

AGENDA
FREEPORT TOWN COUNCIL MEETING #10-97
TOWN HALL COUNCIL CHAMBERS
APRIL 1, 1997 - 7:00 P.M.

SPECIAL NOTE: THIS AGENDA IS A WORKING AGENDA THAT INCLUDES BACKGROUND INFORMATION AND IS FOR DISTRIBUTION TO COUNCIL MEMBERS ONLY.

FROM: DALE C. OLMSTEAD, JR.

TO: GENIE BEAULIEU, CHAIRPERSON, LARUE DRIVE
EDWARD CAMPBELL, VICE CHAIRPERSON, GAY DRIVE
ALAN HINDLEY, WARDTOWN ROAD
KENNETH MANN, MANN ROAD
CHARLOTTE BISHOP, MAQUOIT DRIVE
STAFFORD SOULE, ARNOLD ROAD
DAVID SOLEY, ARNOLD ROAD

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF #9-97 MARCH 18, 1997 AND ACCEPT THE MINUTES AS PRINTED.

SECOND ORDER OF BUSINESS:

PUBLIC COMMENT PERIOD - 30 MINUTES
(NON-AGENDA ITEMS ONLY)

THIRD ORDER OF BUSINESS: TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.

**FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997**

ITEM #59-97 TO CONSIDER ACTION RELATIVE TO A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS. (PUBLIC HEARING).

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #59-97 BE TABLED UNTIL APRIL 15, 1997. (Voice Vote)

ITEM #60-97 TO CONSIDER ACTION RELATIVE TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING (CHAPTER 32). (PUBLIC HEARING)

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #60-97 BE TABLED UNTIL APRIL 15, 1997. (Voice Vote)

ITEM #61-97 TO CONSIDER ACTION RELATIVE TO A WHARFING OUT PERMIT FOR THE TOWN OF FREEPORT. (PUBLIC HEARING)

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT THE WHARFING OUT PERMIT BE APPROVED. (Voice Vote)

ITEM #62-97 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 1998 TO 2002. (PUBLIC HEARING)

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #62-97 BE TABLED UNTIL APRIL 15, 1997. (Voice Vote)

ITEM #63-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT CAROL CHIPMAN BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MS. CHIPMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #64-97 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT RANDY RICE BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MR. RICE QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #65-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 2000.

BE IT ORDERED: THAT JOHN ARSENAULT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 2000.

BE IT ORDERED: THAT MR. ARSENAULT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #66-97 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/ RECYCLING COMMITTEE UNTIL JANUARY 1, 1998.

BE IT ORDERED: THAT EDWARD BRAINARD BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/ RECYCLING COMMITTEE UNTIL JANUARY 1, 1998.

BE IT ORDERED: THAT MR. BRAINARD QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #67-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT JON ROBINSON BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MR. ROBINSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

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APRIL 1, 1997**

ITEM #68-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT E. ANN WESTERVELT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MS. WESTERVELT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #69-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MARILYN CORTHELL BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT MS. CORTHELL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #70-97 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 1999.

BE IT ORDERED: THAT CINDA JOYCE BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 1999.

BE IT ORDERED: THAT MS. JOYCE QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. (Roll Call)

ITEM #71-97 TO CONSIDER ACTION RELATIVE TO THE DEVELOPMENT OF THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION.

BE IT ORDERED: THAT THE TOWN COUNCIL AUTHORIZE THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO CREATE THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION. (Roll Call)

ITEM #72-97 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE CONCERNING EMPLOYEE PARKING (CHAPTER 21).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. (Roll Call)

**FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997**

ITEM #73-97 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING MAP CONCERNING THE VC-III ZONE AND THE I-1 ZONE.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE ZONING MAP CONCERNING THE VC-III ZONE AND THE I-1 ZONE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. (Roll Call)

ITEM #74-97 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE DIRECTION SIGN ORDINANCE CONCERNING INTERNATIONAL INFORMATION SIGNS (CHAPTER 24).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE DIRECTIONAL SIGN ORDINANCE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. (Roll Call)

ITEM #75-97 TO CONSIDER ACTION RELATIVE TO THE CONDUCTION OF A STUDY ON THE IMPACTS OF RESIDENTIAL GROWTH ON PROPERTY TAXES.

WHEREAS, A STUDY OF PROPERTY TAXES IN FREEPORT, MAINE, COMMISSIONED BY THE MAINE COAST HERITAGE TRUST AND DATED OCTOBER 1996, HAS DETERMINED THAT THE TAX RATE IN FREEPORT IS ABOVE THE STATE AVERAGE;

WHEREAS, THE STUDY FURTHER POINTED OUT THAT PROPERTY TAXES WILL RISE WHERE MUNICIPAL AND SCHOOL EXPENSES CREATED FROM RESIDENTIAL GROWTH EXCEED THE INCREASE IN PROPERTY TAXES RECEIVED AS A RESULT OF THIS GROWTH;

WHEREAS, THE FREEPORT TOWN COUNCIL IS CONCERNED THAT THE CURRENT TAX RATE OF RESIDENTIAL GROWTH MAY HAVE AN ADVERSE IMPACT ON THE TAX RATE AND ON THE TOWN'S ABILITY TO PAY FOR A FIRST-CLASS SCHOOL SYSTEM AND TO PROVIDE OTHER SERVICES.

