

MINUTES

Meeting: No. 21-73
 Date: June 19, 1973
 Time: 7:30 P.M.
 Place: Council Room

TOWN OF FREEPORT MEETING OF THE FREEPORT TOWN COUNCIL

X	Regular
	Special

Roll Call of Members

Present Absent Excused

David J. Thompson, Chairman, Beech Hill Road	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Arthur Palmer, Vice Chairman, Pleasant Hill Road	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Edgar Leighton, Independence Drive	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Edward Bonney, Nathan Nye Street	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td>X</td></tr></table>	X
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Frank Small, Bow Street	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Robert Furtney, Porter's Landing	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Edwin Fogg, Old County Road	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Moved and Seconded - A reading of the minutes of Meeting No. 20-73 be waived and they be accepted as written. (Messrs. Small & Fogg) (6 Yes) (0 No).

Moved and Seconded - That the Council recess and the Licensing Board convene. (Messrs Palmer and Leighton) (6 Yes) (0 No)

Roll Call of Members

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Bruce Benway, Treasurer, North St., Yarmouth	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Phyllis Roy, Town Clerk, Park Street	<table border="1"><tr><td>X</td></tr></table>	X	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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Moved and Seconded - The following Victualer's Licenses and Malt Liquor Licenses be subject to public hearing. (Messrs. Benway & Small) (8 Yes) (0 No).

Daniel Bruce Ciaramitaro, d/b/a Country Club, Old County Road
Perley E. Hood, 18 Bow Street

Moved and Seconded - That the public hearing on Victualer's Licenses and Malt Liquor Licenses be closed. (Messrs. Benway & Small) (8 Yes) (0 No).

ITEM NO. 156 Be It Ordered - That Victualer's License and Malt Liquor License without entertainment be granted for one Daniel Bruce Ciaramitaro, d/b/a Country Club, Old County Road. (Messrs Benway & Palmer) (7 Yes) (0 No) (1 Abstention, Mr. Thompson).

Be It Ordered - That Victualer's License and Malt Liquor License with entertainment be granted one Perley E. Hood, 18 Bow Street. (Messrs. Benway & Leighton) (7 Yes) (0 No) (1 Abstention, Mr. Thompson)

Moved and Seconded - The Licensing Board be adjourned and the Council reconvene. (Messrs. Leighton & Palmer) (8 Yes) (0 No).

ITEM NO. 157 Be It Ordered - That the Town Manager's appointment of Arthur Rush as Clam Warden be confirmed. (Messrs. Palmer & Fogg) (6 Yes) (0 No).

Moved and Seconded - That Item No. 158 be dismissed. (Messrs. Small and Fogg) (6 Yes) (0 No).

Moved and Seconded - To table Item No. 159 until such time as it becomes convenient for the Chief of the Fire Department to be in attendance and explain about this particular piece of equipment. (Messrs. Leighton & Small) (6 Yes) (0 No)

Moved and Seconded - The Planning Board be allowed to make their report at this point in the agenda. (Messrs Furtney & Small) (6 Yes) (0 No)

ITEM NO. 165 Be It Ordered - That the Report of the Planning Board Chairman be accepted as presented. (Messrs. Furtney & Palmer) (6 Yes) (0 No).

ITEM NO. 160 Be It Ordered - That the Town accept the bid proposal of James Lumsden in the sum of \$75.00 for the surplus freezer currently located in the West Street Barn. (Messrs Palmer & Leighton) (1 Yes, Mr. Fogg) (5 No)

PROPOSED CONSERVATION COMMISSION ORDINANCE

Section 1. ESTABLISHMENT

1.1 The Freeport Conservation Commission is hereby created and established pursuant to the provisions of Subchapter II of Chapter 229 of Title 30 of the Maine Revised Statutes.

Section 2. ORGANIZATION

2.1 The Commission shall consist of five members appointed by the Town Council to hold office initially for 1, 2, 3, 4 and 5 years, respectively, and after the first year the Town Council shall appoint annually a Commissioner for a five-year term to fill the vacancy created by the member whose term expires.

2.2 Members shall be residents of the Town of Freeport and shall serve without compensation.

2.3 Neither a municipal officer nor a member of _____
_____ may be a member of the Conservation Commission.

2.4 The Commission shall annually elect a chairman, a vice-chairman and a secretary from its membership and may create and fill such other offices as it may

determine. Officers shall serve one-year terms and shall be eligible for re-election.

- 2.5 When there exists a permanent vacancy, the Town Council shall, within sixty days of its occurrence, appoint a person to serve for the unexpired term.
- 2.6 Members may be removed by the Town Council for cause, after notice and hearing.

