

FREEPORT TOWN COUNCIL SUMMARY AGENDA #22-2000
TOWN HALL COUNCIL CHAMBERS 7:00 PM
DECEMBER 19, 2000

Item #221-00 To consider action relative to adopting the December 19, 2000 Consent Agenda, Items 219 & 220-00.

Item #222-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing).

Item #223-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing)

Item #224-00 To consider action relative to amendments to the General Assistance Ordinance concerning maximum levels of assistance. (Chapter 46) (Public Hearing)

Item #225-00 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning one hour and fifteen minute parking on Main Street. (Chapter 48) (Public Hearing)

Item #226-00 To consider action relative to the adoption of Town Council Goals for 2001.

Item #227-00 To consider action relative to a proposed Zoning Map Amendment which relocates the Resource Protection II District on Tax Map 15, Lots 10&11.

Item #228-00 To consider action relative to a proposed amendment to the Administrative Code concerning the election of officers for Boards and Committees. (Chapter 2)

OTHER BUSINESS:

1. Presentation on impact of storm water run off on water quality – Brad Guay of NEMO.
2. Update on Keith Property acquisition.
3. Discussion on options for bonding school construction projects.
4. Discussion on fire equipment for the new fire truck.
5. Discussion on Fire/Rescue Birthday Party Program.
6. Discussion on the banning of the sale of mercury thermometers.
7. Discussion on School Funding Initiative.

END OF AGENDA



**FREEPORT TOWN COUNCIL SUMMARY CONSENT AGENDA
MEETING #22-2000
TOWN HALL COUNCIL CHAMBERS 7:00 PM
DECEMBER 19, 2000**

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| ITEM #219-00 | To consider action relative to the approval of a Malt, Spirituous and Vinous License. |
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| ITEM #220-00 | To consider action relative to the approval of Victualer Licenses. |
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END OF CONSENT AGENDA



AGENDA
FREEPORT TOWN COUNCIL MEETING #22-2000
TOWN HALL COUNCIL CHAMBERS
DECEMBER 19, 2000 - 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: John Arsenault, Chairperson, Prout Road
Robert Stevens, Vice Chairperson, Porters Landing
David Soley, Arnold Road
Genie Beaulieu, Larue Drive
Kenneth Mann, Mann Road
Karen Bricklemyer, Bears Run
Eileen Lowell, South Freeport Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #21-2000, December 5, 2000 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 AGENDA
DECEMBER 19, 2000**

Item #221-00 To consider action relative to adopting the December 19, 2000 Consent Agenda, Items 219 & 220-00.

BE IT ORDERED: That the December 19, 2000 Consent Agenda be adopted.

Item #222-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing).

MOTION: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

John Ingerson d/b/a Freeport Auto Parts, 2 Allen Range Road

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved.

Item #223-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing)

MOTION: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

David Bolduc d/b/a Allen Range Used Auto Parts, 13 Allen Range Road.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved.

**COUNCIL AGENDA
DECEMBER 19, 2000**

Item #224-00 To consider action relative to amendments to the General Assistance Ordinance concerning maximum levels of assistance. (Chapter 46) (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance be approved.

Item #225-00 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning one hour and fifteen minute parking on Main Street. (Chapter 48) (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance be approved.

Item #226-00 To consider action relative to the adoption of Town Council Goals for 2001.

BE IT ORDERED: That the following Town Council goals be adopted for 2001.

1. Support efforts to manage residential growth and build on opportunities it presents.
2. Support Economic Developments. (Train Opportunities, Town Scape, U.S. Route 1 South Vision, Grocery Store, Vision 2010)
3. Schools – Improve relationships, funding issues, system improvements and support building projects.
4. Reduce reliance on Property Tax.
5. Develop and adopt a Town wide plan for Bicycle/Pedestrian ways.

**COUNCIL AGENDA
DECEMBER 19, 2000**

Item #227-00 To consider action relative to a proposed Zoning Map Amendment which relocates the Resource Protection II District on Tax Map 15, Lots 10 & 11.

