

FREEPORT COUNCIL MEETING #4-92

FEBRUARY 25, 1992 - 7:30 P.M. - COUNCIL CHAMBERS

SUMMARY AGENDA

- ITEM #44-92 TO CONSIDER ACTION RELATIVE TO A RE APPLICATION FOR A FULL TIME MALT & VINOUS LICENSE FOR THE LOBSTER COOKER. (PUBLIC HEARING)
- ITEM #45-92 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL TIME MALT, SPIRITUOUS AND VINOUS LICENSE FOR THE CHINA ROSE RESTAURANT. (PUBLIC HEARING)
- ITEM #46-92 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALAR'S LICENSES FOR LY-SU CORPORATION, JAMES HENDRY, THOMAS HUDAK. (PUBLIC HEARING)
- ITEM #208-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE AND ZONING MAP PERTAINING TO NEW STATE REQUIREMENTS FOR SHORELAND ZONING. (CHAPTER 21) (PUBLIC HEARING) CONTINUED FROM DECEMBER 17, 1991.
- ITEM #47-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE PLANNING BOARD.
- ITEM #48-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE TV REGULATORY BOARD.
- ITEM #49-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE TV REGULATORY BOARD.
- ITEM #50-92 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A HEDGEHOG MOUNTAIN PLANNING COMMITTEE.
- ITEM #51-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE COASTAL WATERS ORDINANCE. (CHAPTER 31)
- ITEM #52-92 TO CONSIDER ACTION RELATIVE TO AN ANTI-DISLOCATION PLAN AS REQUIRED BY THE CDBG AFFORDABLE HOUSING PLANNING GRANT.
- ITEM #53-92 TO CONSIDER ACTION RELATIVE TO L.L. 2265, AN ACT TO ESTABLISH A BUDGET ADVISORY COMMITTEE AND PROCESS FOR CUMBERLAND COUNTY.
- ITEM #13-92 TABLED JANUARY 7, 1992. TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE WINSLOW PARK COMMISSION.
- ITEM #14-92 TABLED JANUARY 7, 1992. TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

summary agenda - continued

- ITEM #42-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO A REDUCTION IN APPROPRIATIONS FOR THE FISCAL YEAR 1992 MUNICIPAL AND SCHOOL OPERATING BUDGETS.
- ITEM #36-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE. (CHAPTER 2)
- ITEM #37-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ALARM SYSTEMS ORDINANCE. (CHAPTER 14)
- ITEM #38-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PEDDLERS ORDINANCE. (CHAPTER 43)
- ITEM #39-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE. (CHAPTER 46)
- ITEM #40-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE VEHICLE TOWING ORDINANCE (CHAPTER 49)

OTHER BUSINESS:

- 1). DISCUSSION ON REQUEST FOR THE USE OF BOW STREET PARK FOR THE L.L. BEAN ROAD RACE.
- 2). DISCUSSION ON THE ATLANTIC SEAL SERVICE OPERATION AND ITS CONTINUED USE OF THE TOWN LANDING.

- ITEM #54-92 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE POSSIBLE ACQUISITION OF PROPERTY AND A PERSONNEL MATTER.

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #4-92

FREEPORT TOWN HALL COUNCIL CHAMBERS

FEBRUARY 25, 1992 - 7:30 P.M.

Regular X Special

Chairman's Call to Order	Present	Absent	Excused
Vaughndella Curtis, Chairperson Pine Street	X		
Kirk Goddard, Vice-Chairman Mast Landing	X		
Edward Bradley, Flying Point	X		
William Grady Elm Street Extension			X
John Nelson, Church Road	X		
Andrew Arsenault, US Route #1	X		
Cary Veilleux, Wardtown Road	X		

Moved and Seconded - To waive the reading of the Minutes of Meeting # 3-92 held February 11 and accept the Minutes as printed.

(Councilors Veilleux & Arsenault) (5 Nays) (0 Nays)

Second Order of Business: Public Comment Period

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

Note: Mr. Goddard arrives at 7:35 p.m.

ITEM #44-92 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A
FULL TIME MALT & VINOUS LICENSE FOR THE LOBSTER COOKER. (PUBLIC HEARING)

MOVED & SECONDED: That the following re-application for a full time
malt & vinous license be subject to public hearing.

Michael & Richard Marino, d/b/a Lobster Cooker, 39 Main Street.

MOVED & SECONDED: That the public hearing be closed.
(Councilors Goddard & Veilleux) (6 Ayes) (0 Nays)

BE IT ORDERED: That the re-application for a full time malt & vinous
license issued to the above name applicant, be approved.
(Councilors Arsenault & Goddard) (6 Ayes) (0 Nays)

ITEM #45-92 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL
TIME MALT, SPIRITUOUS AND VINOUS LICENSE FOR THE CHINA ROSE RESTAURANT.
(PUBLIC HEARING)

MOVED & SECONDED: That the following application for a full time malt,
spirituous & vinous license be subject to public hearing.

