

FREEPORT TOWN COUNCIL MEETING #17-93

AUGUST 3, 1993 - 7:30 P.M. - COUNCIL CHAMBERS

SUMMARY AGENDA

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- ITEM #164-93** TO CONSIDER ACTION RELATIVE TO APPLICATIONS/
RE-APPLICATIONS FOR DIETETIC LICENSES FOR BEVERLY DAKES,
LEONA SMITH, ROBIN WADE, CARLENE STAIRS, ALDEN & JANE
GRANT, ROBERT COLE & BONITA KIRBY (PUBLIC HEARING).
- ITEM #165-93** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE
SHELLFISH CONSERVATION ORDINANCE. (CHAPTER 32) (PUBLIC
HEARING).
- ITEM #166-93** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE
TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48) (PUBLIC
HEARING).
- ITEM #167-93** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN
EMERGENCY AMENDMENT TO THE TRAFFIC AND PARKING
ORDINANCE. (CHAPTER 48)
- ITEM #93-93** TABLED MAY 18, 1993. TO CONSIDER ACTION RELATIVE TO THE
PROPOSED DISCONTINUANCE OF A PORTION OF THE TOWN WAY
COMMONLY KNOWN AS PORTERS LANDING ROAD LOCATED NEAR
PORTERS LANDING IN SOUTH FREEPORT.
- ITEM #94-93** TABLED MAY 18, 1993. TO CONSIDER ACTION RELATIVE TO THE
ACCEPTANCE OF A GIFT OF LAND.
- ITEM #159-93** TABLED JULY 6, 1993. TO CONSIDER ACTION RELATIVE TO A
CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND
WILLIAM & ORRIN PHIPPS CONCERNING TAX MAP 21, LOT 59.

PLEASE TURN OVER

OTHER BUSINESS:

1. Update on Development of a Regional Demolition Site.
2. Review of Surplus Property List.
3. Request to use the Town Hall Grounds.
4. Update on Lower Mast Landing Road Reconstruction.
5. Discussion on August 10 Workshop with Paul Powers to discuss Winslow Park.

ITEM #168-93 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

END OF AGENDA

FREEPORT TOWN COUNCIL MEETING #17-93
Freeport Town Hall Council Chambers
August 3, 1993 - 7:30 P.M.

<u>Chairperson's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Kirk Goddard , Chairperson, Mast Landing Road	X		
Edward Bradley, Flying Point Road	X		
Andrew Arsenault, 287A U.S. Route #1	X		X
John Nelson, Church Street			
Cary Veilleux, Wardtown Road	X		
Randall Bennett, Park Street	X		
Elizabeth Ruff, Durham Road	X		

FIRST ORDER OF BUSINESS:

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-93 held July 6, 1993 and accept the minutes as printed. (Councilors Arsenault & Veilleux) (6 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes.

Barbara McGivarin expressed concern with the way the three-minute time limit was enforced at the last meeting.

Ken Mann expressed concerns about the process and dates of Cary Veilleux's resignation. Councilor Veilleux said that a motion would be made tonight to take care of it.

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

ITEM #164-93 TO CONSIDER ACTION RELATIVE TO APPLICATIONS/
RE-APPLICATIONS FOR VICTUALER LICENSES FOR
BEVERLY OAKES, LEONA SMITH, ROBIN WADE, CARLENE
STAIRS, ALDEN & JANE GRANT, ROBERT COLE & BONITA
KIRBY.

MOVED AND SECONDED: That the Council adjourn and the
Licensing Board convene. (Councilors Veilleux/Bennett)
(6 Ayes) (0 Nays)

Item #165-93 Continued

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

MOVED AND SECONDED: That the proposed amendments to the Shellfish Ordinance be tabled until September 7, 1993.
(Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

**ITEM #166-93 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE.
(CHAPTER 48).**

MOVED AND SECONDED: That the proposed amendments to the Traffic & Parking Ordinance be subject to Public Hearing.
(Councilors Ruff & Arsenault) (6 Ayes) (0 Nays)

Ms. Jackie Cohen said there are two amendments to the Traffic and Parking Ordinance. The first deals with night parking on Harraseeket Road between Main Street and Dixon Way. The purpose of this amendment is to prohibit night parking in that area throughout the entire year. This issue was brought to the Traffic and Parking Committee by a resident. The concern was that people were parking there over night all the time and that it was dangerous in terms of access on Harraseeket Road--cars couldn't get through.

Ms. Cohen said the second provision, Article 3, is a location for Tour Bus parking. In the past, tour buses have parked in the Municipal lot. While the new Municipal Building is being constructed, that area will not longer be available for parking. A new area has been found to locate approximately eight buses. That is an area on the south side of Mallett Drive--a little west of the McDonald's driveway and east of the Masonic Hall driveway.

She expressed concern that in Section 48-208 it reads: "this provision shall be in effect at all times." She feels that it should read *all year* instead of "at all times". She suggested an amendment could be proposed next month.

Councilor Ruff expressed concern about 48-314--she asked if anything additional would have to be done for the new bus parking. Jackie Cohen stated that only signs would have to be added. Ms. Cohen said that no construction or reconstruction is needed. Because it is a State road, it was cleared with the Department of Transportation.

