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**TOWN COUNCIL MEETING #14-99
AUGUST 10, 1999 - 7:00 P.M.
TOWN COUNCIL CHAMBERS**

SUMMARY AGENDA

- ITEM #201-99 To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay. Public Hearing.
- ITEM #202-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21). Public Hearing.
- ITEM #203-99 To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22). Public Hearing.
- ITEM #204-99 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for Church Activities (Chapter 48). Public Hearing.
- ITEM #205-99 To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning the use of the Town Wharf and Floats (Chapter 31). Public Hearing.
- ITEM #206-99 To consider action relative to an appointment to the Freeport Economic Development Corporation.
- ITEM #175-99 Tabled July 20, 1999.
- To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22).
- ITEM #176-99 Tabled July 20, 1999.
- To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47).

OTHER BUSINESS:

1. Request from Burr Cemetery Association for release of Perpetual Care Funds.

COMMITTEE REPORTS:

1. Municipal Facilities.

Adjourn.



AGENDA
FREEPORT TOWN COUNCIL MEETING #14-99
TOWN HALL COUNCIL CHAMBERS
AUGUST 10, 1999 - 7:00 P.M.

SPECIAL NOTE: This agenda is a working agenda that includes background information and is for distribution to Council members only.

FROM: Dale C. Olmstead, Jr.

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #13-99, July 20, 1999 Meeting and accept the Minutes as printed.

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

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

**COUNCIL MEETING #14-99
AUGUST 10, 1999**

ITEM #201-99 To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay. **Public Hearing.**

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the Town Clerk be instructed to place the question of the adding of fluoride to the public water supply for the purpose of reducing tooth decay on the next regular election ballot scheduled for November 2, 1999.

QUESTION 1:

"Fluoride shall be added to the Freeport Public Water System for the intended purpose of reducing tooth decay."

Explanation and Recommendations:

According to the American Dental Association, adding fluoride to the public water supply is completely safe, has no harmful effects, and is the single most effective public health measure we have to prevent tooth decay and improve oral health. Fluoride stops the growth of newly formed cavities on the roots of teeth.

The American Dental Association has further determined that fluoride benefits people of all ages. For example, when children are young and their teeth are still forming, fluoride works by making enamel harder and more resistant to the acid that causes tooth decay. In fact, studies indicate that people who drink optimally fluoridated water will experience up to 40 percent less decay over their lifetimes. For adults, the benefits are just as great. Fluoride helps repair the early stages of tooth decay in adults and helps decrease decay along the gumline in older adults. The American Dental Association estimates that the average cost for a community to fluoridate its water is less than 50 cents per person per year.

Freeport is served by two public water system providers: The South Freeport Water District and Consumers Maine Water Company. The South Freeport Water District is a chartered water district with its defined service area comprising most of South Freeport Village. Consumers Maine Water Company is an investor-owned public utility subject to oversight by the Maine Public Utilities Commission. Consumers is authorized to provide water service to the entire Town of Freeport, with the exception of the South Freeport Water District territory. State law governing authorization and approval of fluoridation in municipalities served by more than one water provider requires that separate elections for each service area be held.

QUESTION 2:

"Fluoride shall be added to the South Freeport Public Water System for the intended purpose of reducing tooth decay."

Explanation and Recommendations:

According to the American Dental Association, adding fluoride to the public water supply is completely safe, has no harmful effects, and is the single most effective public health measure we have to prevent tooth decay and improve oral health. Fluoride stops the growth of newly formed cavities on the roots of teeth.

The American Dental Association has further determined that fluoride benefits people of all ages. For example, when children are young and their teeth are still forming, fluoride works by making enamel harder and more resistant to the acid that causes tooth decay. In fact, studies indicate that people who drink optimally fluoridated water will experience up to 40 percent less decay over their lifetimes. For adults, the benefits are just as great. Fluoride helps repair the early stages of tooth decay in adults and helps decrease decay along the gumline in older adults. The American Dental Association estimates that the average cost for a community to fluoridate its water is less than 50 cents per person per year.

Freeport is served by two public water system providers: The South Freeport Water District and Consumers Maine Water Company. The South Freeport Water District is a chartered water district with its defined service area comprising most of South Freeport Village. Consumers Maine Water Company is an investor-owned public utility subject to oversight by the Maine Public Utilities Commission. Consumers is authorized to provide water service to the entire Town of Freeport, with the exception of the South Freeport Water District territory. State law governing authorization and approval of fluoridation in municipalities served by more than one water provider requires that separate elections for each service area be held.

