

FREEPORT TOWN COUNCIL MEETING #18-92

AUGUST 11, 1992 - 7:30 P.M. - COUNCIL CHAMBERS

+++++

- ITEM #163-92 TO CONSIDER ACTION RELATIVE TO APPLICATION FOR VICTUALER LICENSES FOR MICHAEL CONCANNON, BEVERLY OAKES, JOHN ROGERS, HUGH WADE, CARLENE STAIRS, JAMES ROBERTS, ALDEN AND JANE GRANT. (PUBLIC HEARING)
- ITEM #164-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED APPROPRIATION ORDINANCE FOR \$9,000 TO PROVIDE FOR SAFETY EQUIPMENT FOR THE FREEPORT RESCUE UNIT. (PUBLIC HEARING)
- ITEM #165-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED APPROPRIATION ORDINANCE FOR \$49,500 TO PROVIDE FOR HIGH SCHOOL ROOF AND WINDOW REPLACEMENTS. (PUBLIC HEARING)
- ITEM #166-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED APPROPRIATION ORDINANCE FOR \$24,000 TO PROVIDE FOR DRAINAGE IMPROVEMENTS TO THE HIGH SCHOOL ATHLETIC FIELD. (PUBLIC HEARING)
- ITEM #167-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ADMINISTRATIVE CODE - CHAPTER 2
- ITEM #168-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE - CHAPTER 48
- ITEM #169-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING MAP - CHAPTER 21
- ITEM #170-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE - CHAPTER 32
- ITEM #171-92 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A QUIT CLAIM DEED FOR TAX MAP 17, LOT 61A
- ITEM #172-92 TO CONSIDER ACTION RELATIVE TO A TRANSFER OF FUNDS FROM THE CABLE T.V. EQUIPMENT RESERVE ACCOUNT.
- ITEM #173-92 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM THE FY 1990 RECYCLING CAPITAL EQUIPMENT ACCOUNT.

OTHER BUSINESS:

1. Request from the Freeport Merchants Association for use of the sidewalk at the Main and Bow Street Intersection.
2. Request to display a thermometer on the lawn at Town Hall in connection with the July 4th Parade Fundraiser.
3. Discussion on the use of the Earned Interest Capital Account and FY 1992 Bonding Options.
4. Update on the Jobs Bond Issue.
5. Update on Peddler Regulations & Moratorium.

MINUTES

FREEPORT TOWN COUNCIL MEETING #18-92

FREEPORT TOWN HALL COUNCIL CHAMBERS

August 11, 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		
JOHN NELSON, CHURCH ROAD			X
ANDREW ARSENAULT US ROUTE #1	X		
CARY VEILLEUX, WARDTOWN ROAD	X		
RANDALL BENNETT, PARK STREET			X

MOVED AND SECONDED - To waive the reading of the minutes of Meeting #17-92 held July 28, 1992, and accept the minutes as printed (Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

Second Order of Business: Public Comment Period - 15 Mins.

John Riley explained that he had an existing peddler license at Maggie's and was interested in exchanging this location for Bill Marquis' property. Chair Curtis explained that there is a moratorium on peddler licenses presently and the Planning Board is expected to deliver their recommendations before the Council's August 25 meeting. The Council will hold a public hearing before adopting their recommendations. Mr. Riley pointed out that he was not asking for a new permit but simply a transfer. Mr. Olmstead replied that the moratorium language specifically indicated that peddlers are grandfathered according to location and this language prompted him to advise Mr. Riley to address the Council. Mr. Bradley pointed out that it was difficult to deal with items of this type without some background. He suggested that Mr. Riley have one of the Councilors put it on the next agenda and this would provide an opportunity for all of the Councilors to review the situation. Mr. Bradley mentioned that he didn't have a clue why Mr. Riley wanted to move and felt he should explain in a letter why he wanted to move, why it doesn't interfere with the moratorium and why it shouldn't cause anyone any concern. Mr. Olmstead indicated that Mr. Riley should send a new letter with as much information as possible.

Mary Kennedy indicated she wanted to give an update on Pine Street. She said that presently there is a 20' excavation starting at her property and proceeding all the way to Fox Farm Road which opens up Pine Street to be the throughway she was concerned about. Lots of rock and somewhere between 50-100 trees were whisked away. She is concerned that this road is going in with very little or no planning. She feels the Council should take a look at this situation, it is a misrepresentation of what was planned.

Mrs. Kennedy indicated that she was very concerned about the tax matter. She has not received her new evaluation as yet but has heard a lot about it. She feels in this computer age, she should have been advised of her evaluation by this time and does not want to wait until September to find out what her tax bill is.

Carla Skiffington pointed out that the new tax rate should be announced in a timely manner so that people on fixed incomes can make financial adjustments so that they can pay their tax bill. For some, this may mean foregoing the purchase of a large appliance or for others, the peace of mind that they have enough set aside.