Item #166-93 Continued

MOTION: That the Public Hearing be closed. (Councilors Ruff & Veilleux) (6 Ayes) (0 Nays)

MOTION: That the proposed amendments to the Traffic & Parking Ordinance be tabled until September 7, 1993. (Councilors Ruff & Bennett) (6 Ayes) (0 Nays)

ITEM #167-93 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN EMERGENCY AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48)

MOVED AND SECONDED: That the proposed Emergency Amendment to the Traffic & Parking Ordinance be adopted in accordance with Article II Sec. 2.13 of the Freeport Town Charter. (Bennett & Ruff) **ROLL CALL VOTE** (5 Ayes) (1 Nay - Arsenault)

Peter Moulton expressed concern about the need for an emergency amendment. He said the Town Charter is very specific about how we can use the emergency amendment. He said the Council over uses the emergency ordinance and we shouldn't pass it under this ordinance.

Councilor Bradley stated that his understanding of the emergency regulation is that if it's necessary for the public health, safety and welfare, you can use the emergency proceeding. A determination was made that if this was to wait out the normal period, the period in which the benefit would be derived would be passed--it would go beyond the time this was needed to help the residents of this area. There was a recommendation made to the Council to pass it now so that it would operate during the summer.

Councilor Veilleux asked if the neighbors were notified of this amendment. He was assured that they were.

ITEM #93-93 TABLED MAY 18, 1993. TO CONSIDER ACTION RELATIVE TO THE PROPOSED DISCONTINUANCE OF A PORTION OF THE TOWN WAY COMMONLY KNOWN AS PORTERS LANDING ROAD LOCATED NEAR PORTERS LANDING IN SOUTH FREEPORT.

ITEM #94-93 TABLED MAY 18, 1993. TO CONSIDER RELATIVE TO THE ACCEPTANCE OF A GIFT OF LAND.

MOVED AND SECONDED: To table Item #93-94 and #94-93 until September 7, 1993. (Councilors Veilleux & Ruff) (6 Ayes) (0 Nays)

Item #93-93 & #94-93 Continued

Jackie Cohen stated there are two general areas that need to be resolved. One is the issue of permitting--what sorts of permits are needed. She said the issue really can't be decided until it's clear what is wanted down there. Some of the possibilities being talked about were turn-around parking or a boat launch and obviously they'd be different permitting issues relating to each one of those. She said the other issue is access to the point. Public access also needs to be resolved.

Hugh Phelps said the public has access to the water but some agreement will have to be made with abutters to the road. He said there is also a need for valuations of the property on Cove Road and the Porter's Landing property. He said that Dick Main is in the process of working on that.

Councilor Bradley said the permit issue has two parts. He said this was a reasonable exchange only if the town was getting out of Cove Road the equivalent or more than what it was getting out of the property that was restricted by a vehicular prohibition. He said that the discussion at workshop that they really couldn't be certain what we could use it for unless/until we had received the permits for that use. The Town needs to make some judgement about what uses it needs to make of that Cove Road property and whether or not those uses need permits. He asked that Mr. Bennett, Mr. Arsenault, and the Coastal Waters Commission work with him to get some concept for what the use of that land would be that would be in the town's best interest and then bring to the Council for approval. Then with that commitment, they'd go to the agencies and find out what the permitting situation is and then report back to the Council. Mr. Bradley said he would contact each councilor to see what uses they'd like to have accomplished there. He also said he'd get on the Coastal Waters agenda and he'd make a presentation there.

Mr. Goddard asked the Town Manager to set up a meeting recommended by Geoff Hole with the Longs and the Keagans and said he would also attend. Mr. Phelps agreed to also attend the meeting.

ITEM #159-93 TABLED JULY 6, 1993. TO CONSIDER ACTION RELATIVE TO A CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND WILLIAM & ORRIN PHIPPS CONCERNING TAX MAP 21, LOT 59.

MOVED AND SECONDED: To table Item #159-93 indefinitely.
(Councilors Veilleux & Ruff) (6 Ayes) (0 Nays)

Item #159-93 Continued

Jackie Cohen said that the Phipps have agreed to abide by the Code Officer's ruling on the property and have agreed that they will take action to make the required corrections by August 9. She said that there is always the possibility that compliance won't occur and that if on August 10 they are not in substantial compliance or diligently working toward total compliance, the Council needs to discuss whether there is a consensus to authorize actions to bring the matter into compliance.

Chairman Goddard stated that the Council has a letter from Fred stating the specific things that need to be complied with. He said that the Council has agreed that action should take place if that doesn't happen.

The Council recommended that Fred Reeder do an inspection on the property on August 10, 11, and 12 and submit a report to the Council.

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Councilors Veilleux & Ruff) (6 Ayes) (0 Nays)

ITEM #169-93 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A TOWN COUNCILOR'S RESIGNATION, AND THE SETTING OF A SPECIAL ELECTION.

