

MEETING #9-78
Date: April 4, 1978
Time: 7:30 P.M.
Place: Council Room

M I N U T E S

TOWN OF FREEPORT

MEETING OF THE FREEPORT TOWN COUNCIL

☒ Regular
Special

Chairman's Call to Order

Present Excused Absent

Edward Bonney, Chairman, Nathan Nye Street
Vaughndella Curtis, Vice Chairman, Pine St.
Elizabeth Ruff, Durham Road
Eric Saunders, Lower Mast Landing
John Swan, 48 Bow Street
George True, Flying Point Road
William Pushard, Lunt Road

X		
X		
X		
X		
X		
X		
	X	X

Moved and Seconded - That the reading of the Minutes of Meeting #8-78 held March 28, 1978 be waived and accept them as printed.
(Councilors Swan & Curtis) (6 Yes) (0 No)

MEETING #9-78

ITEM #24-78

The Council Chairman declares that:

Vaughndella Curtis be appointed Chairperson and William Pushard and Eric Saunders be appointed Members to the Appointments Committee of the Council; and that

George True be appointed Chairperson and John Swan, Vaughndella Curtis and William Pushard be appointed Members to the Redistricting Committee of the Council; and that

The Council Chairman, Edward Bonney, serve as Liaison to the Planning Board, Board of Appeals and Finance Department; Vaughndella Curtis serve as Liaison to the Finance Department, Welfare Department and Harbor Commission; George True serve as Liaison to the Fire Department, Conservation Commission and Shellfish Conservation Commission; William Pushard serve as Liaison to Winslow Park and the Public Works Department; Eric Saunders serve as Liaison to the School Committee and Assessing Department; Elizabeth Ruff serve as Liaison to the School Budget process, Leisure Services Department, Recreation Committee and Records Department; and John Swan serve as Liaison to the Townscape Project, Police Department and Board of Assessment Review; and that furthermore

Eric Saunders serve on the Executive Committee of the Greater Portland Council of Governments and act as Council Parliamentarian; and that

John Swan be responsible for Procedural Motions at Council Meetings.

Moved and Seconded - That we waive the rules in order to introduce an item out of order. (Councilors Swan & Saunders)
(6 Yes) (0 No)

Moved and Seconded - That Vaughndella Curtis be named as Chairman Pro Tem for Item #24-78 through the tabled matter Item #13-78. (Councilors Bonney & Saunders) (6 Yes) (0 No)

MEETING #9-78

ITEM #25-78

Be It Ordered - That the Town Treasurer be authorized to expend \$973.86 from the Miscellaneous and Contingency Account to the Department of Education for repair of storm damages to the High School.
(Councilors Swan & Bonney) (6 Yes) (0 No)

ITEM #26-78

Be It Ordered - That the Town Treasurer be authorized to expend \$4,000.00 from the Miscellaneous and Contingency Account to the Freeport Merchants Association to support the Townscape Project.
(Councilors Swan & Saunders) (6 Yes) (0 No)

Moved and Seconded -- To waive the second reading. (Councilors Swan & Bonney) (6 Yes) (0 No)

ITEM #27-78

Whereas, the Town of Freeport has among its residents a number of citizens who because of age, infirmity, physical disability or income do not have adequate private transportation to meet their needs; and

Whereas, no public mass transportation currently operates in the Town of Freeport; and

Whereas, the Regional Transportation Program, Inc. meets the requirements of a Regional Transportation Corporation as defined in Chapter 246, Sec. 330 MRSA 4877-A; now, therefore

Be It Resolved - That the Town of Freeport does encourage and approve the creation of a Regional Transportation District of which the Town of Freeport shall be a member, and which shall be operated by the aforementioned Regional Transportation Program, Inc. according to Title 30 of the Revised Statutes, Chapter 246.
(Councilors Bonney & Swan) (6 Yes) (0 No)

ITEM #28-78

Be It Ordered - That a Public Hearing on a Proposed Freeport Building Code Ordinance be held on May 16, 1978 at 7:30 P.M. in the Council Room of the Municipal Building.

Be It Further Ordered - That three (3) copies of the BOCA Code and the Proposed Ordinance be filed with the Town Clerk for thirty (30) days prior to the Public Hearing for review by citizens.
(Councilors Swan & Bonney) (6 Yes) (0 No)

ITEM #29-78

Be It Ordered - That Dorothy Soule and Dean Chamberlain be reappointed, effective immediately, to the B.H. Bartol Library Board of Trustees to serve until April 1, 1981.

Be It Further Ordered - That the above-named qualify by swearing an Oath of Office before the Freeport Town Clerk by April 14, 1978.
(Councilors Swan & Bonney) (6 Yes) (0 No)

Moved and Seconded - To waive the rules to discuss an order out of order that has been previously voted on.
(Councilors Swan & Ruff) (6 Yes) (0 No)

Moved and Seconded - To reconsider Item #28-78. (Councilors Saunders & Swan)

Councilor Bonney will declare for the record that "I am introducing this Ordinance, the Proposed Freeport Building Code, as referenced in Item #28-78 of Meeting #9-78."

ITEM #30-78

Be It Ordered - That David J. Thompson be appointed, effective immediately, as a Member of the Planning Board to serve until May 1, 1979.

Be It Further Ordered - That Mr. Thompson qualify by swearing an Oath of Office before the Freeport Town Clerk by April 14, 1978.
(Councilors Swan & True) (6 Yes) (0 No)

ITEM #31-78

Be It Ordered - That Eric Saunders and Alden Schenck be appointed as Representatives to the Greater Portland Council of Governments General Assembly to serve until April 1, 1979.

Be It Further Ordered - That the above-named qualify by swearing an Oath of Office before the Freeport Town Clerk by April 14, 1978.

