

SUMMARY AGENDA

FREEPORT TOWN COUNCIL MEETING #23-92

OCTOBER 6, 1992 - 7:30 P.M.

COUNCIL CHAMBERS

ITEM #196-92 TO CONSIDER ACTION RELATIVE TO THE DISCONTINUANCE
OF THE PUBLIC WAY KNOWN AS DESERT ROAD INDUSTRIAL
PARK.

ITEM #197-92 TO CONSIDER ACTION RELATIVE TO A PUBLIC HEARING TO
RECEIVE COMMENT ON THE REPORT OF THE HEDGEHOG
MOUNTAIN PLANNING COMMITTEE.

ITEM #198-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE PLANNING BOARD.

ITEM #199-92 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO
THE CABLE T.V. REGULATORY BOARD.

ITEM #200-92 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO
THE CABLE T.V. REGULATORY BOARD.

ITEM #201-92 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO
THE CABLE T.V. REGULATORY BOARD.

ITEM #202-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE CABLE T.V. REGULATORY BOARD.

ITEM #203-92 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT TO
THE CONSERVATION COMMISSION.

ITEM #204-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO
THE CONSERVATION COMMISSION.

Summary Agenda - continued

ITEM #205-92 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT TO THE TRAFFIC AND PARKING COMMITTEE.

ITEM #206-92 TO CONSIDER ACTION RELATIVE TO A PROPOSED SEPTAGE AGREEMENT BETWEEN THE TOWN OF FREEPORT AND THE PORTLAND WATER DISTRICT.

ITEM #207-92 TO CONSIDER ACTION RELATIVE TO THE FISCAL YEAR 1993 TAX DUE DATES AND INTEREST RATES.

OTHER BUSINESS:

1. DISCUSSION ON PROPOSED GIFT OF PROPERTY BY WISHCAMPER/O'NEIL, INC.

2. DISCUSSION ON REQUEST FROM THE TOWN OF FALMOUTH CONCERNING THE STATE EDUCATION FUNDING FORMULA.

ITEM #208-92 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

END OF AGENDA

FREEPORT TOWN COUNCIL MEETING #23-92
FREEPORT TOWN HALL COUNCIL CHAMBERS

October 6, 1992 - 7:30 P.M.

REGULAR X	SPECIAL			
		PRESENT	ABSENT	EXCUSED
CHAIRPERSON'S CALL TO ORDER				
VAUGHNDELLA CURTIS, CHAIRPERSON PINE STREET		X		
KIRK GODDARD, VICE-CHAIRMAN MAST LANDING		X		
EDWARD BRADLEY, FLYING POINT		X (Late)		
JOHN NELSON, CHURCH ROAD		X		
ANDREW ARSENAULT US ROUTE #1		X		
CARY VEILLEUX, WARDTOWN ROAD		X		
RANDALL BENNETT, PARK STREET		X		

FIRST ORDER OF BUSINESS:

NOTE: Councilor Veilleux pointed out that the 9/22 minutes incorrectly listed the amount of \$2,575.20 to be shared by 14 applicants from the Dr. Gould Trust Fund in Item #195-92 when the amount should have read \$2,636.54

MOVED AND SECONDED -

To waive the reading of the minutes of Meeting #22-92 held September 22, 1992 and accept the minutes as printed and amended (Councilors Arsenault & Veilleux) (6 Ayes-Bradley not in attendance yet) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 15 Minutes

Charles Gould representing the Freeport Town Committee Meeting of the Year, invited the Town Council and Town Manager to attend a traditional, old time Town Meeting on Friday, October 16 at the High School Gym starting at 7:30 p.m. They plan to conduct this meeting in the same manner as the town meetings were conducted years ago. This is an effort to improve communication between citizens of the town and the town government. The Town Manager and Council would sit up with the moderator and observe the discussion of the citizens on articles that are contained in the warrant. The warrant is being developed now. Citizens are invited to

submit articles by writing them out and getting 10 signatures to make it legal as was done in the past in an effort to develop better understanding and communication. Chairperson Curtis asked if a budget committee would be there and Mr. Gould advised that they would not. He offered to put this in a warrant at her suggestion.

