

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #16-91

FREEPORT TOWN HALL COUNCIL CHAMBERS

JUNE 18, 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 #15-91 held June 4, 1991 and accept the Minutes as printed.

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

ITEM #99-91

MOVED & SECONDED: That the Council adjourn and the Licensing Board convene:
(Councilors Campbell & Goddard) (5 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 applications for Victualer's Licenses be subject to Public Hearing.

- 1). Erica Plourde/George Naaman, d/b/a Tic Tac O, Inc., Peddler/Private Property, 25 Bow Street.
- 2). Philip Kerber, d/b/a White Cedar Inn, 178 Main Street.
- 3). Ed Hassett, d/b/a 181 Main Street Bed & Breakfast, 181 Main Street.
- 4). Dennis Daniel, d/b/a Ben & Jerry's Ice Cream, Peddler/Private Property, 57 Main Street.
- 5). Dennis Daniel, d/b/a Dan's Hot Dogs, Peddler/Private Property, 57 Main Street.
- 6). Roger Dubay, d/b/a Country At Heart Bed & Breakfast, 37 Bow Street.
- 7). Anne Ordway, d/b/a Old Red Farm Bed & Breakfast, 47 Desert Road.
- 8). Christopher Washburn, d/b/a Fiddlehead Farm Restaurant, 15 Independence Drive.
- 9). Barbara Hagerty, d/b/a Tropical Snow, Peddler/Town Property, Main Street.
- 10). David O. Littlefield, d/b/a Little Apple Ice Cream, U.S. Route 1 South, Peddler/Private Property.
- 11). Merlin L. Doughty, d/b/a The County Store, U.S. Route 1, South, Peddler/Private Property.

ITEM #99-91 - continued

12). Richard Jendfasko, d/b/a Tripple Play, Peddler/Private Property, US Route #1-So
(Councilors Campbell & Curtis) (7 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Campbell & Curtis) (7 Ayes) (0 Nays)

BE IT ORDERED: That the applications and re-applications for Victualer's Licenses issued to the above named applicants be approved.
(Councilors Campbell & Curtis) (7 Ayes) (0 Nays)

MOVED & SECONDED: That the Licensing Board adjourn and the Council reconvene.
(Councilors Campbell & Curtis) (7 Ayes) (0 Nays)

ITEM #100-91

MOVED & SECONDED: That the following application for a full time Malt, Spirituous & Vinous License be subject to Public Hearing.
(Councilors Goddard & Curtis) (5 Ayes) (0 Nays)

J. Sean Riley, Freeport Inn & Cafe, 335 U.S. Route #1.

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Goddard & Campbell) (5 Ayes) (0 Nays)

BE IT ORDERED: That the application for a full time Malt, Spirituous & Vinous License issued to the above named applicant, be approved.
(Councilors Goddard & Campbell) (5 Ayes) (0 Nays)

ITEM #101-91

MOVED & SECONDED: That the application for a Wharfing Out Permit be subject to Public Hearing.
(Councilors Curtis & Campbell) (5 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Goddard & Campbell) (5 Ayes) (0 Nays)

BE IT ORDERED: That the application for a Wharfing Out Permit for Frederick M. and Winifred H. Low, be approved.
(Councilors Goddard & Campbell) (5 Ayes) (2 Abstain - Grady & Stevens)

Note: Councilor Grady arrives at 7:50 p.m.
Councilor Stevens arrives at 8:00 p.m.

COUNCIL MINUTES #16-91
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ITEM #102-91

MOVED & SECONDED: That the proposed amendment to the Peddlers Ordinance be subject to Public Hearing.
(Councilors Grady & Stevens) (7 Ayes) (0 Nays)

MOVED & SECONDED: That the Public Hearing be closed.
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

MOVED & SECONDED: That the proposed amendment to the Peddlers Ordinance be tabled until July 9, 1991.
(Councilors Campbell & Curtis) (7 Ayes) (0 Nays)

ITEM #103-91

BE IT ORDERED: That an aerial photo of the Village Area of the Town of Freeport, donated by Paul & Kevin Kelly, be accepted.
(Councilors Stevens & Curtis) (7 Ayes) (0 Nays)

ITEM #104-91

BE IT ORDERED: That a Public Hearing be scheduled for July 9, 1991 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Ordinance.
(Councilors Goddard & Campbell) (7 Ayes) (0 Nays)

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 & Campbell) (7 Ayes) (0 Nays)

ITEM #105-91

BE IT ORDERED: That 13 applicants receive a total of \$2,387.36 in awards from the Dr. Gould Trust Fund.

