

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #14-89

FREEPORT TOWN HALL COUNCIL CHAMBERS

JUNE 6, 1989

7:34 P.M.

X Regular

 Special

<u>Chairman's Call to Order</u>	Present	Absent	Excused
John A Nelson, Chairman Church Street	X		
Robert Stevens, Vice Chairman, Porters Landing	X		
William Grady, Elm Street Extension	X		
Kirk Goddard, Mast Landing	X		
John Paterson, Flying Point	X		
Edward Campbell, Gay Drive	X		
Edward Bradley, Flying Point	X		

Moved and Seconded - To waive the reading of the Minutes of Meeting #13-89 held May 30, 1989, and accept the Minutes as printed.

(Councilors Grady & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the Freeport Town Clerk report on the returns of the May 25, 1989 Special Election.

(Councilors Goddard & Stevens) (7 Ayes) (0 Nays)

Town Clerk Wescott reported that 38 ballots had been counted with the following results: Darrel Fournier will serve the 2½ year term, Gregory Micokey will serve the 1½ year term, and Henry Bird will serve the ½ year term, as Water District Trustees.

Moved and Seconded - That the Town Clerk's Report be accepted.

(Councilors Goddard & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the Council adjourn and the Licensing Board convene.
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

<u>Roll Call of Members</u>	Present	Absent	Excused
John A Nelson	X		
Robert Stevens	X		
William Grady	X		
Edward Bradley	X		
Kirk Goddard	X		
John Paterson	X		
Edward Campbell	X		
Mary Wescott	X		
Dale Olmstead	X		

Moved and Seconded - That the following application for a Victualer License be subject to Public Hearing:

Howard T. Washburn, d/b/a FREEPORT ANTIQUE MALL, U.S. Route #1.
(Members Goddard & Grady) (9 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed.
(Members Stevens & Goddard) (9 Yes) (0 No)

ITEM #86-89 Be It Ordered - That the above named applicant for a Victualer License be approved.
(Members Stevens & Campbell) (9 Yes) (0 No)

Moved and Seconded - That the Licensing Board adjourn and the Council reconvene.
(Members Stevens & Campbell) (9 Yes) (0 No)

Moved and Seconded - That the following reapplication for a Malt and Vinous License be subject to Public Hearing:

Donald Collins, d/b/a SAM'S ITALIAN FOODS, 7 Main Street.
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

ITEM #87-89 Be It Ordered - That the reapplication for a Malt and Vinous License issued to the above named applicant be approved.
(Councilors Campbell & Bradley) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed Automobile Graveyards and Junkyards Ordinance be subject to Public Hearing.
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed Automobile Graveyards and Junkyards Ordinance be tabled until June 20, 1989.
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Council, at this point, decided to take up Item #90-89 out of order.

Moved and Seconded - That the proposed Appropriation Ordinance for up to \$295,000.00 be subject to Public Hearing. (Hedgehog Mountain Property)
(Councilors Paterson & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Paterson & Stevens) (7 Ayes) (0 Nays)

Council took up Item 89-89 next.

Moved and Seconded - That the proposed Sidewalk Maintenance Ordinance be subject to Public Hearing.
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.
(Councilors Stevens & Grady) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed Sidewalk Maintenance Ordinance be tabled until June 20, 1989.
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Council, at this point, wished to discuss the Presentation on Proposed Use of Manufactured Soil on Freeport's Landfill Closure by Resource Conservation Services, Inc., originally scheduled under "Other Business".

Peter Coleman from Resource Conservation Services, Inc., a consultant for S.D. Warren Company in Westbrook, Maine, gave a brief description of how the process works showing slides to the Council, in essence, sludge is mixed with the paper mill low grade sand and that makes the top soil - this has D.E.P. approval; the Council were given a "Combined Sludge Dioxin Analyses" sheet; other towns that they had worked with were Buxton - newly completed & the stump dump in Brunswick. After the top soil has covered the landfill, they will also seed it.

Council took up Item #91-89 next.

Moved and Seconded - That the Town Manager read the Bids for Tax Anticipation Borrowing.
(Councilors Bradley & Paterson) (7 Ayes) (0 Nays)

Town Manager Olmstead reported: 4 bids had been received as follows:

- 1) Casco Bank - 7.15% with total interest to be paid of \$35,849.49
- 2) Me. National - 7.17% with total interest to be paid of \$35,451.67
- 3) Key Bank - 7.3% with total interest to be paid of \$36,601.39
- 4) Fleet Bank - 7.41% with total interest to be paid of \$36,638.33

ITEM #91-89 Be It Ordered - That, under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of Five-Hundred Thousand Dollars (\$500,000.00) principal amount of Tax Anticipation Notes of the Town of Freeport in anticipation of the receipt of taxes for the Municipal Fiscal Year which commences July 1, 1989 and ends June 30, 1990.

