

FREEPORT TOWN COUNCIL MEETING #29-92

DECEMBER 15, 1992 - 7:30 P.M.

COUNCIL CHAMBERS

SUMMARY AGENDA

ITEM #232-92 TO CONSIDER ACTION RELATIVE TO AN APPLICATION
FOR AN AUTOMOBILE GRAVEYARD AND/OR JUNKYARD
PERMIT FOR CLIFTON P. HAMM, D/B/A ALLEN RANGE
ROAD USED AUTO PARTS. (PUBLIC HEARING)

ITEM #233-92 TO CONSIDER ACTION RELATIVE TO AN APPLICATION
FOR AN AUTOMOBILE GRAVEYARD AND/OR JUNKYARD
PERMIT FOR FREEPORT AUTO PARTS. (PUBLIC HEARING)

ITEM #234-92 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR
A FULL TIME MALT, SPIRITUOUS AND VINOUS LICENSE FOR
THE FALCON RESTAURANT. (PUBLIC HEARING)

ITEM #235-92 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE
DR. GOULD TRUST FUND.

ITEM #236-92 TO CONSIDER ACTION RELATIVE TO A CONTRACT BETWEEN
THE TOWN OF FREEPORT AND DAVIS & HANSCOM, INC.

ITEMS #237-92 TO CONSIDER ACTION RELATIVE TO APPOINTMENTS/RE-
THRU #241-92 APPOINTMENTS TO THE LAND BANK COMMISSION.

ITEMS #242-92 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT
TO THE DESIGN REVIEW BOARD.

ITEM #243-92 TO CONSIDER ACTION RELATIVE TO THE APPOINTMENT OF
A DESERT PINES AREA ROAD COMMITTEE.

PLEASE TURN OVER

SUMMARY AGENDA - CONTINUED

ITEM #230-92 TABLED DECEMBER 1, 1992 TO CONSIDER ACTION
RELATIVE TO A PARKING LEASE AGREEMENT.

OTHER BUSINESS:

1. DISCUSSION ON FUTURE COUNCIL MEETINGS AND AGENDA ITEMS.
2. UPDATE ON NATHAN NYE STREET EXTENSION.
3. DISCUSSION ON TREE GRANT PROPOSAL.
4. PROGRESS REPORT FROM THE MUNICIPAL BUILDING COMMITTEE.
5. UPDATE FROM THE MUNICIPAL FACILITIES COMMITTEE.
6. DISCUSSION ON REGIONAL OPTION SALES TAX.
7. STAFF DEVELOPMENT POLICY.

ITEM #244-92 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE
SESSION.

Freeport Town Council Meeting #29-92
Freeport Town Hall Council Chambers
December 15, 1992 - 7:30 P.M.

	Regular <u>X</u>	Special		
<u>Chairperson's Call To Order</u>		<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Kirk Goddard, Chairman, Mast Landing		X		
John Nelson, Vice-Chairman, Church Road		X		
Edward Bradley, Flying Point		X		
Andrew Arsenault, U.S. Route #1		X		
Cary Veilleux, Wardtown Road		X		
Randall Bennett, Park Street		X		X
Elizabeth Ruff, Durham Road				

FIRST ORDER OF BUSINESS:

MOVED & SECONDED - To waive the reading of the minutes of Meeting #28-92 held November 24, 1992 and accept the minutes as printed (Nelson & Veilleux) (6 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 15 minutes.

Councilor Veilleux invited the public to take a ride along Route 125 to admire the Christmas lights the neighborhood is displaying.

Councilor Nelson announced that he will hold District 3 meetings on the 1st Thursday of each month starting January 7 -- 7 - 9:00 p.m.