BE IT ORDERED: That a Public Hearing be scheduled for January 2, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Zoning Map.

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

Item #228-00 To consider action relative to a proposed amendment to the Administrative Code concerning the election of officers for Boards and Committees. (Chapter 2)

BE IT ORDERED: That a Public Hearing be scheduled for January 2, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code.

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

Note: This item was requested by Councilor Beaulieu.

OTHER BUSINESS:

1. Presentation on impact of storm water run off on water quality – Brad Guay of NEMO.
2. Update on Keith Property acquisition.
3. Discussion on options for bonding school construction projects.
4. Discussion on fire equipment for the new fire truck.
5. Discussion on Fire/Rescue Birthday Party Program.
6. Discussion on the banning of the sale of mercury thermometers.
7. Discussion on School Funding Initiative.

END OF AGENDA

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-2000
TOWN HALL COUNCIL CHAMBERS
December 19, 2000 – 7 P.M.

| <u>CHAIRPERSON'S CALL TO ORDER:</u> | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
|---|-----------------------|----------------------|-----------------------|
| John Arsenault, Chairperson Prout Road | X | | |
| Robert Stevens, Vice Chairperson Porters Landing | X | | |
| Genie Beaulieu, Larue Drive | X | | |
| David Soley Arnold Road | X | | |
| Kenneth Mann Mann Road | X | | |
| Karen Bricklemyer Bears Run | X | | |
| Eileen Lowell South Freeport Road | X | | |

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #21-2000 HELD ON DECEMBER 5, 2000 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #21-2000 HELD ON DECEMBER 5, 2000 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Beaulieu & Stevens) (7 Ayes)

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

There were no public comments made.

MOVED AND SECONDED: To close the Public Comment Period (Councilors Stevens & Beaulieu) (7Ayes)

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

Item #221-00 To consider action relative to adopting the December 19, 2000 Consent Agenda, Items 219 & 220-00.

BE IT ORDERED: That the December 19, 2000 Consent Agenda be adopted.(Councilors Soley & Stevens) **ROLL CALL VOTE:** (7 Ayes)

Item #222-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing).

MOVED AND SECONDED: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

John Ingerson d/b/a Freeport Auto Parts, 2 Allen Range Road
(Councilors Beaulieu & Stevens) (7 Ayes).

No public comments were made.

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

Chair Arsenault advised that the DEP has reviewed the tire and oil violation in this instance and feels that the violations are being taken care of in a timely manner. They feel that the application should be granted. A letter was furnished by the DEP. Councilor Mann noted that he has also spoken with the DEP and the Codes Enforcement Officer and learned that they will continue to monitor the progress that has been made. Councilor Stevens agreed.

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved.
(Councilor Beaulieu & Stevens) **ROLL CALL VOTE:** (7 Ayes).

Item #223-00 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit. (Public Hearing)

MOVED AND SECONDED: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

David Bolduc d/b/a Allen Range Used Auto Parts, 13 Allen Range Road.
(Councilors Stevens & Beaulieu). (7 Ayes).

Mr. Bolduc explained that he purchased the property in 1993. He always parked cars on the opposite side of the street until 1999. He also never had a fence but is willing to erect one but needs some time to get it up. Mr. Olmstead noted that he spoke to the Codes

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Enforcement Officer and it is not known whether the use on the opposite side is a problem or not. It may be a grandfathered instance and Mr. Reeder will need concrete evidence to prove it. State law requires screening and there is not any natural screening in the winter. Mr. Olmstead recommends that the Council grant the applicant 90 days to satisfy the Codes Enforcement Officer's land use issue and 6 months to properly screen the property.

Councilor Mann noted that he operated a business in this area for many years and is aware of all the previous owner's practices at this location. He has spoken with the previous owners and they are willing to provide signed statements for Mr. Reeder which will take care of the grandfathered status for parking across the street. Mr. Reeder is not recommending that the license not be granted but wants the issues taken care of.

