

FREEPORT TOWN HALL SUMMARY AGENDA

SEPTEMBER 22, 1992 - 7:30 P.M. - COUNCIL CHAMBERS

- ITEM #190-92 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT. RONALD BROOK (PUBLIC HEARING)
- ITEM #191-92 TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR VICTUALER LICENSES FOR JAMES ROBERTS, BERNARD HART AND JOHN ROHNER, JR. (PUBLIC HEARING)
- ITEM #192-92 TO CONSIDER ACTION RELATIVE TO A RESOLUTION IN RECOGNITION OF L.L. BEAN, INC. 80TH BIRTHDAY.
- ITEM #193-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED CHARTER AMENDMENT.
- ITEM #194-92 TO CONSIDER ACTION RELATIVE TO THE DISCONTINUANCE OF THE PUBLIC WAY KNOWN AS DESERT ROAD INDUSTRIAL PARK ROAD.
- ITEM #195-92 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DR. GOULD TRUST FUND.
- ITEM #175-92 TABLED AUGUST 25 & SEPTEMBER 8, 1992. TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE. (CHAPTER 2)

OTHER BUSINESS:

- 1). REPORT FROM THE HEDGEHOG MOUNTAIN PLANNING COMMITTEE.
- 2). INTRODUCTION OF PROPOSED REORGANIZATION OF THE FREEPORT RESCUE DEPARTMENT.
- 3). REPORT FROM THE ORDINANCE COMMITTEE ON SOLID WASTE ISSUES.
- 4). DISCUSSION ON FORMER SOULE SCHOOL WINDOW REPLACEMENT.

END OF AGENDA

MINUTES

FREEPORT TOWN COUNCIL MEETING #22-92

FREEPORT TOWN HALL COUNCIL CHAMBERS

SEPTEMBER 22, 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 (Late)		
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 #21-92 held September 8 and accept the minutes as printed. (Councilors Arsenault & Veilleux & (6 Ayes) (0 Nays) (Goddard Absent at this time)

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

Venice Menkowsky, Hawthorne House Administrator asked if it would be possible to get an exception to the Town's Ordinance #201-3 prohibiting signs on Route 1. She added that they were an 82 bed nursing home on the Old County Road. They have 96 employees and when recruiting, the public does not appear to know where they are located. She indicated that Hawthorne House does provide a service to the community and a sign would be very helpful. Chair Curtis indicated that the Council will take this matter under advisement and that Parking and Traffic as well as the Chief will look into it. She did not feel it would pose a problem.

Councilor Veilleux pointed out that the Circuit Breaker Program will take place this Thursday, September 24 at 7:30 p.m and he hoped that there would be a good turnout. A town-wide mailer has gone out. He is certain it will be very interesting and very helpful. The State Bureau of Taxation will have a representative on hand to explain how this program works. It will also be on Cable TV. He urged people to take advantage of this program.

Ken Mann indicated that the large group in attendance tonight was there to attend the public comment session because of the revaluation and he had some observations that he wanted to share. He feels that the small property owner is being taken advantage of, particularly along the shore. He has friends with

older mobile homes that are being taxed excessively. He had to seek help from the Town Manager since the land schedules used on commercial property are not available to the public. He urged people in the audience to get up and express their views to the Council. Residents shared their concerns and frustrations with the revaluation that has taken place. They indicated that the commercial development hasn't helped to keep taxes low. They expressed fear that they would be unable to remain in their homes if taxes continue to rise at the current rate. Many indicated that the Tax Assessor hasn't gotten back to them in situations where he had to do any research. Barbara McGivern added that the state subsidy to education will decrease as the town evaluation increases, so the burden will fall on the taxpayer. She asked if there is something that can be done to stop this vicious circle.

Councilor Bradley felt that every question deserved an answer and indicated that the 15 minutes allocated to public comments would not allow this to take place and invited everyone to come back to a workshop so that everyone would be informed as to where tax money goes and why a revaluation had to be done. He stressed that the Council was not their enemy and no one would like to hear the truth but everyone should know the truth. Chairperson Curtis indicated that the Council would extend the 15 minute period to allow everyone an opportunity to speak. After listening to other residents questioning how much L. L. Bean and other businesses paid, it became apparent to Chairperson Curtis that these questions should be answered by the Tax Assessor. She recommended that this matter be tabled and invited the residents to come back to a workshop next Tuesday, September 29 where everyone's questions would be answered. Chairperson Curtis asked if everyone has requested a review of their evaluation and they all indicated that they had but many were still waiting to hear back from Mr. Mains. Councilor Veilleux added that there is an Assessment Review Board and to not lose faith in the Council.