Note: All applicants have qualified with the General Assistance Office and a detailed list of applicants and awards can be obtained at that office.
(Councilors Curtis & Campbell) (7 Ayes) (0 Nays)

COUNCIL MINUTES #16-91
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ITEM #106-91

MOVED & SECONDED: That the Town Manager read Bids for Tax Anticipation Borrowing.
(Councilors Stevens & Curtis) (7 Ayes) (0 Nays)

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 \$500,000 principal amount of Tax Anticipation Notes of the Town in anticipation of the receipt of taxes for the municipal year which commences July 1, 1991 and ends June 30, 1992.

BE IT FURTHER ORDERED: Said Notes shall be dated July 1, 1991, shall mature on June 30, 1992, shall be signed by the Treasurer and countersigned by the Chairman of the Town Council, shall bear interest at the rate 5.75% of per annum, shall be payable at Fleet Bank and otherwise be in such form and bear such details as the signers may determine.

BE IT FURTHER ORDERED: That said Notes are hereby sold and awarded to Fleet Bank.

BE IT FURTHER ORDERED: Said Notes are hereby designated qualified tax exempt obligations of the Town for the 1991 calendar year pursuant to the Internal Revenue Code of 1986.

BE IT FURTHER ORDERED: That all things heretofore done and all actions heretofore taken by the Town, its municipal officers and agents in the authorization of said Notes are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provision of this voting, including delivering said Notes against payment therefor.
(Councilors Stevens & Grady) (7 Ayes) (0 Nays)

ITEM #107-91

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for the year 1991-1992 be approved in the amount of \$1,471,595
(Councilors Arsenault & Curtis) (6 Ayes) (1 Nay - Arsenault)

ITEM #108-91

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for Adult Education be approved in the amount of \$54,875.
(Councilors Grady & Stevens) (6 Ayes) (1 Nay - Arsenault)

ITEM #109-91

BE IT ORDERED: That \$4,742,199 be appropriated from the Foundation allocation for school purposes and that \$4,012,319 be appropriated as Freeport's local share of the Foundation allocation.
(Councilors Goddard & Campbell) (5 Ayes) (2 Nays - Arsenault & Grady)

ITEM #110-91

BE IT ORDERED: That \$1,326,323 be appropriated from the Debt Service allocation for school purposes and that \$310,176 be appropriated as the local share of Debt Service.
(Councilors Curtis & Stevens) (7 Ayes) (0 Nays)

ITEM #111-91

BE IT ORDERED: That \$954,515 be appropriated for additional local funds for school purposes under the provisions of 20-A MRSA.
(Councilors Campbell & Curtis) (4 Ayes) (3 Nays - Arsenault, Campbell & Grady)

ITEM #112-91

BE IT ORDERED: That the School Committee be authorized to expend \$7,416,943 for Fiscal Year beginning July 1, 1991 and ending June 30, 1992 from the Foundation allocation, Debt Service allocation, Unexpended Balances, Tuition Receipts, Local Appropriations, State Subsidy, and other receipts for the support of schools.
(Councilors Arsenault & Curtis) (4 Ayes) (3 Nays - Grady, Arsenault, Campbell)

ITEM #113-91

BE IT ORDERED: That \$110,260 be appropriated for Adult Education and that \$44,497 be appropriated for the Town of Freeport's local share for Fiscal year 1991-1992. (Councilors Goddard & Campbell) (7 Ayes) (0 Nays)

ITEM #114-91

BE IT ORDERED: That the following appropriations be made to the several departments of 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, 1991 to June 30, 1992 Municipal Budget as amended* (Councilors Curtis & Stevens) (4 Ayes) (3 Nays - Grady, Arsenault & Campbell)