THEREFORE, THE TOWN COUNCIL, BY VOTE DATED MARCH 11, 1997, HEREBY TAKES THE FOLLOWING ACTION:

1. THE GREATER PORTLAND COUNCIL OF GOVERNMENTS ("GPCOG") IS HEREBY APPOINTED TO ASSIST IN DETERMINING THE NUMBER OF STUDENTS IN THE SCHOOL SYSTEM CURRENTLY AND OVER THE

NEXT THREE YEARS; THE PAST AND PROJECTED TRENDS IN K-12 SCHOOL ENROLLMENT IN FREEPORT; THE ANNUAL COST TO FREEPORT TO EDUCATE AN AVERAGE K-12 STUDENT DURING THE CURRENT YEAR AND OVER THE NEXT THREE YEARS; THE COSTS AND REVENUES ASSOCIATED WITH EDUCATING NON-FREEPORT STUDENTS IN THE FREEPORT SCHOOL SYSTEM; THE NUMBER OF CURRENT PUBLIC SCHOOL STUDENTS IN THE AVERAGE FREEPORT YEAR-ROUND DWELLING, THE PROPERTY TAX REVENUES RECEIVED FROM THE AVERAGE FREEPORT YEAR-ROUND DWELLING, THE COST OF PROVIDING EDUCATIONAL AND OTHER MUNICIPAL SERVICES TO THE AVERAGE FREEPORT YEAR-ROUND DWELLING; THE NUMBER OF NEW YEAR-ROUND DWELLINGS ADDED TO FREEPORT IN THE LAST TEN YEARS AND EXPECTED TO BE ADDED IN THE FUTURE; THE RATE OF YEAR-ROUND RESIDENTIAL GROWTH BEING EXPERIENCED IN OTHER COMMUNITIES IN THE METROPOLITAN AREA, THE RATE OF GROWTH IN VALUATION OF FREEPORT COMMERCIAL AND INDUSTRIAL PROPERTY; OTHER INFORMATION RELATED TO REVENUES AND COSTS ASSOCIATED WITH RESIDENTIAL GROWTH; AND IDENTIFY IDEAS AND OPTIONS THAT OTHER MUNICIPALITIES HAVE CONSIDERED IN CONNECTION WITH MAINTAINING THE TAX RATE.

2. GPCOG SHALL MAKE A RECOMMENDATION AS TO WHETHER OR NOT THE COSTS OF FREEPORT'S CURRENT AND EXPECTED YEAR-ROUND RESIDENTIAL GROWTH IS OR WILL EXCEED THE REVENUES RAISED BY THE TOWN UNDER THE EXISTING MIL RATE.

ITEM #76-97 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT TO PROVIDE FOR A SIGN STUDY.

BE IT ORDERED: THAT \$6,500.00 BE EXPENDED FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT TO PROVIDE FOR A SIGN STUDY AS OUTLINED IN THE JANUARY 9, 1997 MEMO FROM THE TRAFFIC AND PARKING COMMITTEE. (Roll Call)

ITEM #47-97 TABLED MARCH 18, 1997
TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN ORDINANCE PROHIBITING CAMPING ON PUBLIC STREETS AND IN PARKING LOTS (CHAPTER 47).

BE IT ORDERED: THAT THE PROPOSED ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MARCH 18, 1997, BE APPROVED. (Roll Call)

**FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997**

OTHER BUSINESS:

- 1. MEETING WITH THE TOWN AUDITOR TO DISCUSS THE MOST RECENT MUNICIPAL AND SCHOOL AUDIT.**
- 2. PROCLAMATION: TOBACCO AWARENESS MONTH, MAY 1997.**

COMMITTEE REPORTS:

ITEM #77-97 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS LEASE ARRANGEMENTS FOR THE DUNNING BOAT YARD BUILDING.

MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS LEASE ARRANGEMENTS FOR THE DUNNING BOAT YARD BUILDING.

MOTION: THAT THE COUNCIL RECONVENE.

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997 - 7:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Chairperson Laurie Drive	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		
Stafford Soule Arnold Road	X		
David Soley Arnold Road	X		

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-97 HELD ON MARCH 18, 1997, AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-97 HELD ON MARCH 18, 1997 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Bishop)

MOVED AND SECONDED: TO AMEND THE MINUTES TO NOTE THAT ON PAGE 8, ITEM #46-97, COUNCILOR SOULE VOTED AYE. (Chairperson Beaulieu & Councilor Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: TO AMEND THE MINUTES ON PAGE 12, ITEM #88-97, TO CORRECT THE VOTE TO 2 NAYS, 5 AYES. (Chairperson Beaulieu & Councilor Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-97, HELD ON MARCH 18, 1997 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD - 30 MINUTES

Amy Adams requested clarification regarding the referendum question concerning trash pick-up.

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Chairperson Beaulieu confirmed that the Council voted to omit Item E on the ballot due to the fact that it violated the law; Item F will be placed on the ballot; the Council must abide by legal opinion in fulfilling the roles as councilors.

Andrew Arsenault requested clarification of the legal opinion(s).

Chairperson Beaulieu stated that he would be supplied the information.

Mr. Arsenault raised concern the citizens' right to choose; he requested that the Council revisit this item.

Leon Arsenault stated that we entered into an agreement with RWS, and the concept of a single trash hauler, in his estimation, is flaunting the anti-trust laws.

Councilor Soley stated that Kirk Goddard had stated that the Town would save \$300,000 per year by going to Pay-per-bag or a single hauler.

Manager Ohmstead clarified that we are not committed to any particular amount of waste with RWS; the flow control ordinance with them states that we will deliver all of our waste to RWS, and we cannot force private haulers to take the waste to the facility; the courts have ruled that if RWS enforces the flow control ordinances, that towns have with them, then towns are responsible to get all of the waste to RWS.

Councilor Mann stated that the trash referendum language did go to the town attorney before the petition was circulated as well as to an independent attorney.

Chairperson Beaulieu clarified her position, that if we had had a full legal opinion before the petition was signed, then we would not be where we are now.

Larry DiPietro asked when the charter was written and enacted.

Chairperson Beaulieu clarified that this is State law.

Mr. DiPietro reiterated his understanding of freedom of speech and freedom of petitioning.

MOVED AND SECONDED: THAT THE PUBLIC COMMENT PERIOD BE CLOSED. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.

ITEM #59-97 TO CONSIDER ACTION RELATIVE TO A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS. (PUBLIC HEARING).

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

**FREEPORT TOWN COUNCIL MEETING #10-97
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Mr. DePietro raised concerns about this item, and stated that he had faxed copies of the FCC order regarding ham radios and operation of same to Town Hall.

