

M I N U T E S
FREEPORT TOWN COUNCIL MEETING #16-89
FREEPORT TOWN HALL COUNCIL CHAMBERS
JULY 11, 1989 7:30 P.M.

X Regular

 Special

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

Chairman Nelson asked for a minute of silence to mourn the death of Arthur Svendsen who had been prominent in Town politics.

Moved and Seconded - To waive the reading of the Minutes of Meeting #15-89 held June 20, 1989, and accept the Minutes as printed.

(Councilors Stevens & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the Council adjourn and the Licensing Board convene.

(Councilors Campbell & Goddard) (5 Ayes) (0 Nays)

Roll Call of Members

	Present	Absent	Excused
John A Nelson	X		
Robert Stevens	X		
William Grady		X	
Kirk Goddard	X		
John Paterson	X		
Edward Campbell	X		
Edward Bradley		X	X
Dale Olmstead	X		
Mary Wescott	X		

Moved and Seconded - That the following applications be subject to Public Hearing:

Roger A Dubay, d/b/a COUNTRY AT HEART BED & BREAKFAST, 37 Bow St.

Dennis Daniel, d/b/a DAN'S, 83 Main Street - Peddler.

Dennis Daniel, d/b/a BEN & JERRY'S, Mobil Station - Peddler.

(Members Campbell & Goddard) (7 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed.

(Members Campbell & Stevens) (7 Yes) (0 No)

ITEM #128-89 Be It Ordered - That the applications issued to Roger A Dubay, d/b/a COUNTRY AT HEART BED & BREAKFAST, 37 Bow Street; Dennis Daniel, d/b/a DAN'S, 83 Main Street - Peddler, and Dennis Daniel, d/b/a BEN & JERRY'S, 57 Main Street - Peddler, be approved.

(Members Campbell & Stevens) (7 Yes) (0 No)

Moved and Seconded - That the Licensing Board adjourn and the Council reconvene.

(Members Campbell & Goddard) (7 Yes) (0 NO)

Moved and Seconded - That the proposed amendments to the Fees and Fines Schedule of the Building Code Ordinance be subject to Public Hearing.

(Councilors Paterson & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.

(Councilors Paterson & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Fees and Fines Schedule of the Building Code Ordinance be tabled until July 25, 1989.

(Councilors Paterson & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Solid Waste Control and Solid Waste Flow Control Ordinance be subject to Public Hearing.

(Councilors Goddard & Stevens) (5 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.

(Councilors Goddard & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Solid Waste Control and Solid Waste Flow Control Ordinance be tabled until July 25, 1989.

(Councilors Goddard & Campbell) (5 Ayes) (0 Nays)

Moved and Seconded - That the proposed Village-Commercial District Street and Sidewalk Maintenance and Litter Control Ordinance be subject to Public Hearing.

(Councilors Stevens & Goddard) (5 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.

(Councilors Stevens & Goddard) (5 Ayes) (0 Nays)

Moved and Seconded - That the proposed Village-Commercial District Street and Sidewalk Maintenance and Litter Control Ordinance be tabled until July 25, 1989.

(Councilors Stevens & Goddard) (5 Ayes) (0 Nays)

ITEM #132-89 Be It Ordered - That a Public ^{Hearing} be scheduled for July 25, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance Ordinance.

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 Paterson & Campbell) (5 Ayes) (0 Nays)

ITEM #133-89 Be It Ordered - That the decision of the Design Review Board denying a Sign Application for Mr. Bagel, located on the corner of Main and School Streets, be upheld.

For the record, Councilor Grady is in attendance at 8:11 P.M.

Warren Turner, representing Larry Greenlaw, owner of the property, gave the following statements: "The sign is already there and all we're doing is changing the names on the signs - only the plastic panels are being replaced. The Design Review Board has suggested using a wooden sign - this would be very costly - we were under the assumption the sign was grandfathered." J. Pryor of the Design Review Board stated: "Denial was based upon compatibility of neighboring signs - the "old" sign was grandfathered but there is definitely a change in signs being made thus resulting in a "new" sign." Council agreed that the sign and post only were grandfathered and referred to a letter from the Town's attorney.

(Councilor Campbell read the motion and Councilor Stevens seconded.
VOTE: (5 Ayes) (1 Nay, Councilor Grady)

NOTE: The previous statements made on ITEM #133-89 also apply to ITEM #134-89 and shall be a part of both records.

ITEM #134-89 Be It Ordered - That the decision of the Design Review Board denying a Sign Application for the Tee Shirt Emporium, located on the corner of Main and School Streets, be upheld.
(Councilors Paterson & Campbell) (5 Ayes) (1 Nay, Councilor Grady)

ITEM #135-89 Be It Ordered - That a Public Hearing be scheduled for July 25, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Design Review Map reclassifying the building at 35 Main Street (Map 11, Lot 91) from Class "B" to Class "C".

