

FREEPORT TOWN COUNCIL SUMMARY AGENDA

MEETING #12-91 - APRIL 16, 1991 - 7:30 P.M. - COUNCIL CHAMBERS

- ITEM #61-91 TO CONSIDER ACTION RELATIVE TO AN APPLICATION AND RE-APPLICATIONS FOR VICTUALER'S LICENSES FOR FRANCIS JOHNSON, DOWNEAST ENERGY, KEN CARTER, KEITH WASMUND, CAROL WARENCHAK & GLORIA KELLOGG. (PUBLIC HEARING)
- ITEM #62-91 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A PINBALL AND/OR VIDEO MACHINE LICENSE FOR PAUL E. NADER. (PUBLIC HEARING)
- ITEM #63-91 TO CONSIDER ACTION RELATIVE TO THE PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 1992 TO FISCAL YEAR 1996. (PUBLIC HEARING)
- ITEM #64-91 TO CONSIDER ACTION RELATIVE TO A TRANSFER OF FUNDS FROM THE OPERATING BUDGET MISCELLANEOUS AND CONTINGENCY ACCOUNT.
- ITEM #65-91 TO CONSIDER ACTION RELATIVE TO A TRANSFER OF FUNDS FROM THE COMMUNITY SURVEY SPECIAL RESERVE ACCOUNT.
- ITEM #66-91 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A TOWN & SCHOOL AUDITOR FOR THE NEXT THREE YEARS.
- ITEM #51-91 TABLED APRIL 2, 1991. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ADMINISTRATIVE CODE. (CHAPTER 2)
- ITEM #52-91 TABLED APRIL 2, 1991. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PERSONNEL CODE. (CHAPTER 4)
- ITEM #53-91 TABLED APRIL 2, 1991. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE COASTAL WATERS ORDINANCE. (CHAPTER 31)
- ITEM #54-91 TABLED APRIL 2, 1991. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC & PARKING ORDINANCE. (CHAPTER 48)

PLEASE TURN OVER

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #12-91

FREEPORT TOWN HALL COUNCIL CHAMBERS

APRIL 16, 1991 - 7:30 P.M.

Regular X Special

Chairman's Call to Order Present Absent Excused

Edward Bradley, Chairman
Flying Point X

Vaughndella Curtis, Vice-Chairman
Pine Street X

Kirk Goddard,
Mast Landing X

Robert Stevens
Porter's Landing X

Edward Campbell,
Gay Drive X

William Grady,
Elm Street Extension X

Andrew Arsenault,
US Route 1 X

Moved and Seconded - To waive the reading of the Minutes
of Meeting #11-91 held April 2 and accept the Minutes
as printed.

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

COUNCIL MINUTES #12-91
APRIL 16, 1991

ITEM #61-91

MOVED & SECONDED: That the Council adjourn and the Licensing Board convene.
(Councilors Curtis & Campbell) (8 Ayes) (0 Nays)

<u>Roll Call of Members</u>	Present	Absent	Excused
Edward Bradley	X		
Vaughndella Curtis	X		
Robert Stevens	X		
William Grady			X
Kirk Goddard	X		
Edward Campbell	X		
Andrew Arsenault	X		
Dale Olmstead	X		
Mary Lou Halla	X		

MOVED & SECONDED: That the following application and re-applications for Victualer's Licenses be subject to Public Hearing.

Francis Johnson, d/b/a Freeport Variety Store, 9 Main Street.

Downeast Energy, d/b/a Freeport Mobil, 57 Main Street.

Ken & Shelley Carter, d/b/a Wardtown Variety Store, 130 Wardtown Road.

Keith Wasmund, d/b/a Way's Sno-Cones (Peddler/Private Property) 11 Depot Street.

Carol Warechak, d/b/a The Ice Cream Machine, 2 Depot Street.

Gloria Kellogg, d/b/a Bakery-2, 176 South Freeport Road.

(Councilors Curtis & Stevens) (8 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Curtis & Stevens) (8 Ayes) (0 Nays)

BE IT ORDERED: That the application and re-applications for Victualer's Licenses issued to the above named applicants be approved.
(Councilors Curtis & Stevens) (8 Ayes) (0 Nays)

MOVED & SECONDED: That the Licensing Board adjourn and the Council reconvene.
(Councilors Curtis & Campbell) (8 Ayes) (0 Nays)

COUNCIL MINUTES #12-91
APRIL 16, 1991

ITEM #62-91

MOVED & SECONDED: That the following application for a Pinball and/or Video Machine License be subject to Public Hearing.