Councilor Soley had questions for the applicant.

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

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved on condition that the land use with respect to the use of the lot on the other side of the street be resolved to the satisfaction of our Codes Enforcement Officer within 90 days and that the applicant comply with the screening requirements of the State Statute by June 30, 2001.(Councilors Stevens & Beaulieu).

A discussion followed regarding the reporting of progress on this application. Mr. Olmstead offered to report on the compliance at the second meeting in March

ROLL CALL VOTE: (7 Ayes).

Item #224-00 To consider action relative to amendments to the General Assistance Ordinance concerning maximum levels of assistance. (Chapter 46)
(Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened.
(Councilors Lowell and Beaulieu) (7 Ayes).

Mr. Olmstead explained that the State adjusts its benefit levels for General Assistance and Municipalities must be in compliance with the State Guidelines.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Lowell & Beaulieu). **ROLL CALL VOTE:** (7 Ayes).

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BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance be approved. (Councilors Lowell & Beaulieu)
ROLL CALL VOTE: (7 Ayes).

Item #225-00 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning one hour and fifteen minute parking on Main Street. (Chapter 48) (Public Hearing)

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

Mr. Olmstead explained that four parking spaces are being taken out of the one hour parking zone in front of the new China Rose Restaurant and eliminating the most southerly spot in that area. The remaining spaces are being designated as 15 minutes. Councilor Beaulieu added that this is being done at the request of the owner of China Rose.

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

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance be approved. (Councilors Mann & Stevens)
ROLL CALL VOTE: (7 Ayes).

Item #226-00 To consider action relative to the adoption of Town Council Goals for 2001.

BE IT ORDERED: That the following Town Council goals be adopted for 2001.

1. Support efforts to manage residential growth and build on opportunities it presents.
2. Support Economic Developments. (Train Opportunities, Town Scape, U.S. Route 1 South Vision, Grocery Store, Vision 2010)
3. Schools – Improve relationships, funding issues, system improvements and support building projects.
4. Reduce reliance on Property Tax.
5. Develop and adopt a Town wide plan for Bicycle/Pedestrian ways.

(Councilors Bricklemyer & Stevens)

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Councilor Mann noted that there may be some items on this list that he will vote against when they come up later but he supports the overall package.

ROLL CALL VOTE: (7 Ayes).

Item #227-00 To consider action relative to a proposed Zoning Map Amendment which relocates the Resource Protection II District on Tax Map 15, Lots 10 & 11.

BE IT ORDERED: That a Public Hearing be scheduled for January 2, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Zoning Map.

BE IT FURTHER ORDERED: That 30 copies be made and distributed equally between the Town Clerk's Office and the Freeport Community Library for inspection by citizens. (Councilors Soley & Beaulieu).

ROLL CALL VOTE: (7 Ayes).

Item #228-00 To consider action relative to a proposed amendment to the Administrative Code concerning the election of officers for Boards and Committees. (Chapter 2)

BE IT ORDERED: That a Public Hearing be scheduled for January 2, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code.

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

Note: This item was requested by Councilor Beaulieu. (Councilors Beaulieu & Stevens).

Councilor Beaulieu explained this amendment and answered questions.

ROLL CALL VOTE: (7 Ayes).

OTHER BUSINESS:

1. Presentation on impact of storm water run off on water quality – Brad Guay of NEMO.

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Mr. Guay gave a Power Point presentation and answered questions for the Council. He introduced Professor Lea of Bowdoin College.

Chair Arsenault thanked him for such a helpful and interesting presentation.

2. Update on Keith Property acquisition.

Mary Sauer, Bob Moore and Steve Walker were in attendance. Mr. Soley reported that he acquired an oral report from the Title Researcher. There are more than 93 acres involved if the Reed Road is taken out. There may be a three-acre piece of this property that the Keiths only own a half interest. Mr. Soley would like to have this issue resolved. He advised that it appears that when Mrs. Keith's mother conveyed the land to Mrs. Keith and her sister, she may not have gotten more than 50% of a portion of this property. It may be owned by an heir of the Witcher family. Mr. Soley advised that the pins were off a bit but the Town could do an agreement with the neighbors.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Soley & Stevens) (7 Ayes).

