

FREEPORT TOWN COUNCIL MEETING #25-93

DECEMBER 7, 1993 - 7:30 P.M. - COUNCIL CHAMBERS

SUMMARY AGENDA

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- ITEM #219-93 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR
A VICTUALER'S LICENSE FOR MICHAEL DOHERTY
(PUBLIC HEARING)
- ITEM #220-93 TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR
A FULL-TIME MALT, SPIRITUOUS AND VINOUS LICENSE FOR
THE HARRASEEKET INN (PUBLIC HEARING)
- ITEM #221-93 TO CONSIDER ACTION TO A RE-APPLICATION FOR A FULL-
TIME MALT, SPIRITUOUS AND VINOUS LICENSE FOR
THE FALCON RESTAURANT (PUBLIC HEARING)
- ITEM #222-93 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE
(CHAPTER 46) (PUBLIC HEARING)
- ITEM #223-93 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM
THE FISCAL YEAR 1994 MUNICIPAL OPERATING BUDGET
MISCELLANEOUS AND CONTINGENCY ACCOUNT
- ITEM #224-93 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM
THE FISCAL YEAR 1994 MUNICIPAL OPERATING BUDGET
MISCELLANEOUS AND CONTINGENCY ACCOUNT
- ITEM #225-93 TO CONSIDER ACTION RELATIVE TO A RESOLUTION
CONCERNING THE COUNTY BUDGET PROPOSAL
- ITEM #226-93 TO CONSIDER ACTION RELATIVE TO ACCEPTING A
DONATION FROM UNITED VIDEO CABLEVISION INC
- ITEM #227-93 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A
MUNICIPAL INFRASTRUCTURE GRANT TO ASSIST THE FREEPORT
HOUSING TRUST WITH SEWER HOOKUPS AT VARNEY SQUARE
ESTATES.

PLEASE TURN OVER

OTHER BUSINESS:

1. DISCUSSION ON COUNCIL WORKSHOP PROCEDURES.
2. DISCUSSION ON ESTABLISHING COUNCIL SUB-COMMITTEE MEETINGS.
3. APPOINTMENT OF LIAISON TO THE WATER DISTRICT TRUSTEES.
4. RECOGNITION OF TOWN CLERK'S CERTIFICATION.
5. REPORT ON LOWER MAST LANDING FIELDS.

MINUTES
COUNCIL MEETING #25-93
FREEPORT TOWN HALL COUNCIL CHAMBERS
DECEMBER 7, 1993 - 7:30 P.M.

<u>Chairperson's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Elizabeth Ruff, Chairperson, Durham Road	X		
Randall Bennett, Vice-Chairperson, Park Street	X		
Edward Bradley, Flying Point Road	X		
Roger Wold, Staples Point Road	X		
Gloria DeGrandpre, Wolf Neck Road	X (Arrived 8:05 PM)		
Kenneth Mann, Mann Road	X		
Edward Campbell, Gay Drive	X		

FIRST ORDER OF BUSINESS:

Councilor Mann wished to amend the Minutes of Meeting #24-93 as follows:
On page -2- (Item #211-93) after the 1st Moved and Seconded - "Ken Mann stated for the record..... delete this complete sentence and insert the following: Chairperson Ruff stated the purpose of the Executive Session is to discuss the relationship of the Council relative to personnel matters in general and to explain some of the guidelines in dealing with town personnel. Ken Mann stated for the record he was comfortable discussing that type of a relationship in open public session.*

On page -3- second to last paragraph "Councilor Mann said..... delete second sentence "Mr. Hole said..... and insert the following: Mr. Hole said I distinguish requests for public information from an attempt to give orders."*

MOVED AND SECONDED - TO WAIVE THE MINUTES OF MEETING #24-93 HELD ON NOVEMBER 23, 1993 AND ACCEPT THE MINUTES AS PRINTED AND AMENDED.*
(COUNCILORS MANN & BENNETT) (6 AYES) (0 NAYS)

SECOND ORDER OF BUSINESS:

Public comment period. There were no public comments.

Councilor Mann wished to reconsider a second vote on the \$2,000,000 EDA Grant after having received a phone call from a resident making the request. After much discussion among the councilors, the following action was taken:

MOVED AND SECONDED - THAT WE NOT REVISIT THE VOTE TAKEN AT MEETING #24-93 REGARDING THE EDA GRANT.

(COUNCILORS WOLD & BENNETT) (5 AYES) (1 ABSTAIN, COUNCILOR BRADLEY) (1 NAY, COUNCILOR MANN) Chairperson Ruff emphasized more information is forthcoming on this issue scheduled for the 21st.