John Creasy, Chair Planning Board, stated that the Planning Board felt this was necessary to let the Town get in place ordinances that have some degree of regulation of antennas, which are essentially non-existent currently in our ordinance. Referencing Mr. DiPietro's citing of the order, it also states that ordinances must be crafted to accommodate reasonably amateur communications and to represent the minimum practical regulation to accomplish the local authorities' legitimate purpose. He read verbiage from the Telecommunications Act of 1996, which is law, "...except as provided nothing in this act shall limit or affect the authority of a state or local government or instrumentality thereof over decisions regarding the placement, construction and modification of personal wireless service facilities. Such regulation shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit the provision of personal wireless service...". He stated that it is not the wish of the Board to discriminate among providers; the Board believes that the Town does have the ability to regulate certain aspects of this.

Councilor Soley stated that he has researched the law and Mr. Creasy has stated the law accurately.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT ITEM #59-97 BE TABLED UNTIL APRIL 15, 1997. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

ITEM #60-97 TO CONSIDER ACTION RELATIVE TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING (CHAPTER 32). (PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

Mick McGivaren, Shellfish Program Coordinator, stated that the changes all revolve around the desire to have licenses purchased in June, coinciding with the State licenses. He stated that the Department of Marine Resources supports this.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT ITEM #60-97 BE TABLED UNTIL APRIL 15, 1997. (Councilors Hindley & Bishop) (7 Ayes) (0 Nays)

ITEM #61-97 TO CONSIDER ACTION RELATIVE TO A WHARFING OUT PERMIT FOR THE TOWN OF FREEPORT. (PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

Carol Chipman, Ex-Chair Coastal Waters Commission, stated that this project would not cost the Town any money. She stated that the Bureau of Submerged Lands needs a recording of this public hearing before issuing their permit.

Dan Jellis, Chair of Board of Overseers of Bustin's Island, stated that this project does provide additional space for the ferry service; he urged support of the project.

John Coffin, abutter, raised concern for the need for enforcement at the location, so that he will not have difficulty getting in and out, due to the project.

Ms. Chipman stated there is a great deal of activity there, but the project will give us space, 40 feet long, giving much more access for everyone to use the docks.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Mann & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE WHARFING OUT PERMIT BE APPROVED. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #62-97 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 1998 TO 2002.
(PUBLIC HEARING)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.
(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

Manager Olmstead stated that the Town Charter requires that each year, the Town Council adopt a 5-year Capital Improvements Program. When a program is updated annually, that does not mean that any particular item is funded. The Council approves the 5-year plan and votes which items to fund the first year. He stated that there would be a detailed budget workshop with department heads and public to discuss. On the 15th of April, the Council will decide which items it will fund for the coming year. There is an error in the Public Works budget, the catch basin cleaner cost is \$35,000 VS. \$5,000 (page 6). On page 13, proposed spending of \$1,960,500 includes capital improvements to State roads. If the "State Road Turnback" issue can be corrected, \$1,000,000 would not be the Town's responsibility. He reviewed issue of turnbacks faced by towns, etc. It is the Town's hope to force the State Department of Transportation to deal with this issue; he thanked Chairperson Beaulieu for her efforts regarding this. He urged the public to urge their representatives to support the efforts.

Regarding the replacement of a fire department tank truck, at a cost of \$185,000. The Council will decide to or not to send to the voters approval of this item. On page 5, Rescue, the replacement of one of the squad trucks, there is enough money in the reserve account to fund this without having to bond this amount. Under Public Works, we have listed items we will need if the turnback occurs, such as a larger truck to maintain these additional 30% of roads. Currently, the State cleans the catch basins on an annual basis. However, if the roads are turned back to the Town, the State will no longer clean these, and we will need a cleaner to do this. Another item that is suggested in this department is a steam cleaner for culverts. Currently, ours is very old and unsafe; with Al Thompson retiring soon, there is no one in the Department with a boiler's license to operate our steam cleaner.

Manager Olmstead reviewed the Town's debt service (page 13); the debt service limit allowed is based on a percentage of the Town's State valuation. Freeport has a valuation of \$692,000,000, and 15% of that is the legal debt limit; we could incur up to \$102,000,000 in total; our actual is \$10,359,000 (town), school construction debt of an estimated \$6,000,000, for a total \$16,437,000.

Councilor Mann asked what the debt interest figure was.

Manager Olmstead stated that the interest on debt is in the Operating Budget.

Councilor Soley stated it could be an estimated 6%.

Manager Olmstead stated it was less than 6%.

Martin Robles, Chair School Committee, addressed the capital budget request for school items, structured to technology upgrades, \$234,000 total. We anticipate technology upgrades in the High school, Middle school, Mast Landing and Morse Street schools. The highlight is the \$48,000 proposed for a second student computer lab in the high school, the purpose of which is to enable the high school to move beyond introductory courses, which take up a vast majority of the time on existing facilities, and to integrate computer work with the other course work being taught at the high school. The other upgrades are combinations of individual computer purchases, networking hardware, and software, to serve the administrative and the curriculum needs of the Middle School, Mast Landing and Morse Street schools. The subtotal is \$97,000. We are seeking a 12-passenger van to replace the existing van, which needs to be replaced. Furnishings and repairs, etc., for the Middle School are needed. DEP is requiring an oil tank line to be replaced. The subtotal for the Middle School facilities upgrade is \$49,000. Printing equipment for \$23,000 will enable us to service our printing needs. He noted the Project Adventure Course request, etc.

Chairperson Beaulieu stated she would like a breakdown of costs available for the upcoming workshop, including 1C, 1D, 5, 7 and 8.

Bob Smith, Freeport Outdoor Recreation Group, reviewed the background of the group in raising funds to build basketball and skating facilities, etc. The Group has raised \$40,000 to date and is requesting \$25,000 to complete this project.

Councilor Hindley requested detail for the project to be presented at the next workshop.

Chairperson Beaulieu stated that she has received concerns raised from 2 people re: rental of this facility, lack of availability, etc. They will discuss this at the workshop.

Councilor Mann asked if there was extra money from the TIF bond which could be used.

Manager Olmstead stated that there is \$225,000 left to bond, but this might not qualify, since it is not an economic development project. He clarified the economic development parameters.

Councilor Hindley requested that projected maintenance costs be provided at the upcoming workshop next Tuesday at 7:00 P.M.