Mr. Olmstead explained that the Council has held public hearings on this subject and the schedule has been available for sometime now and posted on the bulletin board of the Town Hall. A brochure is also available which explains the process and the rights of citizens. The Council that confirms the tax rate, cannot do it until the total value of the town is known. Until the Assessor notifies everyone of the proposed values, goes through various hearings to make certain the information is correct, and then establishes a town-wide valuation, it is impossible to immediately tell anyone what the tax rate will be.

Mr. Bradley shared her concern and assured her that he would have no problem announcing at the next meeting that the tax rate of Freeport is \$X before adjustments and after the hearings it should be \$Y. While this is not 100%, it should be close. He informed Mrs. Sheffington that the Council would take a lot of heat but perhaps it would be worth the risk if it helps people get their finances in order. She felt this would be helpful.

Mr. Tom Skiffington indicated that while watching the last Council meeting on television, he was disappointed and felt that Town officials were stonewalling in regards to the tax rate. He stated that most of Freeport taxpayers are not mollified by town officials that assure them they are in the same boat. Taxpayers don't need commiseration, they need timely information and timely is spelled NOW.

Ken Mann indicated that he too has heard a lot of complaints in regards to the delay in learning of the tax rates and hopes the information will be coming soon. He also mentioned that he was concerned that the Town has spent \$10,000 in legal fees trying to collect \$750 from Ocean Farms Restaurant for sidewalk repair for the past 5 years and that Judge Perkins had reversed his original finding for the Town. He indicated that he knew what it cost Ocean Farms to defend themselves. He feels it is important to request that the Town Attorney come to Freeport and explain how much it will cost the taxpayers. Mr. Olmstead indicated this was not a frivolous lawsuit. Mr. Bradley added that this was an attempt to enforce town ordinances against someone who had violated them and indicated it would be inappropriate to discuss the matter since litigation was still ongoing. Mr. Bradley indicated that the matter would certainly be made public when it is finalized. Mr. Arseneault indicated that he too was concerned with the high legal fees since he was the only Councilor to vote against this matter.

Peter Moulton indicated he was disappointed that the Cable phone-in only generated one call and hopes that the next time something similar is planned, the item will be taken in the proper sequence.

Councilor Veilleux was delighted to announce that on September 24 at 7:30 p.m. in Council Chambers, a workshop will be held on the 1992 Maine Residents Property Tax Program. A

representative will be coming from Augusta to answer questions, help people fill out forms and guide them through the process. This will be announced in the newspaper. He hopes people will take note of this worthy rebate program the state has. He urged Councilors to attend.

Third Order of Business: To take action on the following items of business as read by the Council Chairperson..

ITEM #163-92

MOVED AND SECONDED - That the Council adjourn and the Licensing Board convene. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ROLL CALL OF MEMBERS:

Edward Bradley
Andrew Arsenault
Cary Veilleux
Dale Olmstead
Sharon Coffin

MOVED AND SECONDED - That the following applications for Victualer's Licenses be subject to Public Hearing: (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

Beverly Oakes, d/b/a The Wine Cellar, 2 Mechanic Street

John Rogers, d/b/a The Falcon Restaurant, 8 Bow Street

Hugh Wade, d/b/a The Corsican Restaurant, 9 Mechanic Street

Carlene Stairs, d/b/a Stairs Famous Franks, Peddler/Private Property, 8 Morse Street

Alden and Jane Grant, d/b/a Nicholson Inn, 25 Main Street

MOVED AND SECONDED - That the Public Hearing be closed (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

BE IT ORDERED: That the applications for Victualer's Licenses as noted above be approved. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

MOVED AND SECONDED - That the Licensing Board adjourn and the Council reconvene. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #164-92

MOVED AND SECONDED - that the proposed Appropriation Ordinance for \$9,000 be subject to Public Hearing. (Councilors Veilleux & Bradley) (4 Ayes) (0 Nays)

MOVED AND SECONDED - That The Public Hearing be closed.
(Councilors Veilleux & Bradley) (4 Ayes) (0 Nays)

BE IT ORDERED: That the proposed Appropriation Ordinance for \$9,000 be tabled until August 25, 1992. (Councilors Veilleux & Bradley) (4 Ayes) (0 Nays)

ITEM #165-92

BE IT ORDERED: - That the proposed Appropriation ordinance for \$49,500 to provide for High School roof and window replacements be subject to Public Hearing. (Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That the Public Hearing be closed.
(Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

BE IT ORDERED: That the proposed Appropriation Ordinance for \$49,500 be tabled until August 25, 1992. (Councilors Arsenault & Veilleux (4 Ayes) (0 Nays)

ITEM #166-92

BE IT ORDERED: - That the proposed Appropriation Ordinance for \$24,000 to provide for drainage improvements to the High School Athletic Field be subject to public hearing. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That the Public Hearing be closed.
(Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

BE IT FURTHER ORDERED: That the proposed Appropriation Ordinance for \$24,000 be tabled until August 25, 1992.
(Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #167-92

BE IT ORDERED: - That a Public Hearing be scheduled for August 25, 1992 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Administrative Code.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's Office and the B. H. Bartol Library for public inspection. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #168-92

BE IT ORDERED: - That a Public Hearing be scheduled for August 25, 1992 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's Office and the B. H. Bartol Library for public inspection. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #169-92 **BE IT ORDERED:** That a Public Hearing be scheduled for August 25, 1992 at 7:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Map.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's Office and the B. H. Bartol Library for public inspection. (Councilors Veilleux & Bradley) (4 Ayes) (0 Nays)

ITEM #170-92 **BE IT ORDERED:** That a Public Hearing be scheduled for August 25, 1992 at 7:30 p.m. in the Town Hall Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's Office and the B. H. Bartol Library for public inspection. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #171-92 **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 Year 1989.