(Councilors Bonney & True) (6 Yes) (0 No)

ITEM #32-78

Be It Ordered - That the Town Manager be authorized to sign and execute a Release Deed to Boyd W. and Jean L. Smith for property described as Map 23 Lot 69 on the Town of Freeport Property Maps, said Deed to release the Town's interest in the property by virtue of undischarged tax liens for 1938 and 1954 taxes.

(Councilors Bonney & Swan) (6 Yes) (0 No)

ITEM #33-78

Be It Ordered - That the Town Manager be authorized to sign and execute a Release Deed to Warren C. and Virginia C. Titcomb for property described as Map 5 Lot 106 on the Town of Freeport Property Maps, said Deed to release the Town's interest in the property as created by a tax lien dated March 12, 1947.

(Councilors Swan & True) (6 Yes) (0 No)

Moved and Seconded - To waive the second reading of the Order.
(Councilors Swan & True) (6 Yes) (0 No)

Moved and Seconded - That ITEM #34-78 be amended to include under the Burr Cemetery:

Harry Westervelt Lot 9A

\$150.00

and under So. Freeport Cemetery:

NOTE:

Ina C. Davis

100.00

corrected by Treas. to read:

(Councilors Bonney & True) (6 Yes) (0 No)

Burr

Gloria Clifton

Russell Lot

#67

100.00

ITEM #34-78

Be It Ordered - That the Town of Freeport accept the following sums to be safely invested and forever held in trust, the income therefrom to be used for the perpetual care for the following cemetery plots:

Woodlawn

Linwood A. Coffin (Andrew Coffin Lot)	\$500.00
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Webster

Mrs. Florence Foss - Lot 139A	\$100.00
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Burr

Millie Rich - Lot 112	100.00
C.L. Holbrook - Lot 38 (Edwards)	150.00
Waldo W. Soule & Elfrieda (Randall Lot)	100.00
Delet H. & Eleanor Moody - Lot 27A	150.00
George Howard - Lot 31	100.00
Lorraine Hiles	100.00
Louis Bernard	200.00

So. Freeport

Kenneth Laughlin $\frac{1}{2}$ Lot 20A (new cemetery)	50.00
Stella Merrill Soule - $\frac{1}{2}$ Lot 26 (new cemetery)	50.00
Dorothy Bridges - $\frac{1}{2}$ Lot 26 (new cemetery)	50.00
Leslie G. & Ina C. Davis - Lot 20B	100.00
William Ponikin - $\frac{1}{2}$ Lot 32A	100.00

Grove

Nancy Perry - Lot 194	100.00
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(Councilors Swan & Bonney) (6 Yes) (0 No)

Moved and Seconded - That we waive the second reading of Mr. Saunders' motion. (Councilors Swan & Ruff) (6 Yes) (0 No)

Moved and Seconded - That the Proposed Amendments to the Freeport Zoning Ordinance be further amended to read:

Article II, Section 202(F)(1). A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot size, minimum road frontage, and/or minimum shore frontage of the district in which it is located, may be built upon without a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and provided further that all other provisions of this Ordinance are met except that the minimum land area per dwelling unit or mobile home space standard requirement shall not apply to the construction or placement of a single dwelling unit or a single mobile home on such a lot of record ~~the minimum set backs and any applicable performance standards required by this Ordinance shall be met. All other provisions of this Ordinance shall be met.~~

Article VI, Section 601(G). (last paragraph) A variance is authorized only for minimum setbacks and maximum building/lot area ratio ~~lot area, lot coverage by structures, and set backs minimum lot size, minimum road frontage, maximum building height, minimum set back, minimum land area per dwelling unit, maximum building/lot area ratio and minimum shore frontage.~~ A copy of all variances granted by the Board of Appeals to all land areas within 250 feet, horizontal distance, of the normal high water mark of all tidal waters shall be submitted to the State Planning Office.

(Councilors Saunders & Bonney) (6 Yes) (0 No)

Moved and Seconded - To waive the second reading of Item #13-78. (Councilors Swan & Ruff) (6 Yes) (0 No)

ITEM #13-78

The Town of Freeport Hereby Ordains - That the following Amendments be made to the Freeport Zoning Ordinance:

Article II, Section 202(F)(1). A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot size of the district in which it is located, may be built upon without a variance provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that the minimum set backs and any applicable performance standards required by this Ordinance shall be met. ~~ALL OTHER PROVISIONS OF THIS ORDINANCE SHALL BE MET.~~

Article VI, Section 601(G). (last paragraph) A variance is authorized only for ~~LOT AREA, LOT COVERAGE BY STRUCTURES, AND SET BACKS~~ minimum lot size, minimum road frontage, maximum building height, minimum set back, minimum land area per dwelling unit, maximum building/lot area ratio and minimum shore frontage. A copy of all variances granted by the Board of Appeals to all land areas within 250 feet, horizontal distance, of the normal high water mark of all tidal waters shall be submitted to the State Planning Office.

(Councilors Bonney & Swan) (6 Yes) (0 No)

Moved and Seconded - That the Council move to Executive Session with John Nichols and the Chief of Police to discuss an Application for a Concealed Weapons Permit. (Councilors Swan & Ruff) (6 Yes) (0 No)

Moved and Seconded - That the Council reconvene. (Councilors Swan & Curtis) (6 Yes) (0 No)

ITEM #35-78

Be It Ordered - That a Concealed Weapons Permit be issued to John Nichols. (Councilors True & Saunders) (5 Yes) (1 No, Councilor Swan)

Moved and Seconded - That the Council adjourn at 9:45 P.M.
(Councilors Swan & Ruff) (6 Yes) (0 No)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott
Council Secretary

Distribution: Council, F. Paul Frinsko, Police, Highway,
Supt. of Schools, Town Clerk, Bookkeeper, Library