Cuong Ly (LY-SU Corporation) d/b/a China Rose Restaurant, 10 School Street.
(Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the public hearing be closed.
(Councilors Nelson & Veilleux) (6 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 Nelson & Veilleux) (6 Ayes) (0 Nays)

COUNCIL MINUTES #4-92
FEBRUARY 25, 1992

ITEM #46-92 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/RE-APPLICATIONS FOR VICTUALER'S LICENSES FOR LY-SU CORPORATION, JAMES HENDRY, THOMAS HUDAK. (PUBLIC HEARING)

MOVED & SECONDED: That the Council adjourn and the Licensing Board convene. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

<u>Roll Call of Members:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Vaughndella Curtis	X		
Kirk Goddard	X		
Edward Bradley	X		
William Grady			X
Andrew Arsenault	X		
John Nelson	X		
Cary Veilleux	X		
Dale Olmstead	X		
Mary Lou Halla	X		

MOVED & SECONDED: That the following applications/re-applications for Victualer's Licenses be subject to public hearing.

LY-SU Corporation, d/b/a China Rose Restaurant, 10 School Street

James Hendry, d/b/a Harborside Bed and Breakfast, 14 Main Street

Thomas Hudak, d/b/a Maple-Hedge Bed and Breakfast, 22 Park Street.
(Councilors Bradley & Veilleux) (8 Ayes) (0 Nays)

MOVED & SECONDED: That the public hearing be closed.
(Councilors Bradley & Veilleux) (8 Ayes) (0 Nays)

BE IT ORDERED: That the applications/re-applications for Victualer Licenses issued to the above named applicants, be approved.
(Councilors Bradley & Veilleux) (8 Ayes) (0 Nays)

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

ITEM #208-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE AND ZONING MAP PERTAINING TO NEW STATE REQUIREMENTS FOR SHORELAND ZONING. (CHAPTER 21) (PUBLIC HEARING) CONTINUED FROM DECEMBER 17, 1991.

MOVED & SECONDED: To continue Item #208-92 until April 7, 1992.
(Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

COUNCIL MINUTES #4-92
FEBRUARY 25, 1992

ITEM #47-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE PLANNING BOARD.

BE IT ORDERED: That Lola Lee be appointed, effective immediately, to serve as a member of the Planning Board until May 1, 1992.

BE IT FURTHER ORDERED: That Ms. Lee qualify by swearing an oath of office before the Town Clerk by March 6, 1992.
(Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

ITEM #48-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE TV REGULATORY BOARD.

BE IT ORDERED: That Stephen Stairs be appointed, effective immediately, to serve as a member of the Cable TV Regulatory Board to serve until October 1, 1994.

BE IT FURTHER ORDERED: That Mr. Stairs qualify by swearing an oath of office before the Town Clerk by March 6, 1992.
(Councilors Bradley & Nelson) (6 Ayes) (0 Nays)

ITEM #49-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE CABLE TV REGULATORY BOARD.

BE IT ORDERED: That Ralph A. Williams, Sr. be appointed, effective immediately, to serve as a member of the Cable TV Regulatory Board to serve until October 1, 1994.

BE IT FURTHER ORDERED: That Mr. Williams qualify by swearing an oath of office before the Town Clerk by March 6, 1992.
(Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

ITEM #50-92 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF A HEDGEHOG MOUNTAIN PLANNING COMMITTEE.

BE IT ORDERED: That the following individuals be appointed as members of the Hedgehog Mountain Planning Committee:

Paul Wentworth
Mike Perry
Gary Profenno
Hedy Fillmore
Elizabeth Moore
John Albright
Lou Soule
Louis Marstaller
Robert Hartnett

BE IT FURTHER ORDERED: That the above named qualify by swearing an oath of office before the Town Clerk by March 6, 1992.

COUNCIL MINUTES #4-92
FEBRUARY 25, 1992

ITEM #50-92 - continued

BE IT FURTHER ORDERED: That the Committee be charged with the following
*as amended:
(Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

Hedgehog Mountain has been a community asset for well over two hundred years. The land is beautiful and has historically been used by the community even though it was privately owned. Now that it is owned by the Town, we need to determine the most appropriate public use of the property.

An ad hoc committee is appointed by the Council to analyze all potential uses and develop a management plan which shall be presented to the Council.

Charge:

1. Analyze all possible options and develop priorities. Examples of options and issues to consider include but are not limited to; natural and wild land, recreational uses, coordination with the Freeport School System educational and athletic fields, environmentally sound activities, affordable housing, public facilities, open space, town forest with logging possibilities, preservation of historic uses, providing public access, consider the relationship to the adjoining Landfill property and potential joint use (e.g., access), commercial use and resale of land. Special attention should be paid to the issues of preservation of the mountain top and to the possibility of changing uses over time. The Committee shall solicit public comment.