Councilor Veilleux was please to advise that the Circuit Breaker Program was very successful. The response was terrific and he hopes to make it an annual event.

Stephen Day mentioned that the Planning Board was discussing regulating Church fund-raisers in Freeport under the Peddler Ordinance and he urged the Council to refrain from passing any regulations on church activities.

Eldon McLeod explained the purpose of his being there:

- a) to lodge a formal complaint about the behavior of the Town Manager
- b) to defend himself, his family and his business from statements that were contained in a news article in THE TIMES RECORD last Tuesday. The article stated that Ocean Farms Restaurant was guilty of violating zoning ordinances and the sidewalk specifications since 1987. Back then he was asked to reimburse the Town for \$768.00. It was his feeling that the suit could have been avoided if the Town Manager had not believed that unadopted sidewalk specifications would ever have any validity of enforcement. The public is invited to come to the Town Hall on Wednesday, October 7 to view copies of these documents from the Town Clerk which have been submitted into the public record.

Joyce Curit asked how the reduction of taxes came about in District 4 and if any reductions were received in Districts 1, 2 and 3. She asked when the meeting would be held with the Tax Assessor. Chairperson Curtis advised that the reductions were all over town and that the tax meeting would be held on October 7 at the High School All Purpose Room.

Councilor Arsenault wanted to discuss the Ocean Farms issue but was advised that the 15 minute public comment period was over and that he should have this topic added as an agenda item for a future meeting.

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

Item #196-92

MOVED AND SECONDED: That the proposed discontinuance of the Desert Road Industrial Park be subject to Public Hearing.
(Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

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

BE IT ORDERED: That pursuant to the provisions of Title 23, Section 3026 of Maine Revised Statutes and after notice and hearing, the town way accepted on September 18, 1990 commonly known as the Desert Road Industrial Park Road, in the Town of Freeport, County of Cumberland, State of Maine, is hereby discontinued.

Item #196-92 Cont'd. **BE IT FURTHER ORDERED:** That, all abutters having waived any claim for damages, no damages shall be paid to any abutting property owners, the names of whom, as determined from the assessment records of the Town of Freeport are as follows:

L. L. BEAN, INC.
(Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

ITEM: #197-92 **BE IT ORDERED:** That a Public Hearing be scheduled for October 20, 1992 at 7:30 p.m. in the Town Hall Council Chambers to discuss the report of the Hedgehog Mountain Planning Committee.

BE IT FURTHER ORDERED: That 30 copies of the report be distributed between the Town Clerk's Office and the B. H. Bartol Library for inspection by the public. (Councilors Nelson & Goddard) (7 Ayes) (0 Nays)

ITEM #198-92 **BE IT ORDERED:** That Richard Hendee be appointed, effective immediately, to serve as a member of the Planning Board until May 1, 1993.

BE IT ORDERED: That Mr. Hendee qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Bradley & Veilleux) (6 Ayes) (1 Nay-Arsenault)

ITEM #199-92 **BE IT ORDERED:** That Mark Baratta be re-appointed, effective immediately, to serve as a member of the Cable TV Regulatory Board until October 1, 1995.

BE IT FURTHER ORDERED: That Mr. Baratta qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

ITEM #200-92 **BE IT ORDERED:** That James Butt be reappointed, effective immediately, to serve as a member of the Cable TV Regulatory Board until October 1, 1995.

BE IT FURTHER ORDERED: That Mr. Butt qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Arsenault & Nelson) (7 Ayes) (0 Nays)

ITEM #201-92 **BE IT ORDERED:** That David Madore, Jr. be re-appointed, effective immediately, to serve as a member of the Cable TV Regulatory Board until October 1, 1995.

201-92 Cont'd.

BE IT FURTHER ORDERED: That Mr. Madore qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Nelson & Veilleux) (7 Ayes) (0 Nays)

ITEM #202-92

BE IT ORDERED: That Christopher Day be appointed, effective immediately, to serve as a member of the Cable TV Regulatory Board until October 1, 1993.

BE IT FURTHER ORDERED: That Mr. Day qualify by swearing an oath of office before the Town Clerk by October 16, 1992. **This was Tabled** (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

ITEM #203-92

BE IT ORDERED: That Peter Ainsworth be re-appointed, effective immediately, to serve as a member of the Conservation Commission until September 1, 1995.