APPROPRIATIONS

GENERAL GOVERNMENT	1,041,776
PROTECTION AND ENFORCEMENT	906,846
HEALTH AND WELFARE	63,546
PUBLIC WORKS/SOLID WASTE	801,506
LIBRARY	134,898
UNCLASSIFIED	177,167
EDUCATION	7,416,943
DEBT SERVICE	881,648
COUNTY TAX	330,653
HUMAN SERVICE AGENCIES	35,835
BUSTINS ISLAND	66,928
ABATEMENTS	25,000
TOTAL APPROPRIATIONS	11,882,746

ESTIMATE REVENUES

NON-PROPERTY TAX/TAX PENALTIES	579,900
INTERGOVERNMENTAL	347,990
CHARGES FOR SERVICES	24,300
LICENSES AND PERMITS	88,250
FINES AND FORFEITURES	41,500
MISCELLANEOUS *	59,500
EDUCATION	2,139,933
TOTAL ESTIMATED REVENUES	3,281,373
AMOUNT TRANSFERRED FROM UNDESIGNATED FUNDS	155,000
AMOUNT TO RAISED BY TAXATION *	8,446,373
TOTAL REVENUES	11,882,746

MOVED & SECONDED: To amend Item #114-91 to read as follows: Miscellaneous* Change \$59,500 to \$137,440. (Councilors Bradley & Curtis) (5 Ayes) (2 Nay) - Arsenault & Grady)

MOVED & SECONDED: To amend Item #114-91 to read as follows: Change Amount To Be Raised By Taxation* from \$8,446,373 to \$8,368,433. (Councilors Bradley & Curtis) (5 Ayes) (2 Nays - Grady & Arsenault)

Note: Councilor Campbell is excused at 9:10 p.m.

COUNCIL MINUTES #16-91
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ITEM #115-91

BE IT ORDERED: That the Fiscal Year 1992 Winslow Park Operating Budget in the amount of \$79,250 be approved.

BE IT FURTHER ORDERED: That the Fiscal Year 1992 Harb Cottage Budget in the amount of \$8,300 be approved.
(Councilors Goddard & Curtis) (6 Ayes) (0 Nays).

ITEM #116-91

BE IT ORDERED: That be transferred from the Fund Balance Account and applied to the Equipment Reserve Account.

MOVED & SECONDED: To table Item #116-91 indefinitely.
(Councilors Curtis & Grady) (6 Ayes) (0 Nays)

ITEM #117-91

BE IT ORDERED: That \$5,000 be transferred from the Fund Balance Account and applied to the Revaluation Reserve Account.
(Councilors Arsenault & Curtis) (5 Ayes) (1 Nay - Arsenault)

ITEM #118-91

BE IT ORDERED: That be transferred from the Fund Balance Account and applied to the Community Attitude Survey - Comprehensive Planning Reserve Account.

MOVED & SECONDED: To table Item #118-91 indefinitely.
(Councilors Curtis & Stevens) (6 Ayes) (0 Nays)

ITEM #119-91

BE IT ORDERED: That \$15,000 be transferred from the Miscellaneous and Contingency Account to cover an overdraft in the General Assistance Account for the Fiscal Year 1991 Operating Budget.
(Councilors Curtis & Goddard) (5 Ayes) (1 Nay - Arsenault)

COUNCIL MINUTES #16-91
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ITEM #120-91

BE IT ORDERED: That \$23,000 be transferred from the Revaluation Reserve Account to provide for the funding of a Townwide Revaluation and Equalization Program. (Councilors Arsenault & Stevens) (5 Ayes) (1 Nay - Arsenault)

ITEM #121-91

BE IT ORDERED: That \$61,000 be transferred from the Earned Interest Capital Account to provide for the funding of a Townwide Revaluation and Equalization Program. (Councilors Grady & Curtis) (5 Ayes) (1 Nay - Arsenault)

ITEMS 122-91 through 127-91

MOVED & SECONDED: To table Items 122-91 through 127-91 until July 9, 1991.
(Councilors Curtis & Stevens) (6 Ayes) (0 Nays)

attached ordinance

ITEM #91-91

BE IT ORDERED: That the proposed vacating of Chapter 36 of the Freeport Municipal Code, as submitted to Public Hearing on June 4, be approved. (Councilors Goddard & Curtis) (6 Ayes) (0 Nays)

ITEM #92-91

BE IT ORDERED: That the proposed Appropriation Ordinance for \$36,000 to provide for a Townwide Revaluation and Equalization Program, as submitted to Public Hearing on June 4, 1991, be approved. (Councilors Stevens & Curtis) (0 Ayes) (6 Nays)

COUNCIL MINUTES #16-91
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MOVED & SECONDED: To introduce an item not on the printed agenda.