Section 3. DUTIES

The Conservation Commission:

- 3.1 May, as delegated to it by the Town Council from time to time, have the care and superintendence of public parks as designated by the Town Council and, subject to the approval of the Town Council, direct the expenditure of all moneys appropriated for the improvement of same.
- 3.2 Shall conduct research, in conjunction with the Planning Board, into local land areas.
- 3.3 Shall seek to coordinate the activities of conservation bodies organized for similar purposes.
- 3.4 May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judg-

ment it deems necessary utilizing such funds as may be donated to the Town of Freeport or appropriated by the Town Council for such purposes.

- 3.5 Shall prepare and keep an index of all open areas, publicly or privately owned, within the Town of Freeport, including marsh lands, swamps and other wetlands for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas.
- 3.6 May recommend to the Town Council or Planning Board or any agency of the State of Maine, a program for better utilization, protection, development or use of such open areas, which recommendations may include the acquisition of conservation easements.
- 3.7 May, after approval of the Town Council, acquire land in the name of the Town of Freeport for any conservation purpose.
- 3.8 May, after approval of the Town Council, receive gifts in the name of the Town of Freeport for any conservation purpose and shall administer same for such purposes, subject to the terms of the gift.

3.9 Shall keep records of its meetings and activities and shall make an annual report to the Town Council to be published as part of the annual report of the Town of Freeport.

3.10 Shall perform such other duties as may be delegated to it from time to time by the Town Council.

Section 4. SAVINGS CLAUSE.

4.1 The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Section 5. EFFECTIVE DATE

5.1 This Ordinance shall take effect thirty (30) days after its enactment.

ITEM NO. 161 Be It Ordered - That a public hearing on the proposed Conservation Commission Ordinance be held on July 3, 1973 at 7:30 P.M. in the Council Room at the Municipal Building.

Be It Further Ordered - That 100 copies of the proposed ordinance be printed and that they be divided as nearly equally as possible between the Town Clerk's Office, the Library and the Municipal Building for pickup by citizens.

(Messrs. Palmer & Leighton) (6 Yes) (0 No).

Moved and Seconded - Item No. 159 be brought from the table.
(Messrs. Palmer & Small) (6 Yes) (0 No).

ITEM NO. 159 Be It Ordered - That up to \$450.00 be expended from the receipts earned on the 1952 four-wheel drive jeep for a ring saw. (Messrs. Palmer & Fogg) (6 Yes) (0 No).

ITEM NO. 162 Be It Ordered - That the appointments of all Boards, Commissions, and Special Officers remain in effect for a period of up to 60 days beginning June 30, 1973 (excluding permanent appointments already made).

Be It Further Ordered - That the Appointments Committee may make recommendations concerning one or more of these appointments and that the Town Council may take actions relative to those recommendations from time to time during the 60 day period beginning June 30, 1973. (Messrs. Small & Palmer) (6 Yes) (0 NO)

Moved and Seconded - To table Item No. 163 until later in the meeting. (Messrs Palmer & Leighton) (6 Yes) (0 No).

PROPOSED CONCEALED WEAPON ORDINANCE

Section 1. LICENSE REQUIRED

1.1 No person shall wear under his clothes or conceal about his person within the Town of Freeport any firearm or other dangerous or deadly weapon unless first licensed to do so in accordance with the provisions of this Ordinance and the Laws of the State of Maine.

Section 2. QUALIFICATIONS

2.1 The Chief of Police may, upon written application therefor and after such investigation as the Chief of Police may deem necessary, issue a license to carry such weapon to persons qualified in accordance with the provisions of this Ordinance.

2.2 Applicants for a license hereunder must be legal residents of the Town of Freeport, of good moral character, at least eighteen (18) years of age and shall not have been convicted of, or be under complaint or indictment for, assault, assault and battery or a felony; be a user of or be addicted to marijuana or any other depressant, stimulant or narcotic or other dangerous drug; and also shall not have been judged by a court as a mental defective or have been committed to, or voluntarily been a patient at, a mental institution.

2.3 Applicants for a license hereunder shall further certify in writing to the Chief of Police, together with the reasons therefor, that a license to carry a concealed weapon is required for the personal safety and protection of the licensee or required in connection with the employment of the licensee, and if the latter, the application and certificate shall be so endorsed by the employer.

Section 3. LICENSE TERM

3.1 All licenses shall be valid until the end of the calendar year in which issued unless sooner revoked by the Chief of Police or Town Council. Any license

issued in connection with employment shall cease to be valid when the employee leaves the employment of the employer who endorsed the application.