Councilor Soley requested clarification, at the workshop, re: work that the Public Works Department could or could not perform, regarding this.

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Mr. Robles stated that the Outdoor Recreation Group has worked tirelessly for years to raise money; he urged the Council to support this project. He addressed the renting out of the tennis court facilities; this will be changing, and fazed out.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.
(Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT ITEM #62-97 BE TABLED UNTIL APRIL 15, 1997. (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

ITEM #63-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT CAROL CHIPMAN BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000. **BALLOT VOTE** (Councilors Soule & Bishop) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MS. CHIPMAN QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

ITEM #64-97 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000.

BE IT ORDERED: THAT RANDY RICE BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE COASTAL WATERS COMMISSION UNTIL APRIL 1, 2000. **BALLOT VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MR. RICE QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

ITEM #65-97 TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 2000.

BE IT ORDERED: THAT JOHN ARSENAULT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE PLANNING BOARD UNTIL MAY 1, 2000. **BALLOT VOTE** (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MR. ARSENAULT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

**FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997**

- ITEM #66-97** TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/ RECYCLING COMMITTEE UNTIL JANUARY 1, 1998.
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BE IT ORDERED: THAT EDWARD BRAINARD BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE SOLID WASTE/ RECYCLING COMMITTEE UNTIL JANUARY 1, 1998. **BALLOT VOTE** (Councilors Hindley & Bishop) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MR. BRAINARD QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

- ITEM #67-97** TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.
-

BE IT ORDERED: THAT JON ROBINSON BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000. **BALLOT VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MR. ROBINSON QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

- ITEM #68-97** TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.
-

BE IT ORDERED: THAT E. ANN WESTERVELT BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000. **BALLOT VOTE** (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MS. WESTERVELT QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. **ROLL CALL VOTE** (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

- ITEM #69-97** TO CONSIDER ACTION RELATIVE TO A RE-APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000.
-

BE IT ORDERED: THAT MARILYN CORTHELL BE RE-APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 2000. **BALLOT VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997

BE IT ORDERED: THAT MS. CORTHELL QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. ROLL CALL VOTE (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

ITEM #70-97 TO CONSIDER ACTION RELATIVE TO AN APPOINTMENT, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 1999.

BE IT ORDERED: THAT CINDA JOYCE BE APPOINTED, EFFECTIVE IMMEDIATELY, TO SERVE AS A MEMBER OF THE LIBRARY BOARD OF TRUSTEES UNTIL APRIL 1, 1999. BALLOT VOTE (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

BE IT ORDERED: THAT MS. JOYCE QUALIFY BY SWEARING AN OATH OF OFFICE BEFORE THE TOWN CLERK BY APRIL 11, 1997. ROLL CALL VOTE (Councilors Campbell & Soley) (7 Ayes) (0 Nays)

ITEM #71-97 TO CONSIDER ACTION RELATIVE TO THE DEVELOPMENT OF THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION.

BE IT ORDERED: THAT THE TOWN COUNCIL AUTHORIZE THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO CREATE THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION. ROLL CALL VOTE (Councilors Hindley & Campbell) (5 Ayes) (2 Nays-Mann, Hindley)

ITEM #72-97 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE CONCERNING EMPLOYEE PARKING (CHAPTER 21).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

ITEM #73-97 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING MAP CONCERNING THE VC-III ZONE AND THE I-1 ZONE.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE ZONING MAP CONCERNING THE VC-III ZONE AND THE I-1 ZONE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

-
- ITEM #74-97 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE DIRECTION SIGN ORDINANCE CONCERNING INTERNATIONAL INFORMATION SIGNS (CHAPTER 24).
-

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 15, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE DIRECTIONAL SIGN ORDINANCE.

BE IT FURTHER ORDERED: THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

-
- ITEM #75-97 TO CONSIDER ACTION RELATIVE TO THE CONDUCTION OF A STUDY ON THE IMPACTS OF RESIDENTIAL GROWTH ON PROPERTY TAXES.
-

WHEREAS, A STUDY OF PROPERTY TAXES IN FREEPORT, MAINE, COMMISSIONED BY THE MAINE COAST HERITAGE TRUST AND DATED OCTOBER 1996, HAS DETERMINED THAT THE TAX RATE IN FREEPORT IS ABOVE THE STATE AVERAGE;

WHEREAS, THE STUDY FURTHER POINTED OUT THAT PROPERTY TAXES WILL RISE WHERE MUNICIPAL AND SCHOOL EXPENSES CREATED FROM RESIDENTIAL GROWTH EXCEED THE INCREASE IN PROPERTY TAXES RECEIVED AS A RESULT OF THIS GROWTH;

WHEREAS, THE FREEPORT TOWN COUNCIL IS CONCERNED THAT THE CURRENT TAX RATE OF RESIDENTIAL GROWTH MAY HAVE AN ADVERSE IMPACT ON THE TAX RATE AND ON THE TOWN'S ABILITY TO PAY FOR A FIRST-CLASS SCHOOL SYSTEM AND TO PROVIDE OTHER SERVICES.

THEREFORE, THE TOWN COUNCIL, BY VOTE DATED MARCH 11, 1997, HEREBY TAKES THE FOLLOWING ACTION:

1. THE GREATER PORTLAND COUNCIL OF GOVERNMENTS ("GPCOG") IS HEREBY APPOINTED TO ASSIST IN DETERMINING THE NUMBER OF STUDENTS IN THE SCHOOL SYSTEM CURRENTLY AND OVER THE NEXT THREE YEARS; THE PAST AND PROJECTED TRENDS IN K-12 SCHOOL ENROLLMENT IN FREEPORT; THE ANNUAL COST TO FREEPORT TO EDUCATE AN AVERAGE K-12 STUDENT DURING THE CURRENT YEAR AND OVER THE NEXT THREE YEARS; THE COSTS AND REVENUES ASSOCIATED WITH EDUCATING NON-FREEPORT STUDENTS IN THE FREEPORT SCHOOL SYSTEM; THE NUMBER OF CURRENT PUBLIC SCHOOL STUDENTS IN THE AVERAGE FREEPORT YEAR-ROUND DWELLING, THE PROPERTY TAX REVENUES RECEIVED FROM THE AVERAGE FREEPORT YEAR-ROUND DWELLING, THE COST OF PROVIDING EDUCATIONAL AND OTHER MUNICIPAL SERVICES TO THE AVERAGE FREEPORT YEAR-ROUND DWELLING; THE NUMBER OF NEW YEAR-ROUND DWELLINGS ADDED TO FREEPORT IN THE LAST TEN YEARS AND EXPECTED TO BE ADDED IN THE FUTURE; THE RATE OF YEAR-ROUND RESIDENTIAL GROWTH BEING EXPERIENCED IN OTHER COMMUNITIES IN THE METROPOLITAN AREA, THE RATE OF GROWTH IN VALUATION OF FREEPORT COMMERCIAL AND INDUSTRIAL