BE IT FURTHER ORDERED: That Mr. Ainsworth qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

ITEM #204-92

BE IT ORDERED: That Michael Boucher be appointed effective immediately, to serve as a member of the Conservation Commission until September 1, 1995.

BE IT FURTHER ORDERED: That Mr. Boucher qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Nelson & Veilleux) (7 Ayes) (0 Nays)

ITEM #205-092

BE IT ORDERED: That Jane Hartnett be appointed, effective immediately, to serve as a member of the Traffic and Parking Committee.

BE IT FURTHER ORDERED: That Ms. Hartnett qualify by swearing an oath of office before the Town Clerk by October 16, 1992. (Councilors Arsenault & Nelson) (7 Ayes) (0 Nays)

ITEM #206-92

BE IT ORDERED: That the proposed Septage Agreement between the Town of Freeport and the Portland Water District, which will continue in effect until December 31, 1994, be approved. **TABLED until October 20** (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

ITEM #207-92

BE IT ORDERED: That one-half of the Fiscal Year 1993 Committed Taxes for Real Estate be payable on November 23, 1992, with interest at the rate of .83% per month or 10% per annum, to be charged from November 24, 1992, and that the second-half of the Fiscal Year 1993. Committed Taxes for Real Estate be payable on May 17, 1993 with interest at the rate of .83% per month or 10% per annum, to be charged from May 18, 1993.

BE IT FURTHER ORDERED: That the Fiscal Year 1993 Committed Taxes for Personal Property be payable on November 23, 1992, with interest at the rate of .83% per month or 10% per annum, to be charged from November 24, 1992.

BE IT FURTHER ORDERED: That an interest rate of .50% per month or 6% per annum be established for over payment of taxes. (Councilors Goddard & Veilleux) (4 Ayes) (3 Nays-Veilleux, Bennett and Arsenault)

OTHER BUSINESS:

- 1). Discussion on proposed gift of property by Wishcamper/O'Neil, Inc.

MOVED & SECONDED: To take up item not on the printed agenda (Councilors Bradley & Veilleux) (7 Ayes) (0 Nays)

MOVED & SECONDED: That the Council accept the gift of roughly 22 acres identified as Parcel "B" on the Plot Plan which was submitted as a gift by Wishcamper/O'Neil Properties to the Town of Freeport. (Councilors Bradley & Veilleux) (5 Ayes) (2-Nays Arsenault & Bennett)

- 2). Discussion on request from the Town of Falmouth concerning the State Education Funding Formula.

A representative from Falmouth explained a coalition which was being formed of communities that are primarily low receivers from the existing State Planning Formula. He explained that many communities are holding public hearings on this topic since they have been frustrated for years with the inequities in the existing formula. He indicated that there are two options for the town to consider: one option is to join the coalition and contribute \$1.00 per student which would give the community voting rights. The other option was to not contribute any money but just join in name and have no voting rights.

Councilor Veilleux shared some information he received from the State Planning Office indicating that Freeport generates in sales \$212,000,000 and receives \$698,000 for schools and \$200,000 in general revenues.

The Council concurred that they would need more information on this Coalition before they could vote to spend any money to join. They asked that the Town Manager be invited to the next meeting to learn more about the Coalition.

OTHER BUSINESS CONT'D.

Ken Mann brought up the Eldon McLeod matter but the Council concurred that this subject would need to be discussed as an agenda item at a future meeting after they were afforded an opportunity to read the material that they were given earlier in the evening.

ITEM #208-92

BE IT ORDERED: That the Town Council enter into Executive Session to discuss Police Contract Negotiations and a personnel matter. (Councilors Arsenault & Veilleux) (7 Ayes) (0 Nays)

MOVED & SECONDED: To reconvene (Councilors Nelson & Veilleux (7 Ayes) (0 Nays)

MOVED & SECONDED: TO adjourn at 9:57 p.m.
(Councilors Veilleux & Bradley) (7 Ayes) (0 Nays)

The foregoing was recorded by:

Sharon Coffin

Sharon Coffin, Recorder