Section 4. RECORDS

- 4.1 The Chief of Police shall make a permanent record of all applications and licenses issued in a suitable file kept for that purpose in the Police Department.
- 4.2 Such record shall include the date of issuance, the name, age, sex and street address of the licensee, together with a complete description of the weapon, and in the case of firearms, the caliber, make, model and serial or other identification number.

Section 5. EXEMPTION

- 5.1 This Ordinance shall not apply to duly appointed and qualified police officers, constables or other officers charged with the enforcement of law.

Section 6. PENALTY

- 6.1 Whoever violates any of the provisions of this Ordinance shall, upon conviction therefor, be punished by a fine of not more than \$100.00.

Section 7. SAVINGS CLAUSE

7.1 The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Section 8. EFFECTIVE DATE

8.1 This Ordinance shall take effect thirty (30) days after its enactment.

ITEM NO. 164 Be It Ordered - That a public hearing on the proposed Concealed Weapon Ordinance be held on July 3, 1973 at 7:30 P.M. in the Council Room at the Municipal Building.

Be It Further Ordered - That 100 copies of the proposed ordinance be printed and that they be divided as nearly equally as possible between the Town Clerk's Office, the Library and the Municipal Building for pickup by citizens.
(Messrs. Fogg & Palmer) (6 Yes) (0 No).

Moved and Seconded - That Item No. 153 be brought from the table.
(Messrs. Palmer & Leighton) (6 Yes) (0 No).

PROPOSED CONSTABLE'S COMMISSION ORDINANCE

Section 1. APPOINTMENT

1.1 Subject to the provisions of this Ordinance, the Town Council may appoint for not more than one year, remove, control and fix the compensation of so many constables of the Town of Freeport as may, in the opinion of the Town Council, be necessary or required to serve the needs of the public safety or welfare of the Town of Freeport.

Section 2. QUALIFICATIONS

2.1 Constables shall be residents and qualified voters of the Town of Freeport, of good moral character, and no constable commission shall be granted to any person who has been convicted in any State of the United States of a felony.

Section 3. APPLICATION

- 3.1 All applicants for the position of constable shall submit to the Chief of Police, in such form as may be prepared and approved by the Chief of Police, all pertinent information relative to the applicant's qualifications for the position of Constable.
- 3.2 All applicants shall be fingerprinted by the Freeport Police Department, and the Chief of Police shall submit the fingerprints of each applicant to the appropriate State and Federal agencies for classification and criminal record.
- 3.3 In addition to the foregoing, the Chief of Police shall conduct, or cause to be conducted, such investigation regarding the applicant's qualifications as he may deem appropriate.

3.4 All information relating to each applicant shall be presented to the Town Council, together with a recommendation of the Chief of Police, and the Chief of Police shall present himself to the Town Council to answer any questions regarding each applicant.

Section 4. OATH OF OFFICE

4.1 Upon approval and appointment, every constable shall forthwith qualify for the office by taking the required oath of office before the Town Clerk, which oath shall be subscribed by the Town Clerk and filed and preserved in the Municipal Offices.

Section 5. REMOVAL

5.1 The Town Council may remove any constable from office for cause, after notice and hearing.

Section 6. APPLICABILITY

6.1 This Ordinance shall not apply to Police Officers and Reserve Officers of the Freeport Police Department.

Section 7. SAVINGS CLAUSE

7.1 The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Section 8. EFFECTIVE DATE

8.1 This Ordinance shall take effect thirty (30) days after its enactment.

ITEM NO. 153 Be It Ordered - That a public hearing on the proposed ordinance relative to the granting of Constable Commissions be held on July 3, 1973 at 7:30 P.M. in the Council Room at the Municipal Building.

Be It Further Ordered - That 100 copies of the proposed ordinance be printed and that they be divided as nearly equally as possible between the Town Clerk's Office, the Library and the Municipal Building for pickup by citizens. (Messrs. Small & Leighton) (6 Yes) (0 No).

Moved and Seconded - That Item No. 163 be removed from the table. (Palmer & Small) (6 Yes) (0 No).

ITEM NO. 163 Be It Ordered - That up to \$26.03 be expended from the Gould Trust for medical expenses of John and Mary Baker. (Messrs. Leighton & Palmer) (6 Yes) (0 No).

Moved and Seconded - The meeting be adjourned at 9:30 P.M. (Messrs Palmer & Leighton) (6 Yes) (0 No).

The foregoing has been recorded by

Lynne Briggs, Secretary

Copies to: Councilmen, F. Paul Frinsko, Town Clerk, Bookkeeper, Highway Dept., Police Dept.