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

Item #232-92 To consider action relative to an application for an automobile Graveyard and/or Junkyard Permit for Allen Range Road Used Auto Parts. (Public Hearing)

MOTION MADE AND SECONDED: that the application for an Automobile Graveyard and/or Junkyard Permit for Clifton P. Hamm, d/b/a Allen Range Road Used Auto Parts and C. H. Corporation, be subject to Public Hearing. (Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

MOTION MADE AND SECONDED: That the Public Hearing be closed. (Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the application for an Automobile Graveyard and/or Junkyard Permit issued to Clifton P. Hamm, d/b/a Allen Range Road Used Auto Parts and C. H. Corporation, be approved. (Councilors Arsenault & Bennett) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #233-92 To consider action relative to an application for an Automobile Graveyard and/or Junkyard Permit for Freeport Auto Parts. (Public Hearing)

MOVED AND SECONDED: That the application for an Automobile Graveyard and/or Junkyard Permit for John Ingerson, d/b/a Freeport Auto Parts, Allen Range Road, be subject to Public Hearing. (Councilors Veilleux & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Nelson & Bennett) (6 Ayes) (0 Nays)

MOVED AND SECONDED: That the application for an Automobile Graveyard and/or Junkyard Permit issued to John Ingerson, d/b/a Freeport Auto Parts, Allen Range Road, be approved. (Councilors Nelson & Veilleux)
ROLL CALL VOTE: (6 Ayes) (0 Nays)

Item #234-92 To consider action relative to an application for a Full Time Malt, Spirituous, and Vinous License for the Falcon Restaurant. (Public Hearing)

MOVED AND SECONDED: That the following application for a Full Time Malt, Spirituous, and Vinous License be subject to Public Hearing: Jolee Corporation, d/b/a The Falcon Restaurant, 8 Bow Street. (Councilors Bennett & Veilleux) (6 Ayes) (0 Nays)

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

MOVED AND SECONDED: That the application for a Full Time Malt, Spirituous and Vinous License issued to The Falcon Restaurant be approved. (Councilors Bennett & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #235-92 To consider action relative to awards from the Dr. Gould Trust Fund.

MOVED AND SECONDED: That 14 applicants receive a total of \$2,139.60 in awards from the Dr. Gould Trust Fund. (Councilors Bradley & Bennett)
ROLL CALL VOTE: (6 Ayes) (0 Nays)

Item #236-92 To consider action relative to a contract between the Town of Freeport and Davis & Hanscom, Inc.

MOVED AND SECONDED: That the Town Manager be authorized to sign the contract between the Town of Freeport and Davis & Hanscom, Inc. for the construction of a Public Works Building. (Councilors Veilleux & Nelson)
ROLL CALL VOTE: (6 Ayes) (0 Nays)

Item #237-92 To consider action relative to a re-appointment to the Land Bank Commission.

MOVED AND SECONDED: That Joseph Hahn be re-appointed, effective immediately, to serve as a member of the Land Bank Commission until January 1, 1996. **BE IT FURTHER ORDERED:** That Mr. Hahn qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Nelson & Bennett) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #238-92 To consider action relative to an appointment to the Land Bank Commission.

MOVED AND SECONDED: That Terry S. Brobst be appointed, effective immediately, to serve as a member of the Land Bank Commission until January 1, 1995. **BE IT FURTHER ORDERED:** That Ms. Brobst qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Bradley & Veilleux) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #239-92 To consider action relative to an appointment to the Land Bank Commission.

MOVED AND SECONDED: that Barbara Makanowitzky be appointed, effective immediately, to serve as a member of the Land Bank Commission until January 1, 1995. **BE IT FURTHER ORDERED:** That Ms. Makanowitzky qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Nelson & Bradley) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #240-92 To consider action relative to an appointment to the Land Bank Commission.

MOVED AND SECONDED: That Fred Morrill be appointed, effective immediately, to serve as a member of the Land Bank Commission until January 1, 1994. **BE IT FURTHER ORDERED:** That Mr. Morrill qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Bradley & Veilleux) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #241-92 To consider action relative to an appointment to the Land Bank Commission.

MOVED AND SECONDED: That Peter Polovchik be appointed, effective immediately, to serve as a member of the Land Bank Commission until January 1, 1996. **BE IT FURTHER ORDERED:** That Mr. Polovchik qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Nelson & Bennett) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Item #242-92 To consider action relative to a re-appointment to the Design Review Board.

MOVED AND SECONDED: That Harry Blumenthal be re-appointed, effective, immediately, to serve as a member of the Design Review Board until October 1, 1995. **BE IT FURTHER ORDERED:** That Mr. Blumenthal qualify by swearing an oath of office before the Town Clerk by December 28, 1992. (Councilors Bradley & Veilleux)
ROLL CALL VOTE: (6 Ayes) (0 Nays)

Item #243-92 To Consider action relative to the Appointment of a Desert Pines Area Road Committee.

