

MEETING #28-78
DECEMBER 5, 1978
Time: 7:30 P.M.
Place: Council Room

MINUTES

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
Eric Saunders, Lower Mast Landing
Elizabeth Ruff, Durham Road
John Swan, 48 Bow Street
George True, Flying Point Road
William Pushard, Lunt Road

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Moved and Seconded - That the reading of the Minutes of Meeting
#27-78 held November 21, 1978 be waived and accept them as printed.
(Councilors Swan & Curtis) (6 Yes) (0 No)

Moved and Seconded - That the proposed discontinuance of the Old Prout Road be subject to Public Hearing. (Councilors Swan & Curtis) (6 Yes) (0 No)

For the record, Mrs. Ruff is present at 7:35 P.M.

Moved and Seconded - That the Public Hearing be closed. (Councilors Swan & Ruff) (7 Yes) (0 No)

Moved and Seconded - That the second reading of ITEM #151-78 be waived. (Councilors Swan & Curtis) (7 Yes) (0 No)

Moved and Seconded - That the Item be tabled until December 19, 1978 for the purpose of allowing an amendment to be drafted. (Councilors Saunders & Swan) (7 Yes) (0 No)

Moved and Seconded - That the Proposed Redistricting of Voting Districts in Freeport be subject to Public Hearing. (Councilors Curtis & Swan) (7 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed. (Councilors Curtis & True) (7 Yes) (0 No)

ITEM #152-78

Be It Ordered - That the Proposed Redistricting of Voting Districts in Freeport as recommended by the Redistricting Committee of the Council be approved. (Councilors True & Curtis) (7 Yes) (0 No)

Moved and Seconded - That the Proposed Appropriation Ordinance be subject to Public Hearing. (Councilors Saunders & Ruff) (7 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed. (Councilors Ruff & Saunders) (7 Yes) (0 No)

Moved and Seconded - That ITEM #153-78 be tabled until December 19, 1978. (Councilors Ruff & Curtis) (7 Yes) (0 No)

Moved and Seconded - That we waive the rules to consider an item under Other Business. (Councilors Swan & Ruff) (7 Yes) (0 No)

Moved and Seconded - That we waive the rules to consider ITEM #146-78 out of order. (Councilors Swan & Curtis) (7 Yes)(0 No)

Moved and Seconded - That the second reading of the Motion be waived. (Councilors Swan & Ruff) (7 Yes) (0 No)

Moved and Seconded - That the following sections of the Proposed Amendments to the Zoning Ordinance of the Town of Freeport as introduced on November 7, 1978 be removed from the table and all other sections of the Proposed Amendments be tabled until December 19, 1978:

Section 104. Definitions

Commercial Recreation - Outdoor: Any outdoor recreational use such as golf courses, tennis courts, riding stables, swimming pools, or ice skating rinks operated primarily for profit, but not including campgrounds, drive-in movie theatres, ~~and~~ race tracks/ and mechanical or motorized rides.

Section 201C. No more than one principal building and its accessory buildings as regulated in this Ordinance may be located on any one lot used as a residential lot, except in the case of a Planned Unit Development.

Section 505. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- A. Recreational Vehicle and Tenting Areas shall meet the following criteria:
- B.
 1. Each Recreational Vehicle, Tent, or Shelter Site, shall contain a minimum of 5,000 square feet, not including roads and driveways.
 2. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each Recreational Vehicle, Tent, or Shelter Site.
- B. The area intended for placement of the Recreational Vehicle, Tent, or Shelter and Utility and Service Buildings, shall be set back a minimum of 150 feet from the exterior lot lines of the camping area, and 150 feet from the normal high water elevation of any body of water.
- C. Screening shall be required where necessary to shield the campground from non-compatible abutting areas and waterways.
- D. Individual water and electrical hookups are not permitted.

Section 602B.12. (Special Exception Application Procedures)

All Special Exception and Site Review Applications are to be accompanied by a Filing Fee and a Submissions Schedule as provided for in "Regulations Pursuant to the Zoning Ordinance of the Town of Freeport, Maine". In the case of one development requiring both Special Exception and Site Review, only a single Fee shall be required.

The Zoning Map dated October 1975 and revised January 1976, be amended to provide that the area designated as Medium Density Residential I located on both sides of the Webster Road be rezoned as Rural Residential I, and that the area designated as Industrial I located on the South side of U.S. Route 1 between the Old South Freeport Road and the Intersection with Interstate 95 be rezoned as Commercial II.

Section 515A.2. (Off Street Parking Requirements)

(Delete requirements for Offices, Professional and Public Buildings)
~~Offices, Professional~~
~~And Public Buildings~~

Parking space for each 300 square feet of major fraction thereof, of floor area exclusive of bulk storage areas. In no case shall there be less than 1 parking space for every 1 1/2 employees.