Paul E. Nader, d/b/a Univend Corporation, Middle Street.
(Councilors Arsenault & Curtis) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Stevens & Goddard) (6 Ayes) (0 Nays)

MOVED & SECONDED: That Item #62-91 be tabled until May 7, 1991.
(Councilors Stevens & Curtis) (6 Ayes) (0 Nays)

ITEM #63-91

MOVED & SECONDED: That the proposed Capital Improvements Program be subject to Public Hearing.
(Councilors Campbell & Curtis) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Curtis & Campbell) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the proposed Capital Improvements Program be tabled until May 7, 1991.
(Councilors Curtis & Campbell) (6 Ayes) (0 Nays)
Note: Councilor Grady arrives at 9:20 p.m.

ITEM #64-91

BE IT ORDERED: That \$3,500 be transferred from the Operating Budget Miscellaneous and Contingency Account to the Comprehensive Plan General Ledger Account to provide funds for the completion of the Draft Comprehensive Plan.
(Councilors Goddard & Campbell) (6 Ayes) (1 Nay- Arsenault)

ITEM #66-91

MOVED & SECONDED: That the Town Manager report on Audit Bids.
(Councilors Campbell & Goddard) (7 Ayes) (0 Nays)

BE IT ORDERED: That the bid from Ron L. Beaulieu & Company to provide Audit Services to the Town & School for a three year period, be accepted.
(Councilors Campbell & Goddard) (7 Ayes) (0 Nays)
Note: Councilor Curtis excused at 10:00 p.m.

COUNCIL MINUTES #12-91
APRIL 16, 1991

ITEM #51-91

attached amendment

BE IT ORDERED: That the proposed amendment to the Freeport Administrative Code, as submitted to Public Hearing on April 2, 1991, be approved.
(Councilors Stevens & Campbell) (5 Ayes) (1 Nay
- Bradley)

ITEM #52-91

attached amendments

BE IT ORDERED: That the proposed amendments to the Personnel Code, as submitted to Public Hearing on April 2, 1991, be approved.
(Councilors Arsenault & Campbell) (6 Ayes) (0 Nays)

ITEM #53-91

attached amendments

BE IT ORDERED: That the proposed amendments to the Coastal Waters Ordinance, as submitted to Public Hearing on April 2, 1991, be approved.
(Councilors Grady & Campbell) (6 Ayes) (0 Nays)

ITEM #54-91

attached amendments

MOVED & SECONDED: To amend Item #54-91 as follows:

#63 add apartment building located at Tax Map 18 Lot 43.

#64 From 7 a.m. to 3 p.m. daily.
(Councilors Grady & Arsenault)

BE IT ORDERED: That the proposed amendments to the Traffic & Parking Ordinance, as submitted to Public Hearing on April 2, 1991, be approved as amended.
(Councilors Campbell & Goddard) (6 Ayes) (0 Nays)

COUNCIL MINUTES #12-91
APRIL 16, 1991

OTHER BUSINESS:

- 1). A discussion was held on the involvement of the Planning Board in the Capital Budget Process. It was agreed that the Planning Board would be asked to comment on the Capital Improvement portion of the proposed budget.
- 2). A discussion was held on recommendations for continued operation of the Atlantic Seal Boat. This item will be placed on the next Council agenda. A Public Hearing will be set concerning the time limitation for use of the face of the float.

ITEM #67-91

MOVED & SECONDED: That the Council enter into Executive Session to discuss violations of the Town Code.
(Councilors Stevens & Grady) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the Council reconvene.
(Councilors Stevens & Arsenault) (6 Ayes) (0 Nays)

OTHER BUSINESS:

- 3). The Town Manager reported to the Council on his meeting with abutters on the Dixon Road Right of Way. The abutters will be submitting a letter to the Town Council outlining their position & concerns.
- 4). Chairman Bradley asked Councilor Curtis and Councilor Campbell to work with the Town's General Assistance Director in developing recommendations for the funding of agencies for the coming year.

MOVED & SECONDED: That the Council adjourn at 11:27 p.m.

Recorded by,

Mary Lou Halla
Council Secretary

Approved April 16, 1991
~~PROPOSED~~
AMENDMENTS TO THE
FREEPORT ADMINISTRATIVE CODE
(Chapter 2)

611.1 Establishment

The Winslow Park Commission shall consist of seven (7) appointed members, ~~two (2)~~ one (1) from the Town Council, one (1) from the Conservation Commission, one (1) from the Conservation Trust, one (1) from the Community Education Advisory Committee and ~~two (2)~~ three (3) citizens at large.