MOVED AND SECONDED: That the Town Manager be empowered at his discretion to sign all papers necessary to consummate the purchase of the Keith property. (Councilors Soley & Stevens)

Councilor Beaulieu brought up the issue of perhaps having to pay for the half of the three acres that are in question. Mr. Olmstead clarified that the Town contracted this property, thinking it was going to get 90 acres. Without the Reed Road, the Town will be getting 93 acres and a half interest in three acres. While he will attempt to resolve the three-acre issue, he is not convinced it is critical to do so. He does not want to see the sale of the property stopped because of it. More discussion followed.

ROLL CALL VOTE: (7 Ayes).

Chair Arsenault thanked Councilor Soley and the Conservation Commission for all the work they did on this effort.

3. Discussion on options for bonding school construction projects.

Mr. Olmstead explained that the Town Council agreed to place all construction projects on the ballot in November. The bonding of the High School projects will take place two years from now to spread out the impacts on the tax rate. The School Department applied to the State for reimbursement submitted for competition. The voters approved the bond issue. He and Hedy met with Moors & Cabot to discuss borrowing money, investing it in guaranteed investments and earning interest. Mr. Olmstead had learned from Bob Lyman that if the Town borrows in advance for the High School project, it will not be eligible for

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State reimbursement. Mr. Soley indicated that he got a message from Mr. Lyman today noting that this information may not be correct but he is having a hard time getting a direct answer. Discussion followed.

MOVED AND SECONDED: To consider an item not on the printed agenda. (Councilors Stevens & Mann) (7 Ayes).

MOVED AND SECONDED: That we proceed to attempt to bond these projects as recommended by our Bond Advisor conditioned upon a satisfactory determination and communication to us in writing from the State that it would not disqualify us for seeking State assistance for the High School portion of the project. (Councilors Stevens & Beaulieu).

ROLL CALL VOTE: (7 Ayes).

Councilor Stevens asked the Town Manager to thank Mr. Cuetara for pointing this information out to the Town.

4. Discussion on fire equipment for the new fire truck.

Chief Fournier explained that back in July he made a presentation to the Council on a request for a new fire truck. The voters approved up to \$425,000 for the vehicle and equipment. The new truck is being purchased at \$406,893 and will be delivered in June. The chief would like to purchase 5" hosing and two sawzalls in order to work on two vehicles at the same time. He will purchase as much equipment as he can this year and will ask for \$10,000 in the Capital Budget in April to ensure he has the equipment he needs. Mr. Olmstead suggested that the chief go through the bid process.

5. Discussion on Fire/Rescue Birthday Party Program.

Chief Fournier explained that this program allows children to have memorable birthday parties and educates them in fire prevention and life-saving skills at the same time. Following the party, the children and parents will be given a ride home on a fire truck.

Councilor Soley asked about costs involved in driving a piece of equipment that costs \$400,000 approximately 1,000 miles per year. The chief noted that mileage does not wear out the fire trucks and in Waterville, the program was used a few times a month. Discussion followed. Councilor Beaulieu pointed out that cost is an issue for her. She agrees that this program would be great for public relations but suggested that donations be accepted from people that can afford to pay, in order to keep taxes down. Councilor Bricklemyer agreed that accepting donations would make sense. Councilor Stevens suggested that the Town's Counsel take a look at the waiver policy. Councilor Mann

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suggested that the Fire Chief bring this issue back to the Council anytime he feels it should be revisited.

MOVED AND SECONDED: To consider an item not on the printed agenda. (Councilors Stevens & Beaulieu) (7 Ayes).

MOVED AND SECONDED: That the Fire Chief be given the discretion to hold birthday parties that he deems appropriate at the Public Safety Building using public safety equipment that he deems appropriate. If appropriate, he will ask the birthday families for a donation. (Councilors Soley & Stevens) **ROLL CALL VOTE:** (7 Ayes).