ITEM #202-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21). **Public Hearing.**

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #202-99 be tabled until August 24, 1999.

ITEM #203-99 To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22). **Public Hearing.**

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #203-99 be tabled until August 24, 1999.

ITEM #204-99 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for Church Activities (Chapter 48). **Public Hearing.**

MOTION: That the Public Hearing be opened.

COUNCIL MEETING #14-99
AUGUST 10, 1999

MOTION: That the Public Hearing be closed.

MOTION: That Item #204-99 be tabled until August 24, 1999.

ITEM #205-99 To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning use of the Town Wharf and Floats (Chapter 31). **Public Hearing.**

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

MOTION: That Item #205-99 be tabled until August 24, 1999.

ITEM #206-99 To consider action relative to an appointment to the Freeport Economic Development Corporation.

BE IT ORDERED: That James Klein be appointed, effective immediately, to serve as a member of the Freeport Economic Development Corporation until May 30, 2000.

NOTE: Filling the unexpired term of Frank Parker.

ITEM #175-99 Tabled July 20, 1999.

To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22).

BE IT ORDERED: That the proposed amendment to the Design Review Ordinance, as submitted to Public Hearing on July 20, 1999, be approved.

ITEM #176-99 Tabled July 20, 1999.

To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47).

BE IT ORDERED: That the proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots, as submitted to Public Hearing on July 20, 1999, be approved.

OTHER BUSINESS:

1. Request from Burr Cemetery Association for release of Perpetual Care Funds.

COMMITTEE REPORTS:

1. Municipal Facilities.

Adjourn.

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-99
August 10, 1999 - 7 P.M.

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

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #13-99 HELD ON JULY 20, 1999 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #13-99 HELD ON JULY 20, 1999 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault)

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

MOVED AND SECONDED: To open the public comment period. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Arsenault)

Chris Wolfe of Maquoit Drive, Jack Chaffin of Lower Flying Point Road and Jeff Ladner of 104 Maquoit Drive addressed the Council regarding the valuations being placed on shorefront properties. Dr. Chaffin furnished a sheet itemizing the differences in valuations on shorefront properties. A discussion followed. Councilors recommended that property owners schedule meetings with the Town Assessor as soon as possible but concurred that some type of public forum should be arranged so that the Assessor can explain the valuations.

MOVED AND SECONDED: To close the public comment period. (Councilors Campbell & Beaulieu) (6Ayes) (1 Excused-Arsenault)

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

ITEM #201-99 To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay.
Public Hearing.

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

Dr. Fred Wygen, Dentist, Brenda White, Freeport School Nurse, Carol O'Rourke, President of the State Public Health Association, Vicky Pergavey, Lisa Clark, Dental Hygienist, Rick Knowlton, Lani Graham, former State Health Officer for the State of Maine and Beth Finlayson of FCS shared their views on the benefits of adding fluoride to Freeport's water supply. Dr. Graham provided a booklet regarding Community Water Fluoridation for the review of the Council. Councilors asked about risks to patients with Arthritis since they received calls from a concerned resident. Discussion followed. Dentist Wygen offered to research information on the use of fluoride by Arthritis patients..

MOTION: That the Public Hearing be closed. (Councilors DeGrandpre & Campbell) (6 Ayes) (1 Excused-Arsenault)

MOVED AND SECONDED: That the Council table this order until the next meeting. (Councilors DeGrandpre & Mann) (3 Ayes—Beaulieu, Mann & DeGrandpre) 3 Nays—Soule, Soley & Campbell) Motion failed.

BE IT ORDERED: That the Town Clerk be instructed to place the question of the adding of fluoride to the public water supply for the purpose of reducing tooth decay on the next regular election ballot scheduled for November 2, 1999. These shall be separate elections for territory served by the South Freeport Water District and the territory served by the Consumers Maine Water Company

QUESTION:

Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

Explanation and Recommendations:

MOVED AND SECONDED: To add the word "known" before "harmful effects". (Councilors Campbell & DeGrandpre) (6 Ayes) (1 Excused-Arsenault).

According to the American Dental Association, adding fluoride to the public water supply is completely safe, has no known harmful effects, and is the single most effective public health measure we have to prevent tooth decay and improve oral health. Fluoride benefits people of all ages. For example, when children are young and their teeth are still forming, fluoride works by making enamel hard and more resistant to the acid that

causes tooth decay. In fact, studies indicate that people who drink optimally fluoridated water will experience up to 40 percent less decay over their lifetimes. For adults, the benefits are just as great. Fluoride helps repair the early stages of tooth decay in adults and helps decrease decay along the gumline in older adults. The American Dental Association estimates that the average cost for a community to fluoridate its water is less than 50 cents per person per year. The Freeport Town Council endorses this referendum.