Public Hearing April 2, 1991
Approved April 16, 1991

EXISTING LANGUAGE OF THE PERSONNEL CODE
(Chapter 4)

- A. Authority: The Town Manager shall have the right to demote, suspend without pay for not more than fifteen (15) days, or permanently dismiss any Municipal Employee whose work performance or conduct justifies such action.
- 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 use of a 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.
- C. Notice of Disciplinary Action: Prior to the imposition of disciplinary action, employees shall be given an opportunity to refute the charges against them, except in those situations which require immediate action. Notice of disciplinary action against an employee must be in writing and received by the employee not later than the effective date of the action. The notice shall specify the penalty and contain a statement of the reason or reasons for the action taken against him.
- D. Employee's Right to Appeal: A permanent employee of the Town shall have the right to appeal any disciplinary action to the Personnel Grievance Board. A written request for a hearing shall be filed with the Town Manager not later than five (5) working days after the disciplinary action that has been taken. The Town Manager shall request a convening of the Personnel Grievance Board in accordance with Section XVI within ten (10) working days of the request for a hearing, and advise the employee and his Department Head of the time and place for the scheduled hearing. Both parties shall have the right to be represented by counsel and material witnesses.
- E. Result of Appeal: The finding and decision of the Personnel Grievance Board shall be preserved by its Chairman and written notice of the findings and decisions shall be final. The findings and decisions shall be sent to the Town Manager, Department Head and employee. Any employee who successfully appeals his case shall be reinstated to his job without loss of pay, seniority, or other benefits.

PROPOSED AMENDMENTS TO THE PERSONNEL CODE
(Chapter 4)

- A. Authority: The Town Manager shall have the right to discipline any Municipal Employee whose work performance or conduct justifies such action. Discipline may include reprimand, suspension, or removal. Any reference to cause and hearing does not apply to a probationary employee as defined in State law.
- 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. Indictment or conviction of a felonious crime;
 6. Use of an alcoholic beverage or unlawful use of a 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.
 8. Inappropriate public conduct as outlined in Section XVIII.
 9. Other causes as determined by the Town Manager.
- C. Notice of Disciplinary Action: Prior to the imposition of disciplinary action, employees shall be given an opportunity to refute the charges against them, except in those situations which require immediate action. Notice of disciplinary action against an employee must be in writing and received by the employee no later than five (5) working days prior to the effective date of the action. The notice shall specify the penalty and contain a statement of the reason or reasons for the action taken against him.
- D. Employee's Right to Appeal: A permanent employee of the Town, except the Town Clerk, Treasurer, Tax Collector, Assessor, and Department Heads shall have the right to appeal any disciplinary action to the Personnel Grievance Board. A written request for a hearing before the Personnel Grievance Board shall be filed with the Town Manager before the disciplinary action becomes effective. The Town Manager shall request a convening of the Personnel Grievance Board in accordance with Section XVI within ten (10) working days of the request for a hearing, and advise the employee and his Department Head of the time and place for the scheduled hearing. Both parties shall have the right to be represented by counsel and to present witnesses.

The Town Clerk, Treasurer, Tax Collector, Assessor, and Department Heads shall have the right to confirmation of any

disciplinary action by the Town Council. A written request for confirmation shall be filed with the Town Manager before the disciplinary action becomes final. The Town Manager shall schedule a hearing before the Town Council as soon as the Council's schedule permits.

- E. Result of Appeal: The finding and decision of the Personnel Grievance Board shall be preserved by its Chairman and written notice of the findings and decisions shall be final. The findings and decisions shall be sent to the Town Manager, Department Head and employee. Any employee who successfully appeals his case shall be reinstated to his job without loss of pay, seniority, or other benefits.

Approved April 16, 1991

~~PROPOSED~~ AMENDMENTS

TO THE COASTAL WATERS ORDINANCE
(Chapter 31)

Article VI Town Wharf and Floats.

5. f. No skiff longer than twelve (12') feet may be secured on the Town Floats, except that skiffs no longer than fourteen (14') feet may be secured on the inside face of the finger float nearest to the Town Wharf.

7. d Add to last sentence...

No vessels shall be berthed on the southwest face of the Town Wharf in the area between the bulkhead and the end of the Town Wharf/ except that berthing may be allowed in that area upon the mutual consent of the Harbormaster and the owner of the land behind the bulkhead, which consent shall not be reasonably withheld. (Reference is made to an agreement dated April 25, 1989 between the Town of Freeport and John Coffin, Constance Coffin, David Coffin and Regis Coffin.)

Approved April 16, 1991
~~PROPOSED~~ AMENDMENTS

TO THE TRAFFIC & PARKING ORDINANCE
(Chapter 48)

Section 48-301 No Parking Provisions.

No vehicle shall stand, stop, or park at any time in any of the following specified locations.

63. No vehicle shall park within ten feet (10') of pavement placed in front of an apartment building, *located at Tax Map 18 Lot 43.*

64. No vehicle shall park on the northside of Holbrook Street from the entrance of Freeport High School in an easterly direction to the boundary of the Freeport High School property line, *from 7 a.m. to 3 p.m. daily.*