MOVED AND SECONDED: That Mary Berry, Ruby McDermott, Eileen Peterson, Sylvia Hendee, Stephen Geer, Cary Veilleux, and Ken Harrison be appointed, effective immediately, to serve as members of the Desert Pines Area Road Committee. **BE IT FURTHER ORDERED:** That the above named citizens consider and recommend improvements to the Desert and Merrill Roads which may be needed as the result of the Desert Road Industrial Park Development. Recommendations must be brought forward to the Town Council no later than April 30, 1993. (Councilors Veilleux & Bennett)

MOVED AND SECONDED: To amend the last sentence to read "Recommendations must be brought forward to the Town Council no later than April 30, 1993 at which time the committee's charter will be desolved." (Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

ROLL CALL VOTE: (6 Ayes) (0 Nays)

Item #230-92 Tabled December 1, 1992. To Consider action relative to a Parking Lease Agreement.

MOVED AND SECONDED: That the Parking Lease Agreement between the Town of Freeport and B & J Realty Partnership commencing January 1, 1993 be approved. (Councilors Bennett & Veilleux)

MOVED AND SECONDED: To table this motion till later in the meeting. (Councilors Nelson & Veilleux) (6 Ayes) (0 Nays)

OTHER BUSINESS:

1. Discussion on future Council Meetings and Agenda Items.

Chairman Goddard and Vice-Chairman Nelson submitted their proposed 1992-93 Freeport Town Council Issues Agenda to the council for approval.

Councilors Arsenault and Bradley both complimented the Chair and Vice Chair for all the work that went into planning the agenda.

Chairman Goddard and Mr. Olmstead reminded the council and the public that this agenda is intended to be used as a guide for the coming year, and thus is intended to be a working document subject to amendment and change.

Councilor Nelson read the 16 recommendations from the Mock Town Meeting and the recommended method of handling of each item.

1. *Town Council shall form a Charter Commission as provided by state statutes specifically to prepare issues for voter approval.* Recommended that this item not be put before the council as it wouldn't be appropriate or productive.
2. *The Charter Commission shall prepare voter approval amendments to the charter to provide final voter approval of the municipal and school budget.* Recommended that Mr. Olmstead do research, discuss with Ordinance Committee and then bring recommendations to the Council.
3. *The Charter Commission shall recommend that Article 3 include a section designating two elected residents of each district participate in the evaluation of the Town Manager.* Recommended that this item not merit discussion at the council level at this time. The seven elected members of the council current evaluate the Manager.
4. *The Charter Commission shall recommend that..."any transfer of appropriations from one fund to another of over \$50,000 for any single capital item must go to referendum for voter approval and no single capital item may be separated to reduce the cost to less than \$50,000."* Recommended that this item be discussed at a meeting on May 4 and prior to that the Ordinance Committee will discuss .
5. *The Charter Commission shall recommend that Article 2 shall read "Councilmen shall be elected to serve staggered two-year terms and each regular municipal election councilmen shall be elected to fill the position of those whose terms expired."* Recommended that three-year terms suit the purposes of Freeport quite well -- there are hotly contested elections now.
6. *The Council shall direct the Town Manager to issue a comprehensive financial report in the town report that is understandable to the voters.* Recommended that Mr. Olmstead simplify the financial report so that the public can understand it. This would be put out for the public both at the town office and at the library.
7. *The Council shall direct the Town Manager to keep the town offices open one evening, Saturday morning, or change the hours to 10 till 7 to save money.* Mr. Olmstead will be discussing the town office hours this evening which includes the school administrative staff.
8. *The Council shall take whatever action is necessary to delay the implementation of the 1992 Revaluation for whatever time necessary to correct the inequities of the assessments.* The Revaluation has already been implemented. At the last council meeting, an ordinance was passed dealing with interest for people who are appealing those assessments and this issue will be discussed at another committee meeting dealing with people that are having difficulty with their taxes.

