering the facts, and we know there is a problem. It is our obligation in good government to meet that problem, and that is what we are doing in the best way we can.

Chairperson Beaulieu stated that this ordinance was drafted for our children, the real victims and we keep perpetuating this. She then clarified to points in the ordinance proposed.

Discussion followed regarding containers for cigarettes.

Councilor Hindley questioned the need for the ordinance, if containers could be used.

Councilor Soley stated that the ordinance would ensure that the cases would be used.

MOVED AND SECONDED: To move the question. (Councilors Campbell & DeGrandpre) (4 Ayes) (3 Nays-Hindley, Mann, Soule)

ROLL CALL VOTE (5 Ayes) (2 Nays-Mann, Hindley)

ITEM #137-98 Tabled June 16, 1998.

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning a drop-off area in front of South Freeport Church (Chapter 48).

BE IT ORDERED: That the proposed amendment to the Traffic and Parking Ordinance, as submitted to Public Hearing on June 16, 1998, be adopted. **ROLL CALL VOTE** (Councilors Campbell & Soule) (6 Ayes) (1 Excused-Hindley)

OTHER BUSINESS:

1. Meeting with the Solid Waste/Recycling Committee to discuss establishing a Solid Waste Transfer area.

Manager Olmstead explained the history of the landfill, the meeting with DEP and the leaching system. He described the existing problems - many areas have worn out and failed, including the liner, etc. He described what action could be taken to correct the problems, adding that there will be another meeting held with DEP in August.

Discussion followed re: pipe size, repair of pipe, need to locate the site of the problem, availability of monies to correct the problem, DEP's main concern for the drinking water, etc.

2. Sign Local Road Assistance Program Certification Form.

Manager Olmstead reported on the updates of this item. A letter had been received from MDOT stating that 4.6 miles of roads were in good condition and ready for turnback. However, after researching past correspondence, etc., it was agreed that this information was not correct and within two weeks, all of the issues will be taken care of.

3. Update on status of Landfill Leachate collection system.

Manager Olmstead reported on this item.

4. Feasibility of consolidating accounting for school and municipal for cost savings. (Requested by Councilor Campbell).

Councilor Campbell stated that he wanted the Council to give consensus on whether we should consolidate with the school department, in which we will save money, and if we decide to do this, how should we proceed, including costs, etc.

Miscellaneous discussion followed re: consolidation of tasks usually saves money, costs involved, pros and cons of an in-house study, requesting proposals from RKO, etc.

5. Discussion on tuitioning non-resident students for Freeport. (Requested by Councilor Campbell).

Councilor Campbell explained why this subject was raised.

Superintendent Lyman described the policy in place, net cost per student, etc.

Discussion followed re: costs involved, buildings, options, Freeport's limit being \$5,000 that the state will allow us to charge, teachers bringing their children to school, etc.

Councilor Mann stated that we are in a situation that before the contract is renewed with Pownal, we should hold a workshop with the school for fact-finding and agreement of how to proceed.

Councilor Campbell raised concerns for the issue that the parents of these students who are non-residents do not pay taxes to Freeport and this represents a loss in tax revenues.

6. Councilor Hindley reported on the General Assembly meeting that he and Councilor Mann attended. They did not vote on anything that would spend taxpayers' money.
7. Manager Olmstead provided an update on the gas pipeline. He stated that seven communities have banded together to support CMP's application. CMP's proposal to Freeport was much superior to that of Northern Utilities. He stated that the Public Utilities Commission will be holding a session to hear arguments tomorrow in Augusta. He added that if CMP does not prevail, they can appeal.

Miscellaneous discussion followed.

COMMITTEE REPORTS: (none)

MOVED AND SECONDED: That the meeting be adjourned at 10:40 P.M. (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary

*Approved July 22, 1998
Meeting # 12-98; item # 132-98
P.H. Meeting # 11-98 (6-16-98)*

**ORDINANCE REGULATING THE MANNER OF SALE OF TOBACCO
PRODUCTS
(CHAPTER 41)**

Section 1. Title.

This ordinance shall be known as the Regulation to Protect Children from Illegal Tobacco Sales Ordinance.

Section 2. Findings and Purposes.