PROPERTY; OTHER INFORMATION RELATED TO REVENUES AND COSTS ASSOCIATED WITH RESIDENTIAL GROWTH; AND IDENTIFY IDEAS AND OPTIONS THAT OTHER MUNICIPALITIES HAVE CONSIDERED IN CONNECTION WITH MAINTAINING THE TAX RATE.

2. **GPCOG SHALL MAKE A RECOMMENDATION AS TO WHETHER OR NOT THE COSTS OF FREEPORT'S CURRENT AND EXPECTED YEAR-ROUND RESIDENTIAL GROWTH IS OR WILL EXCEED THE REVENUES RAISED BY THE TOWN UNDER THE EXISTING MIL RATE. (Councilors Soley & Soule)**

MOVED AND SECONDED: THAT ITEM #75-97 BE AMENDED TO STRIKE #2. (Councilors Hindley & Mann)

Councilor Soule stated that what we are asking GPCOG to do is only to make an assessment and not any recommendations.

Councilor Soley agreed with Councilor Soule.

Councilor Hindley stated that is needed is for them to collect the data.

Councilor Soley stated that the task is not that easy to do.

Councilor Mann stated that he has not heard anyone from the public requesting curtailment of residential growth. He feels that the impetus for such a study should come from the public.

Chairperson Beaulieu stated that the Council needs to be proactive.

Councilor Hindley asked what the tax rate increases have been over the last three years.

Manager Olmstead stated that they were as follows: last year, zero increase; the previous year .9%; the year before that, 1.5%.

Councilor Hindley asked what the Town spending increases have been.

Manager Olmstead stated that on the Municipal side, it has increased 3% or less.

VOTE ON AMENDMENT - ROLE CALL VOTE: (2 Ayes) (5 Nays-Soley, Campbell, Bishop, Soule, Bishop)

MOVED AND SECONDED: THAT "RECOMMENDATION" BE CHANGED TO "ASSESSMENTS". (Councilors Mann & Soule) (6 Ayes) (1 Nay-Hindley)

Councilor Campbell stated that spending has increased due to increased revenues; he feels COG can provide good assessments. He feels that taking a proactive approach is to find out where we are going, etc., and that this assessment will be of value to the Town.

ROLL CALL VOTE ON ITEM #75-97 AS AMENDED: (5 Ayes) (2 Nays-Mann, Hindley)

- ITEM #76-97 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT TO PROVIDE FOR A SIGN STUDY.
-

BE IT ORDERED: THAT \$6,500.00 BE EXPENDED FROM THE TRAFFIC AND PARKING RESERVE ACCOUNT TO PROVIDE FOR A SIGN STUDY AS OUTLINED IN THE JANUARY 9, 1997 MEMO FROM THE TRAFFIC AND PARKING COMMITTEE. (Councilors Campbell & Soule)

Chairperson Beaulieu stated that this would cover from Yarmouth line to the Brunswick line, but not Routes 125, 136.

Councilor Hindley asked if the camping areas in these locations would be included in the study.

Chairperson Beaulieu stated that the Traffic and Parking Committee will be holding public hearings for businesses (and public) to attend to address their needs. She added that this is the low bid.

Councilor Mann stated that he prefers the Traffic and Parking Committee perform this task, using the local talent VS. a consultant.

ROLL CALL VOTE (5 Ayes) (2 Nays-Mann, Hindley)

-
- ITEM #47-97 TABLED MARCH 18, 1997
TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN ORDINANCE PROHIBITING CAMPING ON PUBLIC STREETS AND IN PARKING LOTS (CHAPTER 47).
-

BE IT ORDERED: THAT THE PROPOSED ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MARCH 18, 1997, BE APPROVED. (Councilors Hindley & Mann)

Councilor Bishop stated that she feels this ordinance will be very hard to enforce in private parking lots.

Councilor Campbell stated that he does not see this as a chronic problem, but agrees the enforcement of this will be difficult.

Councilor Mann stated has been reviewed favorably by numerous committees and the police department; he feels this is a health, safety and welfare issue. He feels this will benefit the Town.

Chairperson Beaulieu agreed that there were some enforcement concerns.

ROLL CALL VOTE (5 Ayes) (2 Nays-Bishop, Campbell)

OTHER BUSINESS:

1. MEETING WITH THE TOWN AUDITOR TO DISCUSS THE MOST RECENT MUNICIPAL AND SCHOOL AUDIT.

**FREEPORT TOWN COUNCIL MEETING #10-97
APRIL 1, 1997**

Heddy Fillmore introduced the auditor from MacDonald Page & Co.

Dan Nickerson stated that their firm has done the Town's audit for the last three years. He was the principal during the audit and Christopher Smith did most of the fieldwork. He stated that the audit provided meets the regulatory requirements for the State and Federal governments. They issue a number of compliance and internal control reports; all of the reports were "clean" and that there were no compliance report violations. They also audit the school funds; this year, they performed an additional audit on the Community Education Department. The only exception was that the General Purpose Financial Statements do not include a general fixed asset account group, which would be a report on the balance sheet showing the historical cost of the general fixed-assets in the Town. He described the exhibits, legal compliance with the budget, notes explaining what the different items on the financial statements mean, recommendations to management where there could be improvements, such as record-keeping, etc. He added that Ms. Fillmore and her staff do an excellent job.