9. *The Council shall by ordinance amend the administrative code to require the Town Manager to provide in-service education for all salaried employees to improve the communication skills of all town employees.* It is suggested that the Town Manager ask for volunteers from the local skilled professionals and local business people. Recommended that the Town Manager put together a comprehensive staff development program and all the positive aspects of that for the staff of the town using the resources available, Maine Municipal Association, The Council of Governments, etc. Recommended this policy item be discussed at the February 2nd meeting.
10. *The Council shall direct the Town Manager to make the town planner a part-time position. Due to the recession and slow down of new development, the town planner activities shall be limited to 20 hours. This cost saving measure will allow the planning board to have more to say in local planning.* Recommended that the council evaluate the town planning function at the annual budget process as they usually do, and do with all the town departments -- and not single out that department for any special recommendation.
11. *The Council shall enact by ordinance a requirement that any group that spends over \$200 or more to elect town officials or influence town legislation shall register with the Town Clerk to identify the purpose, the officers, and the name of the group. This group shall submit an annual finance report detailing expenditures.* Recommended that as state law deals with this issue, the town should not design a new ordinance.
12. *No town official shall take any action which would eliminate the open free competitive market of our trash haulers.* There are scheduled workshops on this issue -- no action will be taken until the process is completed. The single-hauler system is not supported by the majority of the council.
13. *The Council shall amend the administrative code to require the town attorney to seek majority approval of the Town Council before spending money beyond the yearly retainer.* This will be discussed at the April 13 workshop.
14. *The Council shall enact an ordinance to create a budget committee. The budget committee shall make recommendations on budget items in the most cost effective way to implement the budget.* This does not merit coming before the council again. (Council members were 4 - 1 against this item.)
15. *(Public Works) The Council shall direct the budget committee to obtain actual cost expenditures and to obtain bids from private firms.* Recommended that Mr. Olmstead look at all cost cutting measures and how we can do things better--the Public Works Department already puts out to bid all hot topping and paving of roads.
16. *The council shall instruct its representative to the Cumberland County Commission to put into the minutes of the next meeting the recommendation to privatize the Cumberland County Civic Center.* Recommended to ask John Swan, representative to the Commission, to come back to the council with what the Commission thinks.

Mr. Bradley noted that two-thirds of the items are being adopted into the agenda items. Mary Kennedy and Ken Mann commended the Council and Town Manager for all the work done on these items.

Item #230-92 Tabled December 1, 1992. To Consider action relative to a Parking Lease Agreement.

MOVED AND SECONDED: To amend the order to increase the lease to \$85 per month per space and decrease the spaces from 26 to 21. (Councilors Nelson & Bradley) (5 Ayes) (1 Nays - Arsenault)

MOVED AND SECONDED: That the Parking Lease Agreement between the Town of Freeport and B & J Realty Partnership commencing January 1, 1993 be approved as amended. (Councilors Bennett & Veilleux)

ROLL CALL VOTE: (6 Ayes) (0 Nays)

2. Update on Nathan Nye Street Extension.

Mr. Olmstead stated that the Nythan Nye Street Extension is the public way that runs from Nythan Nye to the High School Property and the council formally accepted the way several months ago to clear up any issues of ownership. As the Public Works Department and the Superintendent's Office were moving towards development of it, two of the abutting owners served notice to the town through their attorney that they consider the property, their property/private property, and any encroachment on the part of the town would be considered trespassing. Mr. Olmstead met with the Public Works Director and advised them not to move any equipment onto that property and he also asked the Superintendent to work with the property owners attorney to resolve this issue.

3. Discussion on Tree Grant Proposal

Mr. Olmstead stated that last year Freeport received a grant to replace a lot of the dead and dying trees on Main Street and also to do some tree planting at Winslow Park. The town has been asked to apply for the grant again. This grant would allow pruning, planting, and a computer program for Winslow Park and new trees for the municipal buildings.