(Councilors DeGrandpre & Campbell) (6 Ayes) (1 Excused-Arsenault).

ITEM #202-99 To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21). **Public Hearing.**

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

George Fraser, Chair of the Planning Board and Jacki Cohen, Town Planner explained the amendments.

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

MOTION: That Item #202-99 be tabled until August 24, 1999. (Councilors Mann & Soule) (6 Ayes) (1 Excused-Arsenault).

ITEM #203-99 To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22). **Public Hearing.**

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

Barbara Asnes of the Design Review Board explained the amendments. Councilor Beaulieu requested a copy of the original draft that went to the Planning Board. Mrs. Cohen offered to furnish a copy. Councilor Beaulieu asked for clarification on whether the Design Review Board reviews color. Ms. Asnes advised that the Board does not review color. Councilor Beaulieu wanted the record to reflect that the Design Review Board does not review color.

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

MOTION: That Item #203-99 be tabled until August 24, 1999. (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault).

ITEM #204-99 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for Church Activities (Chapter 48). **Public Hearing.**

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

Councilor Beaulieu explained this amendment.

COUNCIL MEETING #14-99
AUGUST 10, 1999

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

MOVED AND SECONDED: That Item #204-99 be tabled until August 24, 1999. (Councilors Soule & Campbell) (6 Ayes) (1 Excused-Arsenault).

ITEM #205-99 To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning use of the Town Wharf and Floats (Chapter 31). **Public Hearing.**

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

Chair Soley explained that people have been leaving their fishing gear on the Town wharf and floats. This amendment will take care of this issue.

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

MOVED AND SECONDED: That Item #205-99 be tabled until August 24, 1999. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Arsenault).

ITEM #206-99 To consider action relative to an appointment to the Freeport Economic Development Corporation.

BE IT ORDERED: That James Klein be appointed, effective immediately, to serve as a member of the Freeport Economic Development Corporation until May 30, 2000.

NOTE: Filling the unexpired term of Frank Parker. (Councilors DeGrandpre & Campbell) **BALLOT VOTE:** (5 Ayes) (1 Nay-Mann) (1 Excused-Arsenault).

ITEM #175-99 Tabled July 20, 1999.

To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22).

MOVED AND SECONDED: To add the words "by the Town of Freeport or its agents" (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault).

BE IT ORDERED: That the proposed amendment to the Design Review Ordinance, as submitted to Public Hearing on July 20, 1999, be approved as amended. (Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused-Arsenault).

ITEM #176-99 Tabled July 20, 1999.

To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47).

MOVED AND SECONDED: To add "Camping in private lots shall be limited to campers arriving at night to one night only. Owners of private lots are permitted to disallow camping." (Councilors Mann & Soule) (1 Aye—Mann) (5 Nays).

Campground owners, Bob Smith and Roland Foster asked if they could make comments on this issue. Councilors concurred that it would be appropriate. They shared their views. Louis Corliss also had input.

MOVED AND SECONDED: To amend Section 2, the last sentence. "Camping in private parking lots shall be limited to a single night." (Councilors Beaulieu & Campbell) (5 Ayes) (1 Nay - Mann).

More input from campground owners and Louis Corliss was received.

MOVED AND SECONDED: To reconsider the amendment and remove the words "Camping in private parking lots shall be limited to a single night." (Councilors Soley & Campbell) (5 Ayes—DeGrandpre, Soule, Campbell & Soley) (2 Nays- Beaulieu & Mann).

BE IT ORDERED: That the proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots, as submitted to Public Hearing on July 20, 1999, be approved. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arsenault).

OTHER BUSINESS:

1. Request from Burr Cemetery Association for release of Perpetual Care Funds.

Leslie Craig advised that the Cemetery Association is concerned with the performance of the Town with their Perpetual Care money. The interest money they have been receiving is not sufficient to properly maintain the Burr Cemetery. The balance of funds as of April 1, 1999 was \$123,401.61 and the Town paid the Cemetery Association 3.9%. Chris Stilkey, Trustee of the Cemetery Association also discussed this issue.

Councilors concurred that more information is needed on this matter.