Discussion followed re: historical costs of assets, special revenue funds, capital improvement budget, depreciation not applicable to tax exempt property, recommendations, debt service interest, procedure in place for purchasing, more detail of Community Education budget (shortfalls, ski program, etc.), capital project dollar amounts, Solid waste/recycling receipts, bond rating improvement, appropriation VS. contract, reserve accounting, request for a breakdown of "unclassified" expenditures of \$50,000 or more, etc.

2. PROCLAMATION: TOBACCO AWARENESS MONTH, MAY 1997.

Chairperson Beaulieu stated that she signed a proclamation that May is going to be Tobacco Awareness Month.

Miscellaneous discussion followed re: advertising, sale of, statutes, etc.

3. Manager Olmstead stated that Phil Harriman faxed him an LD that will be introduced by a legislator from Old Orchard, which, if approved, would allow communities to adopt a local option lodging tax of 2%, would have to be approved by voters on a municipality by municipality basis, and the revenue would have to be used to retire debt service on construction projects in excess of \$1,000,000. He added that the local merchants would not support this.

Representative Bull stated that the beauty of this proposal is that it can be locally controlled and is a temporary tax/short-term tax.

MOVED AND SECONDED: TO ADD AN ITEM NOT ON THE PRINTED AGENDA.
(Councilors Soley & Campbell) (6 Ayes) (1 Nay-Hindley)

MOVED AND SECONDED: THAT THE TOWN COUNCIL SUPPORT THE CONCEPT OF A LOCAL SALES TAX. (Councilors Soley & Campbell) (5 Ayes) (1 Nay-Hindley) (1 Abstain-Soule)

COMMITTEE REPORTS:

(There were no committee reports this evening.)

ITEM #77-97 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS LEASE ARRANGEMENTS FOR THE DUNNING BOAT YARD BUILDING.

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS LEASE ARRANGEMENTS FOR THE DUNNING BOAT YARD BUILDING. (Councilors Mann & Bishop) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE. (Councilors Bishop & Hindley) (7 Ayes) (0 Nays)

MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 10:37 P.M. (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary

Meeting # 10-97

Item # 76-97

April 1, 1997

adopted

PROPOSED

**ORDINANCE PROHIBITING CAMPING ON
PUBLIC STREETS AND IN PARKING LOTS
(CHAPTER 47)**

1. Definitions. As used in this ordinance, the following terms have the following meaning:
 - a. "Camp" means: to occupy a recreational vehicle as temporary living quarters. "Camp also means to park a recreational vehicle on a street or in a parking lot for three or more consecutive hours between the hours of 11:50 p.m. and 6:00 a.m. the following day, unless the recreational vehicle is unoccupied the entire time it is parked there.
 - b. "Parking Lot" means: any parking area, whether publicly or privately owned, except the parking provided for a single family or two family dwelling.
 - c. "Recreational Vehicle" means: a vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven over the road and which is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
 - d. "Street" means: any public way, private way or driveway, except a private way or driveway providing access only to a single family or two family dwelling.
2. Camping on Streets and in Parking Lots Prohibited. No person shall camp or permit any other person to camp on any street or in any parking lot within the Town of Freeport.
3. Penalties and Persons Liable. Any person who violates this ordinance commits a civil violation punishable by a civil penalty in the amount of \$100.00. The following persons shall be liable for the penalty, provided that the Town shall not collect more than one penalty for any single violation:
 - a. Any person above the age of majority who is occupying the recreational vehicle at the time of the violation.
 - b. The driver who parked the recreational vehicle.
 - c. Any person who owns or controls a street or parking lot and gives permission to any person to camp thereon.
4. Enforcement. This ordinance may be enforced by any police officer .

March 11, 1997

Town Council
Town of Freeport
Freeport, Maine 04032

Dear Councilors,

As you know, the Town of Freeport Coastal Waters Commission has begun the process of wharfing out into the Harraseeket Harbor. As part of this process, a public hearing is required. This letter is to request that you determine a date for a public hearing (we would request April 1, 1997) at your meeting of March 18, 1997. I will be at your March 18 meeting to support this request.

Enclosed is a diagram of the proposed project for your use.

Thank you for your consideration.

Sincerely,



Carol K. Chipman, Chair
Coastal Waters Commission



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

ANGUS S. KING, JR.
GOVERNOR

RONALD B. LOVAGLIO
COMMISSIONER

NOTICE

The Bureau of Parks and Lands (Bureau) has received an application from the Town of Freeport to expand the Town wharf's float system on submerged lands in the Harraseeket River. Pursuant to Title 12 M.R.S.A., Section 558-A, the Bureau serves as trustee of submerged lands for the State of Maine. Submerged lands include all land from the mean low-water mark seaward to the 3-mile territorial limit including all land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides.

Before the proposed expansion may take place, the applicant must obtain a lease from the Bureau. A lease may be granted for the project if it will not:

- unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;
- unreasonably interfere with fishing or other existing marine uses of the area;
- unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and
- unreasonably interfere with ingress and egress of riparian owners.