MOVED AND SECONDED: That the resignation of Town Councilor Cary Veilleux, effective October 29, 1993, be accepted. **BE IT FURTHER ORDERED:** That a Special Election be held on November 2, 1993 for the purpose of filling the balance of Councilor Veilleux's term. (Councilors Veilleux & Bennett) **ROLL CALL VOTE** (5 Ayes) (0 Nays) (Veilleux abstains)

Councilor Veilleux said this was a tough decision and made with great reluctance but in fairness to the people in his district, he felt he should do this. He said that this (serving on the Council) has been one of the greatest experiences he has ever had and he wanted to thank everyone. He said that over the years he has tried to diligently and fairly communicate with his constituents in District 4. He said one of the proudest moments in his life was serving the people in Freeport. He said that the Council has extended the utmost courtesy to him is the troubled times he has been through.

Item 169-93 Continued

Councilor Bradley stated that everyone here knows how difficult it has been for Cary to operate as a Councilor for the past months. He said that he was consistently impressed that Mr. Veilleux was able to take his personal issues and put them aside and deal with the Council issues with openness and honesty and with a great sense of humor. He said that he has enjoyed sitting beside him and appreciates his thoughts and support over this period of time. He said that he was sorry to see him go.

The Councilors wished him the best of luck in his future endeavors.

OTHER BUSINESS:

1. Update on Development of a Regional Demolition Site.

Chairman Goddard said that the reason that Mr. Olmstead was not here tonight was that there was a meeting being held by RWS as a follow up to their decision to eliminate further consideration of the Gorham site that was proposed. He said that Mr. Olmstead would be presenting further information at the next meeting. Further discussion was postponed.

2. Review of Surplus Property List.

Jackie Cohen said that the Town is proposing a couple of different ways to dispose of the surplus property--some could be bid out, some sell to other towns, and some at public auction.

Mr. Bennett suggested that the items be posted in the newspaper and offer for sealed bids.

Mr. Veilleux recommended that the Charitable/Nonprofit Organizations be offered the items first. Mr. Goddard said that was one of the alternatives-to donate the items to Charitable organizations-that the town supports.

Mr. Goddard said that the town already had offers for the "*" items. He said that these offers were at fair market value.

Mr. Dailey recommended that the fire equipment be donated.

Mr. Bradley suggested that this issue be sent back to the Town Manager for a proposal. It was the consensus of the Council to put all items, except the fire equipment, up for bid.

3. Request to use the Town Hall Grounds.

It was the consensus of the Council that Morse Street School be allowed to use the Municipal parking lot for a fundraising event this fall.

4. Update on Lower Mast Landing Road Reconstruction.

Jackie Cohen reported that there have been meetings with the DEP and the Army Corps. The conclusion of those meetings is that reconstruction of the Old Mast Landing Road without the ATL would not require a DEP/State permit but because of the wetlands would require an Army Corps permit. If an ATL were to be constructed, we think that it would need a State Permit as well as an Army Corps Permit. Because the wetlands have not been delineated, the expensiveness of the permitting process is not clear. It looks as if would be impossible to get any permits if we were to go through the permitting process--until next year. She said that Mr. Olmstead suggested that this issue be tabled until September 7 for further discussion.

5. Discussion on August 10 Workshop with Paul Powers to discuss Winslow Park.

Chairman Goddard said that due to a special request by four Councilors, the Council will be holding a Special Meeting on August 10 to discuss Winslow Park/the Master Plan with Paul Powers.

6. Other Issues

Jackie Cohen announced that the Bustin's Island trip will be on August 24 which is a Tuesday. Councilors Bradley, Bennett, Arsenault, and Veilleux will be attending.

Ms. Cohen stated that Councilor Nelson has designated September 14 as Council Recognition Day for members of boards and commissions.

Ms. Cohen stated that Ocean Farms law brief is in Mr. Olmstead's office if the Councilors want to see it. Comments will need to be submitted by August 14.

Ms. Cohen said that the town receives Department of Transportation money for local road assistance program. The money is plugged into our Capital Budget and the money goes to the repair and reconstruction of roads. She asked the Councilors to sign off on the forms to receive approximately \$86,000.

ITEM #168-93

TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION.

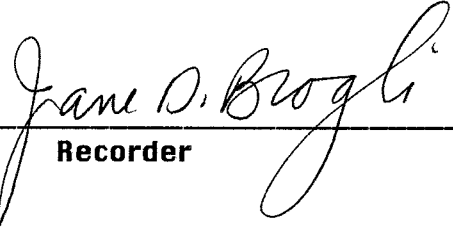
MOVED AND SECONDED: That the Council enter into Executive Session to discuss litigation. (Gilliam v Town of Freeport) (Councilors Veilleux & Arsenault) (6 Ayes) (0 Nay)

MOVED AND SECONDED: That the Council reconvene. (Councilors Veilleux & Arsenault) (6 Ayes) (0 Nays)

Mr. John Leavitt of the Maine Forestry Service recommended that the Council donate the surplus boat to the Maine Forestry Service for fire prevention and suppression in Casco Bay. The consensus of the council was that he participate in the bid process.

MOVED AND SECONDED: To adjourn at 9:35. (Councilors Veilleux & Arsenault) (6 Ayes) (0 Nays)

The foregoing was recorded by: Jane D. Brogli


Recorder