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

ITEM # 190-92

MOVED AND SECONDED: That the following re-application for a Special Amusement Permit for Dancing and Entertainment be subject to Public Hearing

Ronald Brook, d/b/a Crickets Restaurant, 175 Lower Main Street.
(Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

BE IT ORDERED: That the re-application for a Special Amusement Permit for Dancing and Entertainment issued to the above named applicant, be approved. (Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

ITEM #191-92

ROLL CALL OF MEMBERS:

Kirk Goddard
Edward Bradley
Andrew Arsenault
John Nelson
Cary Veilleux
Randall Bennett
Jacki Cohen

ITEM #191-92 Cont'd. **MOVED AND SECONDED:** That the following applications for Victualer Licenses be subject to Public Hearing.

James Roberts, d/b/a Jim's Vegetables (Peddler/Private Property - Corner Mallett/Durham Road).

Bernard Hart, d/b/a S & H Lemonade (Peddler/Private Property),
3 Morse Street

John Rohner, Jr., d/b/a The Apple Guy (Peddler/Private Property,
10 Independence Drive. (Councilors Arsenault & Nelson) (7 Ayes)
(0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

BE IT ORDERED: That the applications for Victualer Licenses as noted
above, be approved. (Councilors Arsenault & Veilleux) (7 Ayes)
(0 Nays)

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

ITEM #192-92 **MOVED AND SECONDED:** To consider action relative to a resolution
in recognition of L. L. Bean, Inc.'s 80th Birthday. (Councilors Bradley &
Veilleux) (7 Ayes) (0 Nays)

Councilor Bradley explained that he drafted this resolution but proceeded to
read it. He expressed his appreciation for the opportunity to write this draft and
came away from the research effort with the impression that L. L. Bean has
decided that what is best for Freeport, is best for them. Chairperson Curtis asked
that the resolution be correctly formatted before the Councilors sign it. It will
then be presented to Bean.

ITEM #193-92 **BE IT ORDERED:** That the following question shall be placed on the
ballot of the next regular municipal election to be held November 3,
1992:

Shall the municipality approve the charter amendment reprinted below:

OPTION 1

8.03 Ordinances Submitted to Popular Vote The Town Council shall submit any ordinance appropriating
\$106,742.00 or more for a single capital improvement, and any ordinance authorizing general obligation
bond issues of \$106,742.00 or more for capital improvements to the voters at a regular or special election.
The above limits of \$106,742.00 shall be adjusted upwards annually, commencing in 1993, by the
percentage increase in (The Consumer Price Index) (the certified state valuation of the Town) (some other
readily identifiable measure of economic change).

Explanation: The proposed charter change would increase the current bonding limit of \$50,000, which
was established in 1978, to a 1993 value of \$106,742.00. This figure was arrived at by using increases in
the Consumer Price Index from 1978 to 1992.

or

OPTION 2

8.03 Ordinances Submitted to Popular Vote

(a) The Town Council shall submit the following to voter referendum:

1) Ordinances authorizing the issuance of general obligation securities of the town in a principal amount greater than seven one-hundredths of one percent of the last certified state valuation of the town for a single capital improvement or item of capital equipment.

(b) (Optional) The provisions of this section shall not be applicable to any order or resolve authorizing (I) the refunding of any securities or other obligations of the town; (II) the issuance of general obligation securities, or other direct or indirect obligations, of the town for streets, sidewalks or storm or sanitary sewers; or (III) any construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other declared emergency. For purposes of this section, the Town Council may by vote of five (5) or its members adopt emergency orders or resolves authorizing construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other emergency and such orders or resolves shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the Town Council shall be conclusive.

(c) (Optional) Any order or resolve described in subsection (a) of this section shall be approved by separate action of the Town Council.

(d) (Optional but recommended) No order or resolve described in subparagraph (a) of this section, not excepted by subparagraph (b), shall become effective until approved by a majority of voters voting at a regular or special municipal election. In the event that the total number of votes cast for an against the question for the referred order or resolve should be less than ten (10) percent of the registered voters of the town, then such order or resolve shall be deemed to be approved and effective.

(e) (Optional) The form of the ballot question for the referred order or resolve shall be substantially as follow:

Shall the order or resolve entitled " _____ " be approved?

BE IT FURTHER ORDERED: That, at least two weeks prior to the November 3, 1992 municipal election, the Town Clerk shall have the proposed charter amendment printed, make copies available to the voters in the Town Clerk's office, and post and publish the proposed charter amendment in the same manner that proposed ordinances are posted and published.

BE IT FURTHER ORDERED: That a Public Hearing shall be conducted on the subject matter of this proposed charter amendment on October 6, 1992 at 7:30 p.m. at Freeport Town Hall, notice of which, together with the text of the proposed amendment and a brief explanation, shall be published in a newspaper having general circulation in the Town at least seven days (7) before the hearing.

ITEM #193-92 Cont'd.

