

FREEPORT TOWN COUNCIL MEETING #19-92

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

COUNCIL CHAMBERS

SUMMARY AGENDA

ITEM #175-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS
TO THE FREEPORT ADMINISTRATIVE CODE. (CHAPTER 2)
PUBLIC HEARING

ITEM #176-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS
TO THE TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48)
PUBLIC HEARING

ITEM #177-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO
THE SHELLFISH CONSERVATION ORDINANCE. (CHAPTER 32)
PUBLIC HEARING

ITEM #178-92 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS
TO THE FREEPORT ZONING MAP. (CHAPTER 21) PUBLIC
HEARING

ITEM #179-92 TO CONSIDER ACTION RELATIVE TO EXTENDING THE EMERGENCY
ORDINANCE ON ESTABLISHING A TEMPORARY MORATORIUM
PROHIBITTING PEEDLERS ON PRIVATE PROPERTY.

ITEM #164-92 TABLED AUGUST 11, 1992. TO CONSIDER ACTION RELATIVE
TO A PROPOSED APPROPRIATION ORDINANCE FOR \$9,000
TO PROVIDE FOR SAFETY EQUIPMENT FOR THE FREEPORT
RESCUE UNIT.

ITEM #165-92 TABLED AUGUST 11, 1992. TO CONSIDER ACTION RELATIVE
TO A PROPOSED APPROPRIATION ORDINANCE FOR \$49,500
TO PROVIDE FOR HIGH SCHOOL ROOF AND WINDOW REPLACEMENT.

ITEM #166-92 TABLED AUGUST 11, 1992. TO CONSIDER ACTION RELATIVE
TO A PROPOSED APPROPRIATION ORDINANCE FOR \$24,000
TO PROVIDE FOR DRAINAGE IMPROVEMENTS TO THE HIGH
SCHOOL ATHLETIC FIELD.

Summary agenda - continued

OTHER BUSINESS:

- 1). DISCUSSION ON THE USE OF THE EARNED INTEREST CAPITAL ACCOUNT AND FY 1992 BONDING OPTIONS.
- 2). DISCUSSION ON REQUEST TO RELOCATE AN EXISTING PRIVATE PROPERTY PEDDLER.
- 3). UPDATE ON THE TOWNWIDE REVALUATION AND EQUALIZATION PROGRAM.

ITEM #180-92

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION.

END OF AGENDA

MINUTES

FREEPORT TOWN COUNCIL MEETING #19-92

FREEPORT TOWN HALL COUNCIL CHAMBERS

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

	REGULAR	X	SPECIAL	
CHAIRPERSON'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 #18-92 held AUGUST 11, 1992, and accept the minutes as printed (Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

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

Louis Marstaller indicated that he had conversed with the Assessor and wanted to express his concerns to the Council. He added that the new Comprehensive Plan which is being reworked calls for preserving open space. It is his feeling that if the Council accepts the present tax formula, Freeport can say goodbye to open space because property owners will not be able to afford the taxes. The Assessor is basing his land values on present sales figures. Mr. Mains also informed Mr. Marstaller that land that is not suitable for tree growth, i.e. swamps, wetlands, ledges, etc. will be subtracted from the acreage currently in tree growth and taxed as useable space. It is his opinion that the Tax Assessor's method is based purely on speculation and it is not a proper way to place a value on land. He was also informed by the Assessor that 1/3 of the town's property assessment would go up, 1/3 would go down and 1/3 would stay the same yet everyone he has spoken with has had their assessment go up. He added that everyone wants a fair evaluation but perhaps the present system needs to be adjusted.

Chairperson Curtis asked Mr. Olmstead to speak to the Assessor and have him respond to Mr. Marstaller.

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

ITEM #175-92 MOVED AND SECONDED - That the proposed amendments to the Freeport Administrative Code be subject to Public Hearing. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

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

MOVED AND SECONDED - That the proposed amendments to the Administrative Code be tabled until September 8, 1992. (Councilors Bradley & Bennett (6 Ayes) (0 Nays)

ITEM #176-92 MOVED AND SECONDED - That the proposed amendments to the Freeport Traffic and Parking Ordinance be subject to Public Hearing. (Councilors Bennett & Veilleux) 6 Ayes) (0 Nays)

MOVED AND SECONDED - That the Public Hearing be closed.
(Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

MOVED AND SECONDED - That the proposed amendments to the Traffic and Parking Ordinance be tabled until September 8, 1992. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

ITEM #177-92 MOVED & SECONDED - That the proposed amendments to the Shellfish Conservation Ordinance be subject to Public Hearing. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

MOVED & SECONDED That the Public Hearing be closed.
(Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

MOVED & SECONDED That the proposed amendments to the Shellfish Conservation Ordinance be tabled until September 8, 1992. (Councilors Bradley & Veilleux) (6 Ayes) (0 Nays)

ITEM #178-92 MOVED & SECONDED - That the proposed amendments to the Freeport Zoning Map be subject to Public Hearing (Councilors Goddard & Veilleux) (6 Ayes) (0 Nays)

MOVED & SECONDED - That the Public Hearing be closed
(Councilors Veilleux & Goddard) (6 Ayes) (0 Nays)

MOVED & SECONDED - That the proposed amendments to the Freeport Zoning Map be tabled until September 8, 1992. (Councilors Bradley & Veilleux) (4 Ayes) (0 Nays)

ITEM #179-92 **BE IT ORDERED:** - That the temporary moratorium prohibiting peddlers on private property, as approved on May 5, 1992 and extended until September 1, 1992 be further extended until November 3, 1992. Councilors (Goddard & Veilleux) (6 Ayes) (0 Nays)

ITEM #164-92 **BE IT ORDERED:** That the proposed appropriation ordinance for \$9,000 to provide for safety equipment for the Freeport Rescue Unit, as submitted to Public Hearing on August 11, 1992, be approved. (Councilors Veilleux & Bennett) (6 Ayes) (0 Nays) To be Bonded

ITEM #165-92 **BE IT ORDERED:** That the proposed appropriation ordinance for \$49,500 to provide for High School roof and window replacement, as submitted to Public Hearing on August 11, 1992, be approved (Councilors Veilleux & Goddard) (6 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, as submitted to Public Hearing on August 11, 1992, be approved. (Councilors Bennett & Veilleux) (5 Ayes) (1 Nay - Arsenault).