Be It Further Ordered - That said Notes shall be dated July 3, 1989, shall mature on June 29, 1990, shall be signed by the Chairman of the Town Council, shall bear interest at the rate of 7.17% per annum, shall be payable at the Maine National Bank, and otherwise be in such form and bear such details as the signers may determine.

continued -

ITEM #91-89 continued -

Be It Further Ordered - That said Notes are hereby sold and awarded to Maine National Bank.

Be It Further Ordered - That said Notes are hereby designated qualified tax exempt obligations of the Town of Freeport for the 1989 Calendar Year, pursuant to the Internal Revenue Code of 1986. That all things heretofore done and all action heretofore taken by the Town of Freeport, its Municipal Officers and Agents in the authorization of said Notes are hereby ratified, approved and confirmed, and the Treasurer and the Chairman of the Freeport Town Council are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Notes against payment therefor.

(Councilors Bradley & Paterson) (7 Ayes) (0 Nays)

ITEM #92-89

Be It Ordered - That a Public Hearing be scheduled for June 20, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss the proposed Designation of a Municipal Development and Tax Increment Financing District which will include the Industrial Property located on the Desert Road.

Be It Further Ordered - That a public notice of this Public Hearing be placed in a newspaper of general circulation ten (10) days prior to the Public Hearing.

(Councilors Goddard & Grady) (6 Ayes) (1 Abstain, Councilor Paterson)

ITEM #93-89

Be It Ordered - That a Public Hearing be scheduled for June 20, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss a proposed Ordinance Banning the Sale of Food and Beverages in Styrofoam Containers and the Sale of Styrofoam Food and Beverage Containers.

Be It Further Ordered - That 30 copies be made and distributed equally between the Town Clerk's Office and the B.H. Bartol Library for inspection by citizens.

(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

ITEM #94-89

Be It Ordered - That the Regional Vocational Budget, as approved by the Cooperative Board for the Year 1989-1990, be approved in the amount of \$1,417,006.00.

(Councilors Grady & Goddard) (7 Ayes) (0 Nays)

ITEM #95-89

Be It Ordered - That the Regional Vocational Budget, as approved by the Cooperative Board for Adult Education, be approved in the amount of \$47,550.00.

(Councilors Goddard & Grady) (7 Ayes) (0 Nays)

ITEM #96-89

Be It Ordered - That \$4,358,995.00 be appropriated from the Foundation Allocation for School Purposes and that \$3,441,049.00 be appropriated as Freeport's Local Share of the Foundation Allocation.

(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

continued -

- Item #97-89 Be It Ordered - That \$741,161.00 be appropriated from the Debt Service Allocation for School Purposes, and that \$219,025.00 be appropriated as the Local Share of Debt Service.
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)
- ITEM #98-89 Be It Ordered - That \$774,890.00 be appropriated for Additional Local Funds for School Purposes under the provisions of 20-A MRSA.
(Councilors Bradley & Paterson) (5 Ayes) (2 Nays, Councilors Grady & Campbell)
- ITEM #99-89 Be It Ordered - That the School Committee be authorized to expend \$6,134,234.00 for Fiscal Year beginning July 1, 1989 and ending June 30, 1990 from the Foundation Allocation, Debt Service Allocation, Unexpended Balances, Tuition Receipts, Local Appropriations, State Subsidy, and other receipts for the Support of Schools.
(Councilors Paterson & Bradley) (5 Ayes) (2 Nays, Councilors Grady & Campbell)
- ITEM #100-89 Be It Ordered - That \$94,294.00 be appropriated for Adult Education and that \$40,932.00 be appropriated for the Town of Freeport's Local Share for Fiscal Year 1989-1990.
(Councilors Grady & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - To include under Estimated Revenues "Miscellaneous":
Paid Parking Fees in the amount of \$19,200.00.*
(Councilors Bradley & Nelson) (4 Ayes) (3 Nays, Councilors Grady, Goddard, & Stevens)

Moved and Seconded - To include under Appropriations "Unclassified":
\$887.00 for VISION 2000.
(Councilors Bradley & Campbell) (3 Ayes) (1 Abstain, Councilor Goddard)
(3 Nays, Councilors Grady, Paterson & Nelson) (This appropriation does not pass due to a lack of a majority of ayes.)