The Zoning Map dated October 1975 and revised January 1976 be amended such that the area abutting U.S. Route 1 between the Old South Freeport Road and the Cousins River to a depth of 1,200 feet Southerly from U.S. Route 1 be rezoned from Rural Residential I to Commercial II.

Moved and Seconded - That the second reading of the ITEM be waived. (Councilors Saunders & Swan) (7 Yes) (0 No)

Moved and Seconded - That the amendment to the amendment to the amendment be amended as follows: Under Section 602B.12 - to eliminate the wording "Site Review" in the first sentence and to eliminate the last sentence "In the case of one development requiring both Special Exception and Site Review, only a single Fee shall be required."

(Councilors Ruff & Curtis) (6 Yes) (1 Oppose, Councilor Saunders)

Moved and Seconded - That the amendment to the amendment to the amendment be further amended not to table Section 602B.12. (Councilors Swan & Ruff) (6 Yes) (1 Oppose, Councilor Saunders)

Moved and Seconded - That the amendment to the amendment be amended as follows: Under Section 201C - to table this item for further consideration at a later date. Under Section 505, Sub-Paragraph C - to delete the wording "and waterways". Under Section 602B.12 - to table until December 19, 1978. (Councilors Saunders & Pushard) (7 Yes) (0 No)

ITEM #146-78

The Town of Freeport Hereby Ordains -
That the following sections as
further amended of the Proposed
Amendments to the Zoning Ordinance
of the Town of Freeport as introduced
on November 7, 1978 and submitted to
Public Hearing on November 21, 1978
be adopted.

Section 104. Definitions

Commercial Recreation - Outdoor: Any outdoor recreational use such as golf courses, tennis courts, riding stables, swimming pools, or ice skating rinks operated primarily for profit, but not including campgrounds, drive-in movie theatres, ~~and~~ race tracks/ and mechanical or motorized rides.

Section 201C. No more than one principal building and its accessory buildings as regulated in this Ordinance may be located on any one lot used as a residential lot, except in the case of a Planned Unit Development.

Section 505. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- A. Recreational Vehicle and Tenting Areas shall meet the following criteria:
 1. Each Recreational Vehicle, Tent, or Shelter Site, shall contain a minimum of 5,000 square feet, not including roads and driveways.
 2. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each Recreational Vehicle, Tent, or Shelter Site.
- B. The area intended for placement of the Recreational Vehicle, Tent, or Shelter and Utility and Service Buildings, shall be set back a minimum of 150 feet from the exterior lot lines of the camping area, and 150 feet from the normal high water elevation of any body of water.
- C. Screening shall be required where necessary to shield the campground from non-compatible abutting areas and waterways.
- D. Individual water and electrical hookups are permitted as underground utilities.

Section 602B.12. (Special Exception Application Procedures)

All Special Exception and Site Review Applications are to be accompanied by a Filing Fee and a Submissions Schedule as provided for in "Regulations Pursuant to the Zoning Ordinance of the Town of Freeport, Maine". In the case of one development requiring both Special Exception and Site Review, only a single Fee shall be required.

The Zoning Map dated October 1975 and revised January 1976, be amended to provide that the area designated as Medium Density Residential I located on both sides of the Webster Road be rezoned as Rural Residential I.

Section 408. Village Commercial

- E. The requirements for off-street parking, as stated in Section 515, do not apply to the Village Commercial District, except that the provisions of Section 515, 5a shall apply.

The Zoning Map dated October 1975 and revised January 1976 be amended to provide that the Commercial Zone located on the Northwesternly most side of Route I be extended to the Southeastly most side of Route I from the Cousins River in an Easterly direction for a distance of 2,000 feet and with a depth of 600 feet Southeasterly from Route I.
(Councilors Saunders & Ruff) (7 Yes) (0 No)

ITEM #154-78

Be It Ordered - That the Proposed General Assistance Work Requirement Ordinance be herein introduced and submitted to Public Hearing on December 19, 1978 at 7:30 P.M. in the Council Room of the Municipal Building.

Be It Further Ordered - That 30 copies of the Proposed Ordinance be printed and distributed equally between the B.H. Bartol Library and the Municipal Building for pick-up by citizens.
(Councilors Ruff & Curtis) (7 Yes)
(0 No)

ITEM #155-78

Be It Ordered - That the resignation by Judy Johanson as an Associate Member of the Conservation Commission be accepted.
(Councilors Curtis & Ruff) (7 Yes)
(0 No)

Moved and Seconded - That the second reading of this Order be waived. (Councilors Swan & Ruff) (7 Yes) (0 No)

Moved and Seconded - That Article XV B.6. be amended as follows:

6. Use of an alcoholic beverage or unlawful use of a drug when reporting for work or while on the job.

(Councilors Saunders & Swan) (7 Yes)
(0 No)

Moved and Seconded - That Article IV G be amended to add the phrase "This provision shall not affect any employees of the Town as of the effective date of this Ordinance. (Councilors Saunders & Swan) (7 Yes) (0 No)

Moved and Seconded - That Article XIX Sick Leave be further amended as follows:

- D. Implementation of Sick Leave Benefits: For purposes of implementing this Code, the Town Manager shall be authorized to grant up to eight (8) days per year of accrued sick leave for prior years of service.