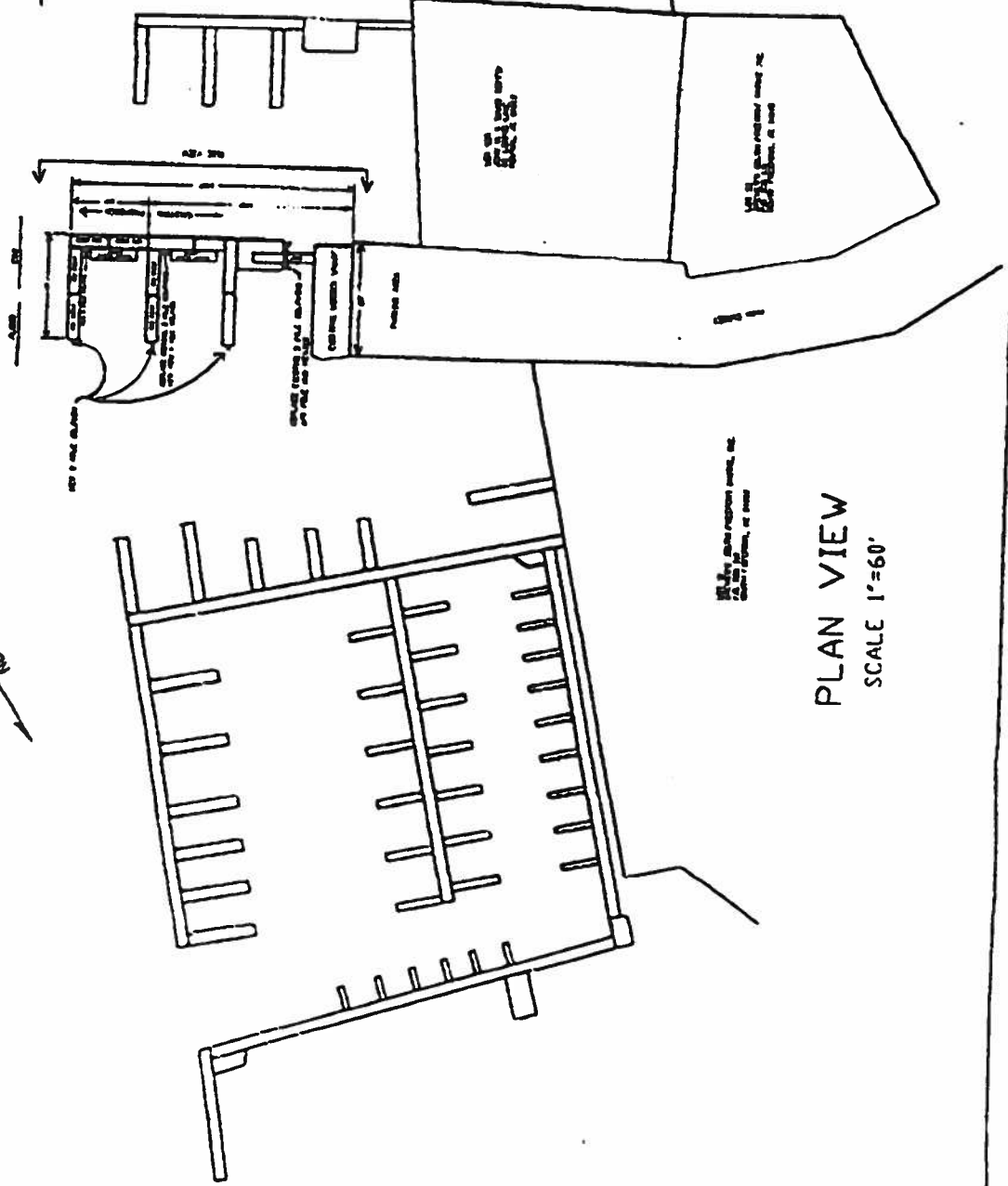
Any interested party or anyone who is knowledgeable about the area is welcome to comment. Written comments must be received by the Bureau on or before April 3, 1997.

A copy of the site plan is attached for information. If you have any questions or would like more information regarding this proposal, please contact Carol DiBello, Bureau of Parks and Lands, at 207/287-4922.

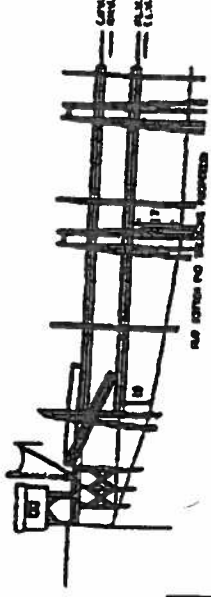


HARRASEKET RIVER

NORTH



PLAN VIEW
SCALE 1"=60'



SIDE VIEW
FLOAT AREA
SCALE 1"=40'

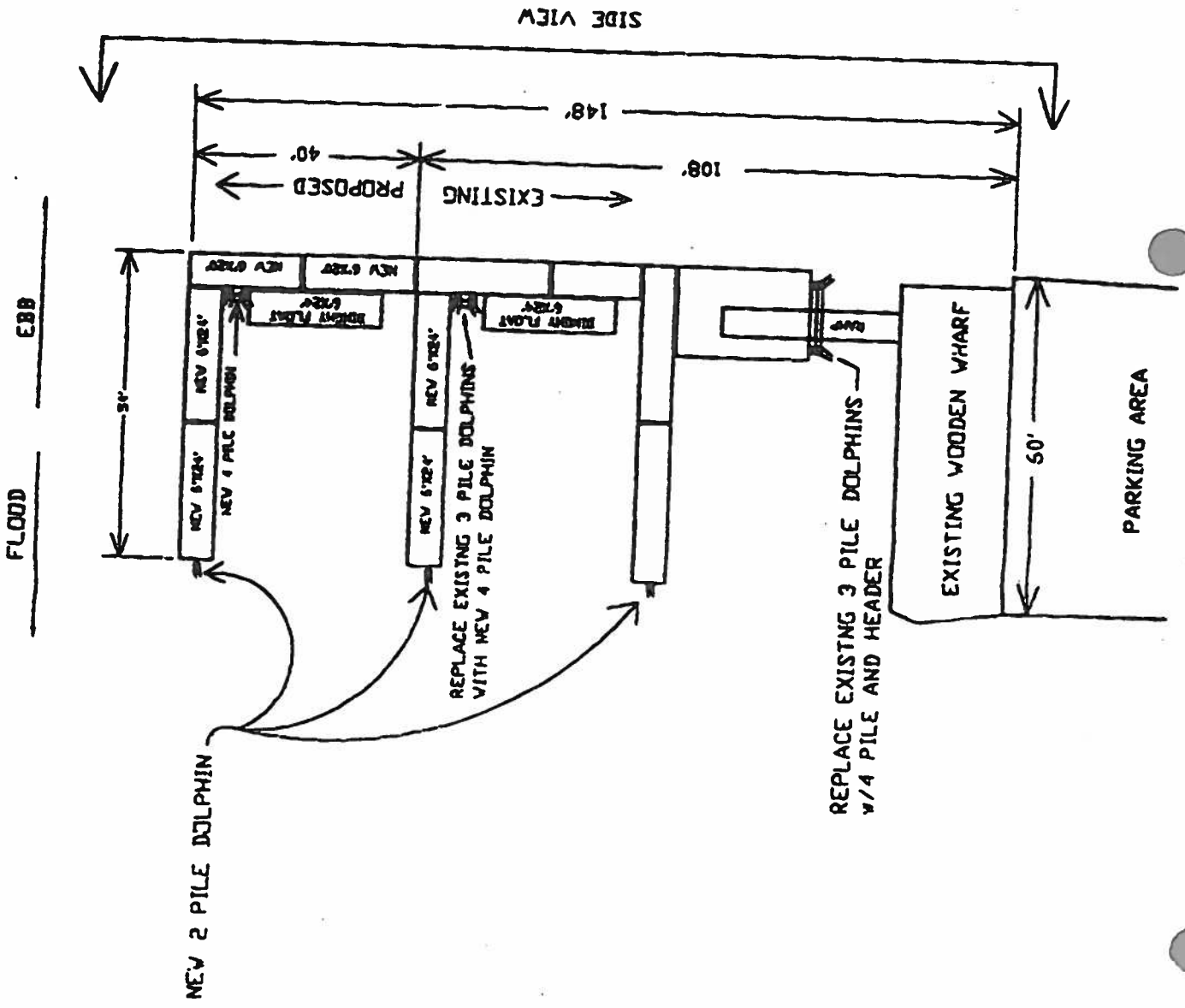
DISTANCE FROM PROPERTY SIDELINES IS 3' OR LESS AS EXISTS NOW. NEW FLOATS WOULD EXTEND ON SAME ALIGNMENT.