4. Progress report from the Municipal Building Committee.

Ed Bonny represented Vaughndella Curtis, who was unable to attend, to give a report for the Municipal building Committee. He stated that ground was broken on the Public Works site on the Hunter Road November 24. He said that significant progress has been made on the site work. The site has been cleared, much of the fill has been put in and as of yesterday they were drilling to blast some ledge. The building committee has had two very productive meetings. The committee met with the architect to discuss things they might do when they sat down with the contractor to find some additional savings. We did meet with Mr. Davis and through the joint effort of the committee and the contractor we've been able to realize a \$27,000 savings. The committee has voted not to expend that money at this time. He stated that because of the bids, they were not able to fund the storage shed for the salt, a three-sided building for equipment storage, and a curtain to separate the wash bay from the rest of the facility. If the project progresses as it is expected, the committee will utilize the money it has saved to build the three-sided storage building as it will save the town a lot of money long term on the small equipment stored under cover. It is a high priority of the committee. The committee is trying to conceptualize what it is they can do to the outside of the building to maintain the character of the down town area. This will probably be the focus of the meetings this spring. Mr. Olmstead will put the Municipal Building Committee agendas in the Councilors packets so they will be aware of what is being discussed and can attend the meetings that they choose to.

5. Update from the Municipal Facilities Committee.

Mr. Arsenault reported that the Municipal Facilities committee has had discussion with the library board trustees on the impact on the library from the Boulos construction on the Mobil lot. They discussed the issue: "where do you want the library to be in 10 or 15 years." These discussions included moving the library building. The committee would like to do some research on the library deed to see what the options are. Mr. Nelson recommended having a community forum to discuss the options for the library building after the research questions are answered. Mr. Nelson and Arsenault asked the council for advice. Mr. Bradley suggested that our attorney give us an estimate of what the cost would be to do the research on the deed, that we ask a contractor in the business of moving buildings what the feasibility and cost of moving the building would be, and ask a person knowledgeable in historical buildings what the options are for a building on the historical register and what the options are for keeping it. Then the council would be in a position to make a decision at the January 5th meeting. The Council Chair and Vice-Chair have the authority to authorize these estimates.

6. Discussion on Regional Option Sales Tax.

Senator Harriman met with Chairman Goddard and the Town Manager. The Senator will propose the one cent local sales tax legislation if the townspeople are in favor of it. Mr. Bennett, Mr. Arsenault, Mr. Goddard, Mr. Nelson, Mr. Veilleux, and Mr. Bradley are in favor of supporting this legislation.

7. Town Office Operating Hours.

Mr. Olmstead proposed that the office continue with the 37 1/2 hour work-week and the following changes be made in the Town Office Operating Hours:

Monday	8:00 a.m. - 4:30 p.m.
Tuesday	8:00 a.m. - 4:30 p.m.
Wednesday	8:00 a.m. - 7:00 p.m.
Thursday	8:00 a.m. - 4:30 p.m.
Friday	7:00 a.m. - 12:00 p.m.

To allow time to get the word out, these hours will go into effect on February 1st on a three-month trial basis.

OTHER BUSINESS:

Dale Olmstead reported that the DEP has ordered that our demolition dump site be closed as of December 31st. That means the public will no longer be able to use the site. Freeport will have to provide a container to haul off demolition material. In September it can be taken to Gorham. There is no money in the municipal budget to pay for this. Mr. Olmstead has written a letter to the DEP to extend this deadline.

Mr. Olmstead stated that the Town employees have adopted a needy family for Christmas. He suggested that the Town Council, through the promotions account, donate \$100 to this family for Christmas. Council OK'd.

Councilor Veilleux asked for the council's consensus on supporting the bill to bring the assessment standards back to the 1985 standards for trailers and mobile homes. There was a consensus of the council to support this bill.

Item #244-92 To Consider Action Relative to an Executive Session.

MOVED AND SECONDED: That the Town Council enter into Executive Session to consult with the Town Attorney on litigation (Town of Freeport vs Greenlaw) to discuss personnel matters, and to discuss Police Union Contract Negotiations and meet with the Freeport Housing Trust to discuss possible acquisition of property. (Councilors Veilleux & Bennett)
(6 Ayes) (0 Nays)

MOVED & SECONDED; To reconvene. (Councilors Veilleux & Nelson) (6 Ayes) (0 Nays)

MOVED & SECONDED: To adjourn at 12:02 a.m. (Councilors Arsenault & Bennett) (6 Ayes) (0 Nays)

The foregoing was recorded by: Jane D. Brogli


Recorder