Be It Further Ordered - That a notice of this Public Hearing be placed in a newspaper of general circulation at least 7 days prior to the Public Hearing.
(Councilors Grady & Goddard) (6 Ayes) (0 Nays)

ITEM #136-89 Be It Ordered - That the Town Manager be authorized to issue a Quit Claim Deed releasing any interest of the Town of Freeport for the following property for Tax Years 1964 and 1987:

Town of Freeport Tax Map 19, Lot 77A
To: Rachel P. Cummings
This property is located on the Litchfield Road.
(Councilors Campbell & Stevens) (6 Ayes) (0 Nays)

ITEM #137-89 Be It Ordered - That a Public Hearing be scheduled for July 25, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss proposed amendments to the Winslow Park Ordinance.

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 Goddard & Grady) (6 Ayes) (0 Nays)

ITEM #138-89 Be It Ordered - That a Public Hearing be scheduled for July 25, 1989 at 7:30 P.M. in the Town Hall Council Chambers to discuss a proposed Appropriation Ordinance for \$37,000.00 to Provide for the Design Development Work on the New Elementary School.

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 the public.
(Councilors Stevens & Goddard)

Supt. of Schools, Robert Lyman, stated the School Committee meets with the State tomorrow to get concept approval - the school will be funded without tax dollars - this money will begin the architectural work - the school is scheduled for opening the fall of 1991. Chairman Nelson suggested that \$40,000.00 be transferred from the Insurance Settlement Fund with stipulation that it be paid back. Town Manager Olmstead is requested to get a legal opinion from the Town Attorney regarding this capital item

VOTE: (6 Ayes) (0 Nays)

David Thompson, Planning Board Member, presented the award given by the Maine Association of Planners to the Traffic and Parking Committee - the meeting was held in Bar Harbor - Freeport was the 1989 winner. We are also in contention for an award from the Northern New England Chapter of American Planners' Association. William Grady, Chairman of the Traffic and Parking Committee accepted the award plus a silver bowl was presented inscribed with all the noteworthy projects in the State of Maine.

ITEM #108-89

Be It Ordered - By the Town Council of the Town of Freeport, Maine, that, under and pursuant to the provisions of Title 30-A, Chapter 207, of the Maine Revised Statutes, as amended, the Development Program and Financial Plan entitled "DESERT ROAD BUSINESS AND INDUSTRIAL PARK" as presented to this meeting, and a copy of which is hereby incorporated as a part of the Minutes of this meeting, is hereby approved; and

Be It Further Ordered - That those areas of the Town of Freeport entitled "FREEPORT INDUSTRIAL DEVELOPMENT DISTRICT" as more particularly described in said approved Development Program is hereby designated as a Municipal Development District and a Tax Increment Financing District; and

Be It Further Ordered - That the percentage of captured assessed value of said District to be retained in accordance with the Development Program is hereby established at 90% from 1989 through 1991 and 75% thereafter; and

Be It Further Ordered - That the establishment of the Municipal Development District and a Tax Increment Financing District be conditioned upon L.L. Bean's decision to construct a new Returns Facility in the Industrial Park and upon Maine Department of Transportation's contribution of \$250,000.00 to cover the cost of Road Improvements; and

Be It Further Ordered - That the Town Manager is hereby authorized and directed, on behalf of the Town of Freeport, Maine, to execute and submit to the Commission of Economic and Community Development for approval of such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Freeport Industrial Development District and its Development Program and Financial Plan. (Councilors Stevens & Campbell) (5 Ayes) (1 Abstain, Councilor Paterson)

Moved and Seconded - To amend Item #109-89 by adding the Findings of Fact as set forth in the July 11, 1989 Styrofoam Ordinance before us and delete the first sentence in Paragraph 4.*
(Councilors Stevens & Grady) (6 Ayes) (0 Nays)

Moved and Seconded - To amend Item #109-89 by adding the language set forth in "Bold Print" in the document entitled July 11, 1989 Styrofoam Ordinance and deleting the language set forth in "Subscript Print" on said document.*
(Councilors Stevens & Campbell) (6 Ayes) (0 Nays)

Chairman Nelson also wished to make Hildie Lipson's Recycling Director's letter as part of these Minutes.


ITEM #109-89 Be It Ordered - That the proposed Ordinance Banning the Sale of Food and Beverages in Styrofoam Containers and the Sale of Styrofoam Food and Beverage Containers, as submitted to Public Hearing on June 20, 1989, be approved, as amended.*

Other Business:

1. Chairman Nelson reported that the Property Tax Relief legislation would be in place - we are going to get roughly 1.1 Million just on the education end. People will be able to take advantage of the circuit breaker clause pertaining to household income.
 2. Chairman Nelson reported that as of Friday, 32 people have pledged money toward Hedgehog Mountain for a total of \$111,000.00 including the Land Bank monies; many people have asked "What is the land being used for?" Mr. Nelson has answered that the vision is to place the land in passive recreation (leaving it as is) and eventually set up a planning committee of interested parties and discuss how the property should be used (a total of 110 acres).
-

Moved and Seconded - That the Council adjourn at 10:50 P.M.
(Councilors Stevens & Goddard) (6 Ayes) (0 Nays)

The foregoing was recorded by:


Mary D. Wescott, Council Secretary