The Freeport Town Council does hereby find that:

- (a) Substantial scientific evidence exists that the use of tobacco products causes cancer, heart disease, and various other medical diseases. The Surgeon General of the U.S. has found that tobacco-caused diseases are the leading cause of premature, preventable death and disability in the U.S.;
- (b) The National Centers for Disease Control have found that at least four hundred thirty-four thousand (434,000) Americans die each year from tobacco-caused diseases. The Surgeon General of the U.S. and the U.S. Department of Health and Human Services have found that a majority of those Americans die of tobacco caused diseases became addicted to nicotine in tobacco products as adolescents before the age of legal consent.
- (c) The National Institute on Drug Abuse has concluded that the nicotine in tobacco products is a powerful addictive drug and identify nicotine addiction as the most widespread example of drug dependence in the U.S.;
- (d) The Surgeon General of the U.S. has found that nicotine in tobacco products is as addictive as cocaine and heroin; and
- (e) The National Institute on Drug Abuse has found that tobacco use by adolescents precedes and is predictive of adolescent illicit drug use.

Accordingly, the Freeport Town Council finds and declares it in the public interest to prohibit self-service sales, self-service displays, racks and shelves of tobacco products except in those premises to which access by minors is not allowed.

The Freeport Town Council further finds it is within its basic police power to implement and enforce the provisions of this ordinance.

Section 3. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

1. **"Business"** means any sole proprietorship, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered in the Town of Freeport.
2. **"Exempt Business"** means any business except tobacco specialty stores that does not allow anyone under eighteen years of age to enter unless accompanied by an adult. These establishments will be exempt from the ordinance as written.
3. **"Person"** shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
4. **"Self-service merchandising"** means open display of tobacco products and point-of-sale tobacco products that the public has access to without the intervention of an employee.
5. **"Tobacco product"** means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing inhalation or other manner of ingestion.
6. **"Tobacco retailer"** shall mean any person or governmental entity that operates a store, stand, booth, concession, or other place at which sales of tobacco products are made to purchasers for consumption or use in the Town of Freeport.
7. **"Vendor assisted"** means any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.
8. **"Vending machine"** means any automated, self-service device which, upon insertion of money, token or other form of payment, dispenses cigarettes or any other tobacco product.
9. **"Tobacco specialty store"** shall mean a tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

Section 4. Regulation of Manner of Sale of Tobacco Products.

- A. It shall be unlawful for any person, business, or tobacco retailer, except tobacco specialty stores which do not allow persons under the age of eighteen (18) to enter the premises, to sell, permit to be sold, offer for sale

or display for sale any tobacco products by means of self-service merchandising.

Section 5. Enforcement.

- A. Enforcement of this ordinance shall be the responsibility of the Chief of Police or his or her designee.

Section 6. Violations and Penalties.

- A. It shall be unlawful for any person who owns, managers, operates or otherwise controls the use of any premises subject to this ordinance to fail to comply with any of its provisions.
- B. Any person, business, tobacco retailer, or owner, manager or operator of any establishment subject to this ordinance shall eliminate the self-service merchandising of tobacco products except for tobacco specialty stores which do not allow persons under the age of eighteen (18) to enter the premises.
- C. Any person, business, tobacco retailer, or owner, manager or operator of any establishment subject to this ordinance who violates any provision of this ordinance shall be deemed guilty of an infraction, punishable by:
- 1) First violation, a warning issued by the Freeport Police Department.
 - 2) Second violation within one year, a fine, not exceeding one hundred dollars (\$100.00), payable to the Town of Freeport.
 - 3) Third violation within one year, a fine, not exceeding two hundred dollars (\$200.00), payable to the Town of Freeport.
 - 4) For a fourth or more violation within one year, a fine, not exceeding one thousand dollars (\$1000.00), payable to the Town of Freeport.

Section 7. Other Applicable Laws.

This article shall not be interpreted or construed to permit tobacco vending machines and distribution of tobacco product samples where they are otherwise restricted by other applicable laws.

*Approved July 22, 1998
Meeting # 12-98; Item # 137-98
P.H. Meeting # 11-98 (6-16-98)*

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

Section 48.313 Parking for Church Activities

A 10-minute drop off/pickup area shall be created on Main Street in South Freeport in front of the South Freeport Church. The area shall be in effect on weekdays from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m.