After initial prioritization, the Committee shall meet with the Council to discuss findings and establish a due date.

2. Develop a comprehensive plan for approval by the Council which will include the following:

- a. Short and long term goals and strategies and a timetable for achieving them.
 - b. A land use map.
 - c. An administrative plan.
 - d. Budget, including potential funding sources.
3. Public participation shall be encouraged.

Time Frame

Report on prioritization to Council in early September, 1992.

Final Report due _____

COUNCIL MINUTES #4-92
FEBRUARY 25, 1992

ITEM #51-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT
TO THE COASTAL WATERS ORDINANCE. (CHAPTER 31)

BE IT ORDERED: That a public hearing be scheduled for March 17,
1992 at 7:30 p.m. in the Freeport Town Hall to discuss a proposed
amendment to the Coastal Waters Ordinance.

BE IT 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 & Veilleux) (6 Ayes) (0 Nays)

ITEM #52-92 TO CONSIDER ACTION RELATIVE TO AN ANTI-DISLOCATION
PLAN AS REQUIRED BY THE CDBG AFFORDABLE HOUSING PLANNING GRANT.

BE IT ORDERED: That the Anti-Dislocation Plan as required by the
CDBG Affordable Housing Planning Grant, be approved.
(Councilors Bradley & Arsenault) (6 Ayes) (0 Nays)

ITEM #53-92 TO CONSIDER ACTION RELATIVE TO L.L. 2265, AN ACT
TO ESTABLISH A BUDGET ADVISORY COMMITTEE AND PROCESS FOR CUMBERLAND
COUNTY.

BE IT ORDERED: That the Chairperson of the Freeport Town Council
be authorized to write to the Freeport Legislative Delegation indicating
the Town Council's support for L.D. 2265.
(Councilor Veilleux & Goddard) (6 Ayes) (0 Nays)

ITEM #13-92 TABLED JANUARY 7, 1992. TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO THE WINSLOW PARK COMMISSION.

BE IT ORDERED: That Carol Burrall be re-appointed, effective immediately, to serve as a member of the Winslow Park Commission until March 1, 1995.

BE IT FURTHER ORDERED: That Ms. Burrall qualify by swearing an oath of office before the Town Clerk by March 6, 1992.
(Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

ITEM #14-92 TABLED JANUARY 7, 1992. TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE WINSLOW PARK COMMISSION.

BE IT ORDERED: That Anne Wold be appointed, effective immediately, to serve as a member of the Winslow Park Commission until March 1, 1995.

BE IT FURTHER ORDERED: That Ms. Wold qualify by swearing an oath of office before the Town Clerk by March 6, 1992.
(Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

ITEM #42-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO A REDUCTION IN APPROPRIATIONS FOR THE FISCAL YEAR 1992 MUNICIPAL AND SCHOOL OPERATING BUDGETS.

BE IT ORDERED: That in order to compensate for lost State Revenues the following Appropriations be reduced in the Fiscal Year 1992 Operating Budgets *as amended:

Options A & B were voted down by the Council.

MOVED AND SECONDED: To amend Option A as follows:

- 1). School Appropriations - Reduce from \$7,416,942 to *\$7,324,638.
- 2). Municipal Appropriations- Reduce from \$3,125,739 to*\$3,058,739
(Councilors Goddard & Nelson) (6 Ayes) (0 Nays)

MOVED & SECONDED: To accept Item #42-92 as amended.
(Councilors Goddard & Nelson) (6 Ayes) (0 Nays)

ITEM #36-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE. (CHAPTER 2)

BE IT ORDERED: That the proposed amendments to the Freeport Administrative Code as submitted to public hearing on February 11, 1992, be approved. *amendments attached*
(Councilors Arsenault & Nelson) (5 Ayes) (0 Nays)

ITEM #37-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ALARM SYSTEMS ORDINANCE. (CHAPTER 14)

amendments attached
BE IT ORDERED: That the proposed amendments to the Alarm Systems Ordinance as submitted to public hearing on February 11, 1992, be approved.
(Councilors Nelson & Goddard) (5 Ayes) (0 Nays)

ITEM #38-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE PEDDLERS ORDINANCE. (CHAPTER 43)

amendments attached
BE IT ORDERED: That the proposed amendments to the Peddlers Ordinance as submitted to public hearing on February 11, 1992, be approved.
(Councilors Bradley & Nelson) (6 Ayes) (0 Nays)

ITEM #39-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE. (CHAPTER 46)

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance as submitted to public hearing on February 11, 1992, be approved.
(Councilors Goddard & Nelson) (6 Ayes) (0 Nays)

ITEM #40-92 TABLED FEBRUARY 11, 1992. TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE VEHICLE TOWING ORDINANCE. (CHAPTER 49)

BE IT ORDERED: That the proposed amendment to the Vehicle Towing Ordinance as submitted to public hearing on February 11, 1992, be approved.
(Councilors Bradley & Nelson) (6 Ayes) (0 Nays)

OTHER BUSINESS:

- 1). A discussion on a request for the use of Bow Street Park for the L.L. Bean Road Race was held. It was the general consensus of the Council to approve this request.
- 2). A discussion was held on the Atlantic Seal Service Operation and its continued use of the Town Landing.