THIRD ORDER OF BUSINESS:

To take action on the following items of business as read by the Council Chairperson:

ITEM #219-93 - ACTION RELATIVE TO AN APPLICATION FOR A VICTUALER'S LICENSE.

MOVED AND SECONDED - That the Council adjourn and the Licensing Board convene.

(Councilors Campbell & Bennett) (6 Ayes) (1 Abstain, Councilor Mann)

ROLL CALL OF MEMBERS

Elizabeth Ruff - Present
Randall Bennett - Present
Edward Bradley - Present
Roger Wold - Present

Gloria DeGrandpre - Present
Kenneth Mann - Present
Edward Campbell - Present
Dale Olmstead - Present

MOVED AND SECONDED - That the following application for a Victualer's License for Michael Doherty be subject to Public Hearing.

MICHAEL DOHERTY (CHEER UP, INC.) D/B/A DOHERTY'S NORTH FREEPORT STORE, WARDTOWN ROAD.

(Councilors Campbell & Bennett) (6 Ayes) (1 Abstain, Councilor Mann)

MOVED AND SECONDED - That the Public Hearing be closed.

(Councilors Campbell & Bennett) (6 Ayes) (1 Abstain, Councilor Mann)

MOVED AND SECONDED - That the application for a Victualer's License issued to Michael Doherty be approved.

(Councilors Campbell & Bennett) (6 Ayes) (1 Abstain, Councilor Mann)

MOVED AND SECONDED - That the Licensing Board adjourn and the Council reconvene.

(Councilors Campbell & Bennett) (7 Ayes) (0 Nays)

ITEM #220-93 - ACTION RELATIVE TO A REAPPLICATION FOR A FULL-TIME, MALT, SPIRITUOUS AND VINOUS LICENSE.

MOVED AND SECONDED - That the following reapplication for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing:

RICHARD P. GRAY, D/B/A HARRASEEKET INN, 162 MAIN STREET, FREEPORT.

(Councilors Wold & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the Public Hearing be closed.
(Councilors Wold & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED - That the reapplication for a Full-Time, Malt, Spirituous and Vinous License issued to Harraseeket Inn be approved.

(Councilors Wold & Campbell) (7 Ayes) (0 Nays)

ITEM #221-93 - ACTION RELATIVE TO A REAPPLICATION FOR A FULL-TIME, MALT, SPIRITUOUS AND VINOUS LICENSE.

MOVED AND SECONDED - That the following reapplication for a Full-Time, Malt, Spirituous and Vinous License be subject to Public Hearing:

LEONA SMITH, D/B/A THE FALCON RESTAURANT, 8 BOW STREET, FREEPORT.

(Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the Public Hearing be closed.
(Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED - That the reapplication for a Full-Time, Malt, Spirituous and Vinous License issued to Falcon Restaurant be approved.

(Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

ITEM #222-93 - ACTION RELATIVE TO AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE.

MOVED AND SECONDED - That the proposed amendments to the General Assistance Ordinance be subject to Public Hearing.
(Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the Public Hearing be closed.
(Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the proposed amendments to the General Assistance Ordinance be tabled until December 21, 1993.

(Councilors DeGrandpre & Campbell) (7 Ayes) (0 Nays)

ITEM #223-93 - ACTION RELATIVE TO AN EXPENDITURE FROM THE FISCAL YEAR 1994 MISCELLANEOUS AND CONTINGENCY ACCOUNT.

MOVED AND SECONDED - To take an item not on the printed Agenda.

(Councilors Campbell & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED - To rescind an action taken at the previous Council Meeting of November 23, 1993 which in effect transferred the distribution of funds to finalize litigation with Ocean Farms.

(Councilors Campbell & Bennett) (7 Ayes) (0 Nays)

BE IT ORDERED - That \$25,000.00 be expended from the Fiscal Year 1994 Municipal Operating Budget - Miscellaneous and Contingency Account - for the purpose of finalizing litigation - Town of Freeport v. Ocean Farms.

(Councilors Bradley & Bennett) (7 Ayes) (0 Nays)

ITEM #224-93 - ACTION RELATIVE TO AN EXPENDITURE FROM THE FISCAL YEAR 1994 MISCELLANEOUS AND CONTINGENCY ACCOUNT.

MOVED AND SECONDED - To rescind the motion taken at the November 23, 1993 Council meeting to transfer \$2,400.00 from the Miscellaneous and Contingency Account to fund the Coalition for Equitable School Funding.