MOVED AND SECONDED: That the second reading be waived (Councilors Veilleux & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED: That Item 193-92 be killed and not be put on the ballot (Councilors Arsenault & Bradley) (NOTE: A yes vote was to kill it) (5 Ayes) (2 Nays- Nelson & Goddard)

ITEM #194-92

BE IT ORDERED: That the Freeport Town Council, acting as the Municipal Officers, will hold a Public Hearing on October 6, 1992 in the Town Hall Council Chambers at 7:30 p.m. to consider the discontinuance, pursuant to 23 M.R.S.A. 3026, of the Public Way known as Desert Road Industrial Park Road and to determine the amount of damages, if any, to be paid to each abutter.

BE IT FURTHER ORDERED: That the Town Manager is directed to give notice of the Public Hearing as provided in 23 M.R.S.A. 3026. (Councilors Bennett & Arsenault) (7 Ayes) (0 Nays)

ITEM #195-92

BE IT ORDERED: That 14 applicants receive a total of \$2,575.20 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 from that office.
(Councilors Veilleux & Arsenault) (7 Ayes) (0 Nays)

ITEM #175-92

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE (CHAPTER 2) (Councilors Goddard & Veilleux)

BE IT ORDERED: That the proposed amendments to the Freeport Administrative Code, as submitted to Public Hearing on August 25, 1992, be approved.

Possible Amendments to item #175-92.

MOTION: To amend Item #175-92 as follows:

Section 616.1 Establishment 0 delete the second sentence in the first paragraph which reads: Members must be legal residents of Freeport.

or

MOTION: To amend Item #175092 as follows:

Section 601.1 #2 - delete proposed amendment which continues the non-resident restriction.

ITEM #175-92 Cont'd.

MOVED & SECONDED: TO AMEND: To delete the following section from 601.1 as proposed: Non-resident appointments on the Traffic & Parking Committee and the Community Relations Committee shall not exceed one-third of the full measurement of the committee. (Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

MOVED & SECONDED: To define the terms and officially Establish Traffic & Parking, Design Review and Land Bank. (Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

OTHER BUSINESS:

- Introduction of proposed reorganization of the Freeport Rescue Department. Debbie explained the need to review their rules and regulations and the process used to update them. The revisions were voted on by all their members on September 8. She thanked David McQuaid for all his help in getting this job done and added that she felt it was an excellent document. Chairperson Curtis thanked Debbie for the update and indicated that a workshop would be scheduled to review the document. Councilor Bradley asked that she underline the changes to help identify them for someone not familiar with their regulations.
- Report from the Hedgehog Mountain Planning Committee - Bob Hartnett pointed out the changes made to the final draft and recommended that everyone view this copy as the final draft. He and Gary Profenno indicated that usage has increased. They have evidence of people using the area for hiking, riding horses, dirt bikes, mountain bikes and ATV's. They did feel that limbing trees would enhance the view to create a better experience for the public. They would recommend that public access to the property be created by a roadway through the landfill area. They would like to see designated paths be constructed to avoid erosion. They would also like to see a 15-20 car gravel parking area created off the landfill road. Councilor Nelson asked if a public discussion should take place and Chairperson Curtis felt that a public hearing should be scheduled. Councilor Bradley felt that the committee should consult with the Town Manager to get whatever resources are needed so that the property is being handled responsibly since hunting and walking are not compatible. Councilor Nelson indicated that there might be interest funds from public donations available. Chairperson Curtis explained that the public hearing will take place at the Council's next formal meeting.
- Report from the Ordinance Committee on Solid Waste Issues - Councilor Bradley indicated that the Ordinance Committee met with members of the Solid Waste Committee to discuss the whole issue of solid waste as it has been before the Council for a solid year. They expressed frustration with the slow pace and they indicated that they don't know how the public feels about the cost savings of going with a single hauler vs. multiple haulers or the pay-per-bag proposal. They felt that the best thing to do was to go to public hearing and learn how the public feels. The committee would like to see a public hearing scheduled in October. Councilor Goddard added that the pros and cons will be put on the table.
- Discussion on former Soule School window replacement. Chairperson Curtis indicated that several quotes were received after the original \$32,000 quote was turned down. A price of \$8.50 for 30 panes would cost \$25,500. The town will pay for the insulated glass and putty but the tenant will pay for the labor.

MOVED AND SECONDED: That the bid of \$8.50 for 30 panes be accepted (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

- Mrs. Cohen indicated that the Coastal Waters Commission will be holding a workshop on October 15.

- Councilor Arsenault indicated that papers are due in Thursday night for the Campaign season and this season everyone should remember that employees of the town are not supposed to use their position to influence for or against any candidate in town.
- Councilor Goddard pointed out that there was error in the minutes of September 8, 1992 and indicated that in Item 178-92 that the vote on the zone change was in fact, unanimous and it was not recorded in the minutes. (seconded by Councilor Veilleux) (7 Ayes) (0 Nays).

MOVED AND SECONDED That the Council adjourn at 10:15 p.m.
(Councilors Veilleux & Bennett) (7Ayes) (0 Nays)

THE FOREGOING WAS RECORDED BY:

Sharon Coffin

SHARON COFFIN, RECORDER