Town of Freeport Tax Map 17, Lot 61A

To: James Burgess

Note: This property is located on Route 125 and all taxes have been paid. (Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

ITEM #172-92 **BE IT ORDERED:** - That \$3,092 be transferred from the Cable T.V. Equipment Reserve Account to provide for the purchase of Audio Equipment. Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #173-92 **BE IT ORDERED:** - That \$2,000 be transferred from the FY 1990 Recycling Capital Equipment Account to provide for the purchase of a baling press.

Note: The press is currently on loan to the Town and the money in the Capital Equipment Account is from the 1990 State Recycling Grant awarded to the Town. (Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

OTHER BUSINESS:

1. Request from the Freeport Merchants Association for use of the sidewalk at the Main and Bow Street Intersection. (This was withdrawn)
2. Request to display a thermometer on the lawn at Town Hall in connection with the July 4th ParadeFund-raiser.

Chair Curtis mentioned that everyone had information in their packet explaining that Ruth Fillmore is guaranteeing that there will be a parade next year on the 4th of July. She and her committee are planning to raise somewhere between \$8,000-9,000 and would like to put up a thermometer to indicate their progress. Volunteers are needed to help. They are planning two car washes and a food sale soon. The Council is being asked to do a float. Councilor Bradley expressed his appreciation to citizens that come forward to undertake projects of this type. If this much money is being raised, he pointed out that everyone should be protected by using the services of the Town's Accounting Office to handle this money. Chair Curtis indicated that she would pass this suggestion on to the appropriate parties.

3. Discussion on the use of the Earned Interest Capital Account and FY 1992 Bonding Options. (This was tabled until more Councilors are available.)
- 4) Update on the Jobs Bond Issue.

Mr. Olmstead indicated that he had some good news on this issue. He indicated that Freeport is still in the running for \$200,000 for the construction of the public safety complex. He hopes to know if Freeport will be successful in a few week's time. The Sewer District's application for \$750,000 to upgrade the facility was also discussed. He has high hopes that the Sewer District proposal will be funded and mentioned that some federal monies might be available.

Mr. Bradley felt it was important for people to know that this will not all come out of the property tax base.

- 4) Update on peddler regulations & moratorium.

David Thompson pointed out that the Planning Board has been making progress and in all probability, this will be discussed at the next meeting. He feels that the Council could probably expect to see the finished document shortly, depending on how much time the Board actually gets to work on it. Mrs. Saunders felt the Planning Board should be thanked for all the work they have put into this issue.

Mr. Olmstead advised that the moratorium on the expansion of private property peddlers will expire on September 3, and it will take the Council 10-12 weeks to go through the process after it receives the draft from the Planning Board. The Council will have to decide whether to extend the moratorium or let it lapse. Mrs. Saunders added that there is much chaos that centers around Christmas thus making the peddler issue an on-going, year-round issue.

- 5) Rusty Abbott indicated that she and her parents, Leonard and Natalie Shean wrote a letter to the Town Council requesting clarification of the town ordinance in regards to the South Freeport Festival and wondered if a response would be forthcoming. Chair Curtis advised her that a response would be coming from the Codes Enforcement Officer. Mr. Olmstead assured her that their letter would be responded to.

Mr. Olmstead indicated that he received a note from the Fire Chief in regards to the sale of a 1967 fire truck which has been advertised. The only offer has been for \$400 from Camp Nutter in Acton, Maine. Councilor Bradley asked where it has been advertised and whether it could be used on Bustins Island. Mr. Olmstead indicated it was advertised in a Portland newspaper, a fire publication, as well as THE MAINE TIMES. Bustins turned the offer down. Chair Curtis felt that since it had been well advertised, Freeport should sell it to Camp Nutter without spending any more advertising money. Councilor Arsenault indicated that in the future, advertisements should be run in Bangor.

MOVED AND SECONDED: That the Council put an item not on the printed agenda. (Councilors Arsenault & Veilleux) (4 Ayes) (0 Nays)

Item #174-92

MOVED AND SECONDED: That the Council accept the \$400 bid from Camp Nutter in Acton, Maine for a 1967 Fire Truck. (Councilors Arsenault & Veilleux (4 Ayes) (0 Nays)

Chair Curtis reminded the Council that they will be going out to Bustins next Tuesday. The ferry leaves at 5 p.m. and returns around 9 p.m.

MOVED AND SECONDED - That the Council adjourn at 9:10 P.M. (Councilors Arsenault & Veilleux (4 Ayes) (0 Nays)

THE FOREGOING WAS RECORDED BY:

Sharon Coffin

SHARON COFFIN, RECORDER