(Councilors Wold & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED - That \$2,400.00 be expended from the Fiscal Year 1994 Municipal Operating Budget - Miscellaneous and Contingency Account - for the purpose of joining the Coalition for Equitable School Funding.

(Councilors Wold & Campbell) (4 Ayes) (3 Nays, Councilors Mann, Bennett & DeGrandpre)

ITEM #225-93 - ACTION RELATIVE TO A RESOLUTION CONCERNING THE CUMBERLAND COUNTY BUDGET PROPOSAL.

MOVED AND SECONDED - To waive the second reading.
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

BE IT RESOLVED BY THE TOWN OF FREEPORT, MAINE, THAT -

WHEREAS, increased costs and demands for Municipal Education and County services have placed an increased burden on the local property tax payer; and

WHEREAS, the current economic conditions and revenue shortfalls at both State and Local levels of government have further exacerbated the property tax dilemma; and

WHEREAS, both Local and State governments have implemented painful, but necessary, service and staff reductions in response to these economic realities; and

WHEREAS, the Cumberland County Tax for Freeport has increased at an annualized rate of 21.2% over the past five years while appropriations for municipal programs and services have been held at a 2.2% annualized rate of increases during the same five year period; and

WHEREAS, the Town of Freeport has reduced its municipal workforce by 10% over the past five years, yet Cumberland County is proposing 35 1/2 new positions for just the Jail and Sheriff's Department in its 1994 budget; and

WHEREAS, the 1994 Cumberland County Budget proposes a 6.01% increase which would yield a \$24,142.00 County Tax increase for the Town of Freeport; and

WHEREAS, the Town of Freeport cannot absorb another increase in the Cumberland County Budget; and

WHEREAS, the legislatively established Cumberland County Budget Advisory Committee which consists of elected local officials from municipalities throughout Cumberland County has emphatically recommended that the Commission hold this years County Tax increase to a zero level; and

WHEREAS, the Cumberland County Commissioners have the final approval authority over the County Budget,

BE IT THEREFORE RESOLVED, that Freeport Town Council demands that the Cumberland County Commissioners comply with the recommendation of their Budget Advisory Committee and not increase the County Tax to the municipalities and local property tax payers of Cumberland County for the 1994 budget year, and

BE IT FURTHER RESOLVED, that the Freeport Town Council urges other Town and City Councils and Boards of Selectmen who represent the other municipalities and property tax payers of Cumberland County to join with the Town of Freeport by submitting similar Resolutions to the Cumberland County Commissioners.
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #226-93 - ACTION RELATIVE TO ACCEPTING A DONATION FROM UNITED VIDEO CABLE-VISION, INC.

BE IT ORDERED - That a donation of \$1,335.00 from United Video Cablevision, Inc., for the purpose of purchasing a computer for Cable Channel 7, be accepted.

(Councilors DeGrandpre & Bennett) (5 Ayes) (2 Nays, Councilors Bradley & Mann)

OTHER BUSINESS:

1. Councilor Bradley talked about council workshop procedures; some guidelines had been discussed; the Ordinance Committee was most interested in the procedures set up by Councilor Wold and wished to adopt these procedures. After much discussion amongst councilors, the following action was taken:

MOVED AND SECONDED - To table Councilor Wold's proposals until December 21, 1993.

(Councilors Bradley & Wold) (7 Ayes) (0 Nays)

Councilor Bradley also mentioned that the Ordinance Committee will be discussing the Route 1, South, zoning; Chairperson Ruff stated that the Planning Board will be meeting with Council to discuss the zoning.

2. Chairperson Ruff suggested that the Chairs of the various committees contact the Town Manager and set up dates to discuss sub-committee meetings.
3. Gloria DeGrandpre has agreed to serve as liaison to the Water District Trustees.
4. Chairperson Ruff congratulated the Town Clerk on becoming Certified.
5. Councilor Bradley reported on the Lower Mast Landing fields; basically there are 3 main issues: Does the Town appeal the decision of denial? Does Freeport have a unique "wetlands"? Does the Town go after TY Lin? Chairman Ainsworth of the Conservation Commission has agreed to chair a meeting with Councilor Bradley inviting the Army Corps, the EPA and Fishing and Wildlife to discuss the wetlands environmental area. Mr. Bradley stressed the school needs fields; there are suggestions on how to develop the land, possibly looking townwide for other recreational fields, ways of purchasing land so that taxpayers would not have to pay for it or perhaps exchanging land, etc. Councilor Bradley asked "Would the Council be interested in meeting with the Federal groups involved and discuss the situation?"