6. Discussion on the banning of the sale of mercury thermometers.

Mr. Olmstead noted that he put this on the agenda to bring it to the Council's attention. Councilor Mann mentioned that it would be great to have the State ban the sale of mercury thermometers. He would be willing to do anything to ban it even if it is just local. Councilor Soley feels that this should be a federal issue but would suggest that it be marked up for a public meeting. Councilor Stevens agreed to putting it on the agenda for a public hearing. Mr. Olmstead offered to put together an ordinance and will bring it back to the Council

7. Discussion on School Funding Initiative.

Mr. Olmstead explained that there is a group in Southern Maine that will begin carrying a petition on a State-wide initiative to increase the State commitment to State funding. This group may send a representative to seek the Council's support. Tom Bull has not seen any discussion in Augusta yet on this concept.

Other Business:

Councilor Soley advised that the Council has rules that one cannot speak at the podium longer than 3 minutes and yet presentations can go longer than an hour. He would suggest that people doing presentations should do them at workshops rather than regular meetings. Chair Arsenault advised that the Council will have to listen to presentations occasionally and Councilor Beaulieu suggested putting them on the end of the agenda.

Mr. Olmstead advised that he received a check in the amount of \$50.00 from a resident for the purchase of land located at Pine Street and South Freeport Road. Councilor Soley noted that this is a private initiative and the check should be forwarded onto the Freeport Conservation Trust.

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Adjournment

MOVED AND SECONDED: To adjourn at 9:45 p.m. (Councilors
Bricklemyer & Beaulieu) (7 Ayes).

Respectfully Submitted,

Sharon Coffin

Sharon Coffin,
Council Secretary

FREEPORT TOWN COUNCIL CONSENT AGENDA

DECEMBER 19, 2000

ITEM #219-00 To consider action relative to the approval of a Malt, Spirituous and Vinous License.

BE IT ORDERED: That the Malt, Spirituous and Vinous License application of Leona Smith d/b/a Falcon Restaurant, 8 Bow Street, be approved.

ITEM #220-00 To consider action relative to the approval of Victualer Licenses.

BE IT ORDERED: That the following Victualer License applications be approved.

Ruth Simons d/b/a Royal River Natural Foods
443 U.S. Route 1

Dianne Morrison d/b/a Eagle Motel
215 U.S. Route 1

John Crawford d/b/a Freeport Café
31 U.S. Route 1

Francis Doherty d/b/a Doherty's North Freeport General Store
130 Wardtown Road

R.E. Management, Inc. d/b/a Kids Food Stand
Peddler/L.L. Kids Store

R.E. Management, Inc. d/b/a Kelley Hot Dogs
Peddler/Polo Store

R.E. Management, Inc. d/b/a Maine Made Ice Cream
76 Main Street

END OF CONSENT AGENDA

FREEPORT TOWN COUNCIL CONSENT AGENDA

DECEMBER 19, 2000

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R.E. Management, Inc. d/b/a Kids Food Stand
Peddler/L.L. Kids Store

R.E. Management, Inc. d/b/a Kelley Hot Dogs
Peddler/Polo Store

R.E. Management, Inc. d/b/a Maine Made Ice Cream
76 Main Street

END OF CONSENT AGENDA

Approved: meeting # 22-2000
Item # 225-00
Dec. 19, 2001

Adopted
PROPOSED

AMENDMENTS TO THE TRAFFIC & PARKING ORDINANCE
Chapter 48

Section 303 One Hour Parking Zones.

5. ~~On the west side of Main Street from the end of the no parking zone described in Section 48-301.69 extending North 120 feet.~~

6. 5.

Section 301 No Parking Zones

69. On the west side of Main Street from the northerly corner of West Street extending north ~~100~~ 120 feet.

Section 307 Fifteen Minute Parking Zones.

4. On the west side of Main Street from the end of the no parking zone described in Section 48-301.69 extending north 100 feet.