Moved and Seconded - To include under Appropriations "Unclassified":
\$500.00 for VISION 2000.**
(Councilors Stevens & Campbell) (5 Ayes) (1 Nay, Councilor Grady) (1 Abstain, Councilor Goddard)

ITEM #101-89 Be It Ordered - That the following appropriations be made to the several Departments or Purposes named, that the following Revenue Estimates be adopted, and that the following Amounts be Raised by Taxation, said action for the Fiscal Year July 1, 1989 to June 30, 1990 Municipal Budget, as amended.* - **

APPROPRIATIONS

GENERAL GOVERNMENT	\$ 853,268.00
PROTECTION AND ENFORCEMENT	838,879.00
HEALTH AND WELFARE	52,846.00
PUBLIC WORKS/SOLID WASTE	783,330.00
LIBRARY	114,223.00
UNCLASSIFIED, as amended**	217,145.00
EDUCATION	6,134,234.00
DEBT SERVICE	848,410.00
COUNTY TAX	211,236.00
HUMAN SERVICE AGENCIES	35,839.00
ABATEMENTS	25,000.00

TOTAL APPROPRIATIONS: \$10,114,410.00

ESTIMATED REVENUES

NON-PROPERTY TAX/TAX PENALTIES	\$ 556,900.00
INTERGOVERNMENTAL	396,090.00
CHARGES FOR SERVICES	61,850.00
LICENSES AND PERMITS	132,125.00
FINES AND FORFEITURES	30,900.00
MISCELLANEOUS, as amended*	66,000.00
EDUCATION	1,699,270.00

TOTAL ESTIMATED REVENUES: \$ 2,943,135.00

AMOUNT TRANSFERRED FROM UNDESIGNATED FUNDS 155,000.00

AMOUNT TO BE RAISED BY TAXATION 7,016,275.00

TOTAL REVENUES: \$10,114,410.00

(Councilors Goddard & Stevens) (5 Ayes) (2 Nays, Councilors Grady & Campbell)

ITEM #102-89 Be It Ordered - That \$18,000.00 be transferred from the Fund Balance Account and applied to the Equipment Reserve Account. (Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

ITEM #103-89 Be It Ordered - That \$5,000.00 be transferred from the Fund Balance Account and applied to the Revaluation Reserve Account. (Councilors Campbell & Stevens) (6 Ayes) (1 Nay, Councilor Goddard)

Moved and Seconded - That the account read Comprehensive Plan Reserve Account.*
(Councilors Bradley & Paterson) (7 Ayes) (0 Nays)

ITEM #104-89 Be It Ordered - That \$5,000.00 be transferred from the Fund
Balance Account and applied to the Community Attitude Survey
Reserve Account, as amended.*
(Councilors Bradley & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - To table Item #105-89 (Transfer of funds to Land Bank
Reserve Account) indefinitely.
(Councilors Campbell & Bradley) (7 Ayes) (0 Nays)

Moved and Seconded - To table Item #106-89 (Middle School Insurance Settlement
be placed in reserve) indefinitely.
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - To table Item #66-89 (Coastal Waters amendment relating to
definition for "Resident") until June 20, 1989.
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

ITEM #72-89 Be It Ordered - That the applications for Special Amusement
Permits for Dancing and Entertainment issued to Jean Macleod,
d/b/a OCEAN FARMS RESTAURANT, 23 Main Street, and Michael
Grotton, d/b/a THE JAMESON TAVERN, 115 Main Street, as
submitted to Public Hearing on May 16, 1989, be approved.
(Councilors Grady & Goddard) (6 Ayes) (1 Abstain, Councilor
Paterson)

Councilor Bradley read a letter from the Town Clerk explaining how Freeport would
be able to curb "noise control" in an establishment which had music and dancing.
Problems dealing with safety hazards would come under the Fire Marshal's Office
and Darrel Fournier, Freeport Fire Chief, would have State authority to close an
establishment that was presenting fire/safety violations.

ITEM #78-89 Be It Ordered - That the Town Manager be authorized to sign and
execute an Agreement between the Town of Freeport and S.D. Warren
Company of Westbrook, Maine for the utilization of manufactured
soil on Freeport's Landfill Closure Project.
(Councilors Campbell & Goddard) (6 Ayes) (1 Abstain, Councilor
Paterson)

Other Business:

1. Town Manager Olmstead read a letter from the Town Attorney dealing with
"conflict of interest" because of the firm's relationship with the Town
and Joe Wishcamper; the Town Attorney feels he can be impartial on this
matter; does the Council have any problems with Mr. Frinsko working on
this matter - if they do, attorneys from the Bangor area will be referred;
Council were comfortable working with Mr. Frinsko.
2. Town Manager Olmstead mentioned vacancies coming up on the Board of Appeals
and Shellfish Commission. The Appointments Committee will meet next Thursday
at 7:00 P.M..

3. Councilor Paterson was concerned that the fordable housing group had applied for a federal tax exempt status under the 501.3.C. Act and that Mr. Singh had not yet come forth with his donation; Chairman Nelson informed the Council that \$1,000.00 had come from Mr. Singh in order to begin the paperwork of incorporation; Town Manager Olmstead notified Council that taxes are not paid on the Holden Block and the Town is close to owning the property.

Moved and Seconded - That the Council adjourn at 10:47 P.M.
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott,
Council Secretary

Distribution: Council, Attorney, Auditor, Clerk, Library, Police, Fire, Highway,
Codes, Planner, Assessor, Finance, Supt. of Schools, Welfare