MOVED AND SECONDED - That we authorize Edward Bradley to set up this meeting as soon as possible to set up a forum to bring together the parties involved.

(Councilors Mann & Wold) (7 Ayes) (0 Nays)

6. Councilor Mann stressed that people in the back of the room had a hard time hearing what was being said up front; there should be a way to set up some speakers. The matter will be looked into.
7. Councilor Mann mentioned a poll worker receiving an incorrect paycheck. He was informed the matter has been resolved.
8. Chairperson Ruff read a FAX received from Attorney Hole regarding Ocean Farms answering questions brought up at the November 23, 1993 meeting.

9. Chairperson Ruff read the following PROCLAMATION.

BE IT PROCLAIMED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT THAT,

WHEREAS, TUBA CHRISTMAS CONCERTS AS CONCEIVED IN 1974 BY RENOWNED TUBIST, HARVEY G. PHILLIPS, HAVE BECOME AN ANNUAL HOLIDAY TRADITION IN CITIES THROUGHOUT THE WORLD; AND

WHEREAS, TUBA CHRISTMAS BRINGS TOGETHER TUBA AND EUPHONIUM PLAYERS OF ALL AGES TO PRESENT PUBLIC CONCERTS OF TRADITIONAL CHRISTMAS CAROLS ACKNOWLEDGING THEIR PROUD MUSICAL HERITAGE; AND

WHEREAS, TUBA CHRISTMAS HONORS ALL GREAT TUBA AND EUPHONIUM PLAYERS THROUGH THE LEGENDARY ARTIST/TEACHER, WILLIAM J. BELL, BORN CHRISTMAS DAY, 1902, AND PAYS TRIBUTE TO ALL COMPOSERS WHO HAVE GIVEN SOLO AND ENSEMBLE LITERATURE TO THESE GRAND AND DESERVING INSTRUMENTS THOUGH AMERICAN COMPOSER ALEC WILDER, WHO CONTRIBUTED HIS ARRANGEMENTS OF CHRISTMAS CAROLS TO TUBA CHRISTMAS, AND WHO DIED ON CHRISTMAS EVE, 1980; AND

WHEREAS, TUBA CHRISTMAS CONCERTS ARE PRESENTED FREE TO PUBLIC AUDIENCES FOR THEIR ENJOYMENT; AND

WHEREAS, HOSTS OF THIS UNIQUE HOLIDAY EVENT, HARVEY PHILLIPS FOUNDATION, THE TOWN OF FREEPORT AND THE FREEPORT MERCHANTS ASSOCIATION, AND COORDINATOR ERIC ANDERSON, HAVE ARRANGED THIS PUBLIC OUT-DOOR CONCERT ON SATURDAY, DECEMBER 18, 1993, BEGINNING AT 2:00 P.M. AT THE CORNER OF MAIN AND BOW STREETS,

BE IT THEREFORE PROCLAIMED THAT, I, ELIZABETH RUFF, CHAIRPERSON OF THE FREEPORT TOWN COUNCIL, DO HEREBY PROCLAIM DECEMBER 18, 1993 AS TUBA CHRISTMAS DAY THROUGHOUT THE TOWN OF FREEPORT.

BE IT FURTHER PROCLAIMED THAT, AS CHAIRPERSON OF THE FREEPORT TOWN COUNCIL, I URGE ALL OUR CITIZENS TO ATTEND AND ENJOY THIS ANNUAL TUBA CHRISTMAS CONCERT ON DECEMBER 18, 1993.

DATED THIS SEVENTH DAY OF DECEMBER IN THE YEAR NINETEEN-HUNDRED NINETY-THREE AND SEALED WITH THE SEAL OF THE TOWN OF FREEPORT, MAINE.

S/ ELIZABETH RUFF
ELIZABETH RUFF, CHAIRPERSON
FREEPORT TOWN COUNCIL
TOWN OF FREEPORT, MAINE

MOVED AND SECONDED - That the Council move into Executive Session to assist the Freeport Housing Trust with sewer hookups at Varney Square Estates.

(Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the Council reconvene.

(Councilors Bradley & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED - That the Council enter into Executive Session to receive a report from the Housing Trust regarding possible negotiations with landlords.


(Councilors Bradley & Bennett) (7 Ayes) (0 Nays)

MOVED AND SECONDED - To reconvene.

(Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED - TO ADJOURN AT 10:56 P.M.

(COUNCILORS WOLD & CAMPBELL) (7 AYES) (0 NAYS)

Recorded by: 
Mary D. Wescott
Interim Council Secretary