ITEM #128-91

BE IT ORDERED: That the Town Manager be authorized to apply for Designation as an Affordable Housing Alliance Community by the State of Maine.

BE IT FURTHER ORDERED: That the Town Manager be authorized to apply for an Affordable Housing Planning Grant administered by the Department of Economic and Community Development.

Note: Grant Application cannot exceed \$15,000.
(Councilors Arsenault & Curtis) (6 Ayes) (0 Nays)

MOVED & SECONDED: To introduce an item not on the printed agenda.

ITEM #129-91

MOVED & SECONDED: That the Town Manager read the bids for the painting of the Police Building.

BE IT ORDERED: That the bid from Watson Decor for \$2,750 for the painting of the Police Building be accepted.
(Councilors Curtis & Stevens) (6 Ayes) (0 Nays)

MOVED & SECONDED: To introduce an item not on the printed agenda.

ITEM #130-91

BE IT ORDERED: That the Town Manager be authorized to sign, on behalf of the Town of Freeport, an Administrative Consent Agreement and Enforcement Order between Regional Waste Systems, Inc., the Town of Freeport, and Daniel & Keith Wentworth and Wentworth Rubbish Removal concerning violations of sections of the Freeport Town Code.
(Councilors Stevens & Curtis) (5 Ayes) (1 Nay - Arsenault)

MOVED & SECONDED: To introduce an item not on the printed agenda.

ITEM #131-91 TO CONSIDER ACTION RELATIVE TO A RESOLUTION RECOGNIZING THE SERVICE OF OSMOND C. BONSEY TO THE TOWN OF FREEPORT.

WHEREAS, Osmond C. Bonsey served the Town of Freeport as Town Manager from 1955 to 1962;

WHEREAS, Osmond C. Bonsey is remembered as an extremely competent Manager who provided elected officials with excellent guidance and advise;

WHEREAS, Osmond C. Bonsey has dedicated his entire career to the Town Management Profession and through his performance established a standard of excellence for which all Municipal Managers should strive;

BE IT RESOLVED, That the Freeport Town Council and Citizens of Freeport express their sincere thanks to Mr. Bonsey for his contributions to our community and wish him well in his future endeavors.

(Councilors Goddard & Curtis) (6 Ayes) (0 Nays)

OTHER BUSINESS:

- 1). The Council approved the summer meeting schedule. The Council will be meeting July 9 & 23; August 6 & 20; and September 3 & 17.
- 2). Councilor Curtis updated the Council on the progress of the Soule School Study Comm. The Committee will make a formal recommendation at the July 9 Council Meeting.
- 3). An update was given by the Town Manager on the status of acquiring Hedgehog Mountain. The Town Council instructed the Manager to pursue title insurance on the property, ask the Soule family to work with abutters in resolving boundary line disputes and ask the Landbank Commission for their opinion on the 5.7 acres in dispute.
- 4). A discussion was held on the designation of a local planning committee. A majority of the Council favored designating the Planning Board. The Chairman agreed to submit a set of legal questions to the Town Attorney for response. A vote on this issue will be taken at the July 9 Council Meeting.
- 6). The Town Manager brought to the attention of the Council of the upcoming meeting of COG's General Assembly. No members of the Council were able to attend that meeting. David Thompson of the Planning Board will act as delegate to that meeting.

MOVED & SECONDED: That the Council adjourn at 11:24 p.m.
(Councilors Goddard & Stevens) (6 Ayes) (0 Nays)

Recorded by,

Mary Lou Halla

Public Hearing 6/4/91

Defeated

6/18/91

Item #92-91

APPROPRIATION ORDINANCE FOR PROVIDING FOR A
TOWNWIDE REVALUATION AND EQUALIZATION PROGRAM.