ALL NEW PROPERTY LINES ARE SHOWN IN RED, EXISTING LINES ARE SHOWN IN BLACK.

ALL NEW PROPERTY LINES ARE SHOWN IN RED, EXISTING LINES ARE SHOWN IN BLACK.

TOWN OF FREEPORT	DATE	BY
TOWN ENGINEER		
TOWN WHARF		
FLOAT LAYOUT		
DATE	AS SHOWN	DATE & POSITION
2000-04-07		2000
REID H. POTTER ASSOCIATES, P.C.		
100 SOUTH WILSON ROAD		
FREEPORT, MAINE 04035		

SCALE
1" = 30' ~



Filing Fee \$20.00

For Use By The Secretary of State	
File No.	
Fee Paid	
C. B.	
Date	

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

☐ This is a Domestic Condominium Corporation.

For Use By The Secretary of State	
FILED	
_____ 19____	
Deputy Secretary of State	
A True Copy When Attested By Signature	
Deputy Secretary of State	

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopts the following Articles of Incorporation:

FIRST: The name of the corporation is Freeport Economic Development Corporation

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

See Exhibit A attached hereto.

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Dale Olmstead
(name)
C/O Town of Freeport, 30 Main Street, Freeport, ME 04032
(street address (not P.O. Box), city, state and zip code)
Same
(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is 9

The minimum number of directors (not less than 3) shall be 3 and the maximum number of directors shall be 9

FIFTH: Members:
(“X” one box only)

☐ There shall be no members.
☒ There shall be one or more classes of members, and the information required by §402 is as follows:

The membership of the corporation shall be one class which shall consist of the members of the Town Council of the Town of Freeport during their tenure in office.

SIXTH: ☒ (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

SEVENTH: ☒ (Check if this article is to apply. Then fill in reference number of Section 501(c)() in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B, of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

See Exhibit B attached hereto.

Dated: _____

INCORPORATORS

(signature)
Dale Olmstead
(type or print name)

(signature)

(type or print name)

(signature)

(type or print name)

(signature)

(type or print name)

(signature)

(type or print name)

ADDRESSES

Street C/O Town of Freeport
30 Main Street, Freeport, ME 04032
(city, state and zip code)
Street _____
(city, state and zip code)
Street _____
(city, state and zip code)
Street _____
(city, state and zip code)
Street _____
(city, state and zip code)

EXHIBIT A TO ARTICLES OF INCORPORATION**OF****FREEPORT ECONOMIC DEVELOPMENT CORPORATION**

To engage exclusively in activities for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United State Internal Revenue Law), and within these restrictions.

The Corporation is organized for the following purposes:

The purpose of the corporation shall be to foster, encourage and assist the physical location, settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the Town of Freeport, and to purchase, lease or otherwise acquire, hold, own, use, manage, operate, enjoy, improve, develop and otherwise deal and trade in and with property, both real and personal, of every kind and description, or any interest therein, land, tenements, and buildings, structures and other improvements thereon and therein and to sell, convey, mortgage, lease or otherwise dispose of the same; to do any and all lawful acts and things necessary, pertaining, convenient or incidental to the foregoing purposes or any part thereof tending to increase the value, usefulness, comfort or convenience of the property or any part thereof at any time held by said corporation, and to have or exercise all the rights, powers and privileges appertaining to corporations of a similar nature organized and existing under the laws of the State of Maine.

160:ghh

5036/exhibit A to articles of incorporation

**EXHIBIT B TO ARTICLES OF INCORPORATION
OF
FREEPORT ECONOMIC DEVELOPMENT CORPORATION**

This Corporation shall possess any and all powers granted to it under the laws of the State of Maine which are necessary and expedient to carry out the purposes set forth in Article Second above, but shall not possess or exercise any powers which would (a) cause the Corporation to be ineligible for exemption from income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) cause contributions to the Corporation to be ineligible for deduction under Section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law);

In the event that the Corporation is a private foundation as that term is defined in Section 509 of the Internal Revenue Code, then notwithstanding any other provisions of the articles of incorporation or the bylaws of the Corporation the following provisions shall apply:

The directors shall distribute the income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code.

The directors shall not engage in any act of self dealing as defined in Section 4941(d) of the Internal Revenue Code; nor retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; nor make any investments in such manner as to incur tax liability under Section 4944 of the Internal Revenue Code, nor make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

It is intended that the Corporation shall be entitled to exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code and shall not be a private foundation under 509(a) of the Internal Code.