ITEM #167-92 **MOVED AND SECONDED:** That the Council introduce an item not on the printed agenda. (Councilors Bennett & Veilleux (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the Council vote to bond the entire amount of \$2,969,000 approved by the voters and to tie it so that the first principle payment is due fiscal 1994 and that any unspent portion of the \$2,969,000 bond issue be put into a ~~Sinking~~ fund to pay the interest on the first 3 year's debt or to fund any other capital project that Council might have in accordance with its discretion. (Councilors Bradley & Veilleux (4 Ayes) (2 Nays - Arsenault & Bennett) Mr. Arsenault added that he supported this type of funding but has had a historical disagreement with the price and Mr. Bennett indicated he felt similarly.)

} approved 8/25/92

OTHER BUSINESS:

1. Discussion on the use of the Earned Interest Capital Account and FY 1992 Bonding Options.

Mr. Olmstead indicated that the Council was furnished with a separate sheet explaining the Moneys in various accounts and what their intended uses were. Councilor Goddard added

that this fund has been invaluable to the present Council and could be the same for future Councils. He added that he would like to see a sum of money left for capital expenditure

emergencies. Mr. Olmstead indicated that he would like to see some money put into the Reval Account, some into a Community Survey and the balance in a reserve account. Mr. Arsenault indicated that this should all be put into a capital equipment reserve fund or a building maintenance fund. Many suggestions were made and Mr. Olmstead indicated that this will be added to an agenda for the September 8 meeting.

2. Discussion on request to relocate an existing private property peddler.

John Rohner indicated that he had written a letter explaining that he wanted to relocate from his location at Maggies to the Marquis' property on Independence Drive.

MOVED AND SECONDED: That the Council support the request.
(Councilors Bradley & Veilleux) The Council concurred with this move
and Chairperson Curtis added that Mr. Rohner should contact the Town
Clerk and register at the new location.

3. Update on the Town-wide Revaluation and Equalization Program

Chairperson Curtis read a letter from Richard Mains, Assessor, estimating that the 1992-1993 tax rate would, in all probability, be no greater than \$16.50 per thousand. This is subject to change and as soon as he has a firm rate, he will inform the Council. Mr. Olmstead indicated that THE TIMES RECORD would be running a two page spread indicating everyone's taxes. A few Councilors pointed out that many residents have not yet received their tax notices. Mr. Olmstead indicated that the Post Office is batching these notices and for some reason, they are being delayed.

ITEM #180-92

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO
DISCUSS ONGOING LITIGATION. (Town of Freeport vs. Ocean Farms)

Mr. Olmstead reported that he spoke to the Town Attorney and he cautioned that since the decision is not final, his guidance could vary and recommended that the Council wait until a final decision is reached and then he would be willing to come to Freeport and meet with them. Chairperson Curtis inquired as to the cost of this litigation and Mr. Olmstead advised that it was approximately \$16,400 since it began in 1984.

MOVED AND SECONDED - That the Council indefinitely table this item.
(Councilors Goddard/Veilleux (6 Ayes) (0 Nays)

MOVED AND SECONDED - That the Council adjourn at 11:25 P.M.
(Councilors Arsenault & Veilleux (4 Ayes) (0 Nays)

THE FOREGOING WAS RECORDED BY:

Sharon Coffin

SHARON COFFIN, RECORDER

John Nelson.

OCEAN FARMS SIDEWALK
FACTS AND PROCEDURAL HISTORY

MAY 17, 1985	REQUEST THAT THE TOWN BUILD A SIDEWALK. (NOT BUDGETED)
MARCH 11, 1986	REQUEST THAT OCEANS FARMS BUILD A SIDEWALK
APRIL 10, 1986	MEETING WITH MR. MACLEOD TO DISCUSS REQUEST
APRIL 14, 1986	TOWN COUNCIL DENIES REQUEST TO BUILD SIDEWALK OUTSIDE OF SPECIFICATIONS
JULY 24, 1987	SIDEWALK BUILT BY OCEAN FARMS WITHOUT NOTICE
AUGUST 1987	OCEAN FARMS ASKED TO MAKE APPLICATION - AFTER- THE - FACT
OCTOBER 8, 1987	TOWN BRINGS SIDEWALK INTO COMPLIANCE - SAFETY CONCERNS
JANUARY 1988	TOWN BILLS OCEAN FARMS FOR CONSTRUCTION COSTS OF SIDEWALKS
APRIL 1, 1988	COUNCIL INSTRUCTS TOWN ATTORNEY TO PROCEED WITH LITIGATION
JULY 1988	OCEAN FARMS CLAIMS STATE PERMISSION TO CONSTRUCT SIDEWALK
JULY 16, 1990	SUPERIOR COURT RULES IN FAVOR OF THE TOWN AND AWARDS LEGAL FEES
FALL 1990	OCEAN FARMS APPEALS

DECEMBER 1991

SUPREME JUDICIAL COURT OVERTURNS LEGAL FEES
AWARD AND DISMISSES THE APPEAL

AUGUST 1992

SUPERIOR COURT REVERSES ORIGINAL DECISION AND
LEAVES THE QUESTION OF LEGAL FEES OPEN