The Town of Freeport Hereby Ordains That a sum not to exceed \$36,000 is hereby appropriated for the purpose of providing for a Townwide Revaluation and Equalization Program and to meet said appropriation, the Chairman of the Town Council and the Town Treasurer are authorized to issue general obligation securities of the Town of Freeport in a total principal amount not to exceed \$36,000 with discretion to fix the date, place of payment, forms, and other details of the securities, and providing the sale thereof delegated to the Chairman of the Town Council and the Town Treasurer.

VILLAGE-COMMERCIAL DISTRICT STREET AND SIDEWALK MAINTENANCE
AND LITTER CONTROL ORDINANCE

Section 1. Title

This Ordinance shall be known and may be cited as the Village-Commercial District Street and Sidewalk Maintenance and Litter Control Ordinance.

Section 2. Purpose and Authority

- A. The purpose of this Ordinance is to provide for sidewalk maintenance and the removal of snow from and salting and sanding of sidewalks, litter control, and street sweeping in the Village-Commercial District as designated on the Official Zoning Map for the Town of Freeport and in such other areas as the Town Council may designate or establish by order and to authorize the Town to recover the reasonable costs incurred in providing such services. The Town provides these services in the Village-Commercial District which, because of the heavy pedestrian and vehicular traffic in that area, requires such services to provide for the public health and safety. The Town Council finds and declares that provision of these services confers special benefits on the owners and/or operators retail and eating establishments located within the Village-Commercial District and, therefore, that the Town shall assess such establishments the reasonable cost of providing services.
- B. This Ordinance is enacted pursuant to the Town's statutory and constitutional home rule powers.

Section 3. Services Provided

The Public Works Department is hereby authorized to provide for litter control, street sweeping, and sidewalk maintenance (such services to include, at a minimum, sweeping of streets, sidewalks and public parking lots and emptying of litter receptacles), and during the winter season to provide for sidewalk snow removal and salting and sanding of sidewalks in the Village-Commercial District and any other designated area.

Section 4. Amount Charged

The Public Works Department shall keep an accurate account of the expenses incurred by the Town in providing the services outlined in Section 3. hereof in the Village-Commercial District during each year. On or before May 1st of each year, the Public Works Department shall bill the record owner of the abutting properties for the amount properly chargeable for their proportional share of the estimated cost of providing such services. The estimated cost of providing the services authorized by Section 3. hereof shall be based upon a five (5) year average of such costs, which shall be set by the Council and updated at least every two (2) years, based upon Public Works

Department records. The amount properly chargeable against each abutting property and the record owner thereof shall be based upon a cost per linear foot of sidewalk in front of such property. The record owner of each such abutting property shall be the owner of record as of April 1st of each year as designated in the office of the Town Tax Assessor.

Section 5. Assessment

No sooner than thirty (30) and no later than one hundred twenty (120) days after the date bills are sent to property owners, the Town Treasurer shall present to the Town Clerk a list of parcels of land for which any charges under this section have been billed and have not been paid in full, together with the name of the record owner of such parcels. The Council shall then assess against each parcel of land the amount of such charges as have not been paid. All such assessments upon a parcel of land made shall create a lien for the benefit of the Town. The Clerk shall deliver such assessment to the Treasurer; and if the assessment is not paid within three (3) months of the date of such assessment, the treasurer shall proceed to collect such charges with interest at the maximum rate for unpaid taxes from the date of such assessment, together with costs and incidental charges, in the manner provided for collection of taxes by enforcement of lien procedure, which lien shall be enforced not less than eight (8) months nor more than one (1) year after such assessment; or if the Town does not elect to proceed with such lien procedure, or the lien procedure is defeated for any reason, the Town may recover from the owner or owners named in the assessment the amount of the assessments, plus interest at the maximum rate for unpaid taxes and costs as for money paid, laid out, and expended, in any court competent to try such an action.

Section 6. Severability

In the event any provision of this Ordinance is held invalid, illegal or unconstitutional by a court of competent jurisdiction, such provision shall be deemed to be severable, and all other provisions hereof shall remain in full force and effect.

Section 7. Effective Date

The effective date of this Ordinance is the date of its enactment by the Town Council of the Town of Freeport.