MOVED & SECONED: To introduce an item not on the printed agenda.
(Councilors Arsenault & Goddard) (6 Ayes) (0 Nays)

MOVED & SECONDED: To extend to the Atlantic Seal Service Cruises, Inc. the right to operate on the Town Dock until December 31, 1992.
(Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

ITEM #54-92 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION
TO DISCUSS THE POSSIBLE ACQUISITION OF PROPERTY AND A PERSONNEL
MATTER.

MOVED & SECONDED: That the Council enter into Executive Session
to discuss the possible acquisition of property and a personnel
matter.
(Councilors Bradley & Goddard) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the Council reconvene.

((Councilors Bradley & Arsenault) (6 Ayes) (0 Nays)

MOVED & SECONDED: That the Council adjourn at 11:50 p.m.
(Councilors Bradley & Arsenault) (6 Ayes) (0 Nays)

Recorded by,

Mary Lou Halla, Recording Secretary

TOWN OF FREEPORT

Municipal Offices

(207) 865-4743



Approved
2/25/92
JAN 21 1992
4-92
Dale C. Olmstead, Jr.
Town Manager
(207) 865-4856
Mary Lou Hella
Council Secretary

PROPOSED

AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE (Chapter 2)

ARTICLE VI. BOARDS AND COMMISSIONS

SECTION 601 - ESTABLISHMENT

There are hereby continued or created and established the following Boards and Commissions to be appointed by the Town Council:

1. Planning Board
2. Conservation Commission
3. Coastal Waters Commission
4. Board of Assessment Review
5. Board of Appeals
6. Shellfish Conservation Commission
7. B.H. Bartol Library Board of Directors
8. Recreation Committee
9. Personnel Grievance Committee
10. Licensing Board
11. Winslow Park Commission
12. Solid Waste/Recycling Advisory Board

Section 613 - Solid Waste/Recycling Advisory Board

613.1 Establishment

The Solid Waste/Recycling Advisory Board shall consist of seven members serving three year staggered terms. Members shall all be resident of the Town of Freeport.

The committee shall annually elect officers from its own membership. The officers shall be eligible for re-election.

613.2 Duties and Responsibilities

1. The committee shall:

Advise/recommend to the Town Council through the Town Manager.

2. This committee shall advise/recommend all Solid Waste policies, recycling policies, and demolition handling policies to the Town Council.

3. Review all contracts pertaining to Solid Waste, Recycling and Demolition Handling prior to the execution of contracts.

4. Study any other matters of duties that from time to time be requested by the Town Council as it pertains to the above matters.

5. Meet the last Thursday of each month at the Town Hall or other designated location.

Public Hearing Feb. 11, 1992
Approved Feb. 25, 1992

JAN 21 1992

PROPOSED

AMENDMENT TO THE ALARMS SYSTEMS ORDINANCE
(CHAPTER 14)

Article I, Section 14-102 Definitions

For purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. Alarm System. A system including any mechanism, equipment or device designed to ~~automatically~~ transmit a signal, message or warning from a private facility to any of the Town's public alarm systems, and shall include telephonic alarm systems designed to operate automatically through the use of public telephone facilities.

Article II, Section 14-201

No person or business shall operate or maintain an alarm system which ~~automatically~~ by any method transmits a signal, message or warning to the Police or Fire Departments without first ~~obtaining~~ a/prior filing an application.

TOWN OF FREEPORT

JAN 21 1992

Municipal Offices

(207) 865-4743



Dale C. Olmstead, Jr.

Town Manager

(207) 865-4856

PROPOSED

AMENDMENTS TO THE PEDDLERS ORDINANCE

(CHAPTER 43)

Section 43-202 Application

k. The number of peddlers licenses issued at any one time will be limited to six (6); and upon issuance of the license, the ~~Town Clerk~~ Traffic & Parking Committee will designate the location of the peddler's cart or unit;

p. Residents who reapply by February 1 and request Main Street locations can select a location by the drawing of lots. Non-Residents re-applicants and new applicants will be assigned a location by the ~~Town Clerk~~ Traffic & Parking Committee.

Approved

2/25/92

4-92

M. L. Hall,
Council Secretary

TOWN HALL, 30 MAIN STREET, FREEPORT, MAINE 04032