(Councilors Swan & Curtis) (7 Yes)
(0 No)

ITEM #132-78

The Town of Freeport Hereby Ordains - That the Proposed Personnel Code as introduced on September 19, 1978 and submitted to Public Hearing on October 3, 1978 be adopted with the following Sections to be amended to read:

Article III A Application: The following prescribed regulations shall apply to any and all persons in the permanent, full-time employ of the Town of Freeport, except the Town Manager, elected or appointed Boards, Committees, and Commissions, employees of the Dept. of Education, and employees of the B.H. Bartol Library.

Article IV B Application for Employment:
Application for Employment shall be made on forms provided by the Town. Resumes, letters of reference, and any other material that is of assistance in determining the applicant's ability shall, at the request of the Town Manager, be included with the employment application.

Article IV F Probationary Period: Any person employed full-time by the Town shall be employed on a probationary status for a period of one year and at the pay rate established for the position. The conduct and work performance of employees on probation shall be subject to review and evaluation at least once in every six months, and if found to be unsatisfactory, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

Article IV G Employment of Immediate Family Members within a Town Department. Members of an immediate family shall not be employed within the same department.

Article V Employer Organizations:
The Town recognizes the rights of its employees to organize under the Maine Public Employees Labor Relations Law. The provisions of any collective bargaining contract with such an organization shall supercede this Code where such contract provisions are inconsistent with this Code.

Article VIII Promotions:

- A. Method of Promotion: Promotions to fill vacancies in positions of greater responsibility shall be made on the basis of merit of past work performance, seniority, achievements in any in-service training programs, initiative and any other relevant considerations. If an examination is required to select a candidate for promotion, the examination material shall be determined by the Town Manager, or Personnel Director, and the candidates shall be given proper notice of the examination. Whenever practical or consistent with the best interests of the Town, preference for promotion within any Department shall be given to an employee of the Department. The Town Manager may, however, open any promotion to any qualified applicants.
- B. Probationary Period: Anyone who is promoted to a higher rank shall complete a six month probationary period at the base pay rate for the new position and without losing any earned benefits.

Article XI Holidays:

- D. Work Required on Holidays: Whenever it is required by the Town that an employee work on a holiday, the employee shall be paid for actual time worked, plus holiday pay at his regular base rate of pay, exclusive of salaried or clerical employees.

Article XIII Leave of Absence Without Pay:

- A. Allowable Purposes: The Town Manager may authorize a leave of absence upon written request and approval by the Department Head for maternity, educational, reserve training, or other justifiable purpose.
- B. Suspension of Vacation Time, Fringe Benefits and Pay: Vacation time, fringe benefits and pay shall not accrue to any employee granted a leave of absence without pay during the time of the leave of absence.
- C. Suspension of Sick Leave: No employee shall be paid for any earned sick leave nor shall sick leave accrue during the time of the leave of absence.

Article XV Discipline, Discharge and Suspension:

B. Causes of Disciplinary Action: The following shall be considered cause for disciplinary action:

1. Failure to follow orders of one's supervisor, department head or Town Manager.
2. Being absent or tardy.
3. Failure to perform assigned work in an efficient manner.
4. Willful misuse, theft, destruction or conversion of Town Property for personal use.
5. Conviction of a felonious crime.
6. Use of an alcoholic beverage or unlawful drug when reporting for work or while on the job.
7. Inability to get along with fellow employees so that required levels of work are hindered or not met.

Article XVIII Public Conduct of Employees:

C. Outside Full-Time Employment: No full-time employee of the Town shall engage in additional full-time employment outside the hours of his regular hours of municipal work, unless due notification is supplied to the appropriate department head or to the Town Manager.

Article XIX Sick Leave B.2.: An employee must notify his department head or the Town Manager at least 24 hours prior to a planned sick leave for medical purposes or as ordered by a physician. In case of sickness, emergency hospitalization, or a situation that prevents an employee from making an advanced notification, a member of the employee's family shall notify the department head or Town Manager as soon as is practical.

(Councilors Pushard & Swan) (7 Yes) (0 No)

MEETING #28-78

Moved and Seconded - That ITEM #147-78 be retabled until December 19, 1978. (Councilors True & Curtis) (7 Yes) (0 No)

Moved and Seconded - That the Council adjourn at 11:46 P.M. (Councilors Swan & Ruff) (7 Yes) (0 No)

The foregoing was recorded by:

Mary D. Wescott

Mary D. Wescott
Council Secretary

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