2. Bustin's Island

Mr. Olmstead asked for a consensus of Councilors planning to attend a dinner on the island on August 17 and discussing the possibility of the island borrowing from, or through the town, the funds necessary to purchase a boat suitable for use as a ferry. Councilors concurred that the dinner needed to be rescheduled sometime the week of August 23 or after Labor Day.

3. Tax Assessments

Chair Soley suggested that a public meeting with the Tax Assessor should be scheduled to explain the new tax assessments. This issue affects everyone in Town. Discussion followed.

4. MMA

Mr. Olmstead pointed out that if any Councilor is interested in registering for this year's convention in Portland, they should contact his Assistant, Kelly before August 31 so that she can register them.

MOVED AND SECONDED: To adjourn at 11:15 p.m. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused-Arsenault).

Respectfully Submitted,

Sharon Coffin

Sharon Coffin, Recorder

ITEM #201-99 To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay. Public Hearing.

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the Town Clerk be instructed to place the question of the adding of fluoride to the public water supply for the purpose of reducing tooth decay on the next regular election ballot scheduled for November 2, 1999. These shall be separate elections for territory served by the South Freeport Water District and the territory served by the Consumers Maine Water Company.

QUESTION:

Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

Explanation and Recommendation:

According to the American Dental Association, adding fluoride to the public water supply is completely safe, has no harmful effects, and is the single most effective public health measure we have to prevent tooth decay and improve oral health. Fluoride benefits people of all ages. For example, when children are young and their teeth are still forming, fluoride works by making enamel hard and more resistant to the acid that causes tooth decay. In fact, studies indicate that people who drink optimally fluoridated water will experience up to 40 percent less decay over their lifetimes. For adults, the benefits are just as great. Fluoride helps repair the early stages of tooth decay in adults and helps decrease root decay along the gumline in older adults. The American Dental Association estimates that the average cost for a community to fluoridate its water is less than 50 cents per person per year. The Freeport Town Council endorses this referendum.

Approved
8-10-99
with one (1)
change

will be known



*Approved August 10, 1999
Meeting #14-99; item #176-99
P.H. Mtg. #13-99 (7-20-99)*

adopted
**PROPOSED AMENDMENTS
ORDINANCE PROHIBITING CAMPING ON
PUBLIC STREETS AND IN MUNICIPAL PARKING LOTS
(CHAPTER 47)**

1. **Definitions.** As used in this ordinance, the following terms have the following meaning:
 - a. "Camp" means: to occupy a recreational vehicle as temporary living quarters. "Camp also means to park a recreational vehicle on a street or in a municipal parking lot for three or more consecutive hours between the hours of 11:50 p.m. and 6:00 a.m. the following day, unless the recreational vehicle is unoccupied the entire time it is parked there.
 - b. "Municipal Parking Lot" means: any parking area, ~~whether publicly or privately owned, except the parking provided for a single family or two family dwelling.~~
 - c. "Recreational Vehicle" means: a vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven over the road and which is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
 - d. "Street" means: any public way, private way or driveway, except a private way or driveway providing access only to a single family or two family dwelling.
2. **Camping on Streets and in Municipal Parking Lots Prohibited.** No person shall camp or permit any other person to camp on any street or in any municipal parking lot within the Town of Freeport.
3. **Penalties and Persons Liable.** Any person who violates this ordinance commits a civil violation punishable by a civil penalty in the amount of \$100.00. The following persons shall be liable for the penalty, provided that the Town shall not collect more than one penalty for any single violation:
 - a. Any person above the age of majority who is occupying the recreational vehicle at the time of the violation.
 - b. The driver who parked the recreational vehicle.
 - c. Any person who owns or controls a street ~~or parking lot~~ and gives permission to any person to camp thereon.
4. **Enforcement.** This ordinance may be enforced by any police officer .



Approved August 10, 1999
Meeting #14-99; item #175-99
P.H. mtg. #13-99 (7-20-99)

Approved (as amended)
PROPOSED AMENDMENT

TO THE DESIGN REVIEW ORDINANCE

CHAPTER 22

Section V. Design Certificate

In considering application for permits, the Board of Review shall use the guidelines appearing in Section VIII of this Ordinance. A Design Certificate shall be required before a permit to proceed is issued for any of the following:

5. Any material change in existing walks, walls, fences, signs, driveways and parking areas or construction of new walls, fences, driveways, and parking areas if subject to view from a public street or public right of way within the District. Public improvements in the public right of way are exempt from this requirement;

ADD: *by the Town of Freeport
or its agents*

