

**BRUNSWICK TOWN COUNCIL MINUTES
FEBRUARY 22, 2000
MUNICIPAL MEETING FACILITY**

Councilor Feldman moved, Councilor Dotts seconded, to enter into Executive Session to discuss the possible leasing or selling of property. The motion carried with eight (8) yeas – Councilors McCausland, Feldman, Swanson, Galloupe, Dotts, Moll, Lowe, and Gleason.

7:30 P.M. Chair McCausland called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair McCausland, Michael Feldman, Eleanor Swanson, Robert Galloupe, Timothy Dotts, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: Clement Wilson

Others Present: Donald Gerrish, Town Manager; Pamela Fogg, Personnel Director; Jerry Hinton, Police Chief; Clark Labbe; Deputy Fire Chief and Health Inspector; Thomas Wakefield, Code Enforcement Officer; several citizens, members of the press and TV video crew.

Correspondence: Manager Gerrish informed the Council that he had written a letter to the Administrator of Harpswell requesting a meeting be set up to work together regarding the water quality in Middle Bay.

Chair McCausland announced the recent passing of Jeanette Andreotti (Detective Mike Andreotti's wife) and offered sympathy and condolences to the family.

Manager's Report:

Presidential Preference Primary – Manager Gerrish informed the citizens and Council of the upcoming election to be held Tuesday, March 7, 2000.

Adjustments to the Agenda: Manager Gerrish requested that item #34 be tabled. The developer requested that it be tabled until the March 6, 2000 meeting. Packets of information about the proposed Fox Run development will be available next Wednesday (March 1st) for the Council and public to review.

30. The Town Council will hear public comments on the following requests for Victualer Licenses and take any appropriate action.

NEW:

Charles Truesdell and Phyllis Truesdell d/b/a Middle Bay Farm Bed & Breakfast
287 Pennellville Road Charles Truesdell and Phyllis Truesdell

John Gerken and Mark Lukachko d/b/a Stick to Your Ribs BBQ & Grill
18 Bath Road John Gerken and Mark Lukachko

The Public Hearing opened at 7:55 p.m. The Public Hearing closed at 7:55 p.m.

John Gerken of Stick to Your Ribs BBQ & Grill bought Ernie's Drive In. He will be keeping the carhop, the basic menu, but adding BBQ.

Phyllis Truesdell- bought the property formerly known as Barnes Landing, located at the end of Penneville Road. Her establishment has three bedrooms and baths.

Councilor Feldman moved, Councilor Dotts seconded, to approve the Victualer License Requests for Middle Bay Bed & Breakfast and Stick to Your Ribs BBQ & Grill. The motion carried with eight (8) yeas.

31. The Town Council will hear public comments on the following requests for Innkeeper License and take any appropriate action.

NEW:

Charles Truesdell and Phyllis Truesdell d/b/a Middle Bay Farm Bed & Breakfast
287 Pennellville Road Charles Truesdell and Phyllis Truesdell

The Public Hearing opened at 7:56 p.m. The Public Hearing closed at 7:56 p.m.

Councilor Feldman moved, Councilor Dotts seconded, to approve the Innkeeper License request for Middle Bay Farm Bed & Breakfast. The motion carried with eight (8) yeas.

32. The Town Council will hear public comments on the following requests for Special Amusement License and take any appropriate action.

RENEWAL:

Columbus Club, Inc. d/b/a Knights of Columbus
2 Columbus Drive Douglas A. Rice, Grand Knight

The Public Hearing opened at 7:57 p.m. The Public Hearing closed at 7:57 p.m.

Councilor Moll moved, Councilor Feldman seconded, to approve the Special Amusement License for the Knights of Columbus. The motion carried with eight (8) yeas.

33. The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and take any appropriate action.

RENEWAL FOR FULL-TIME MALT, SPIRITUOUS AND VINOUS:

Ly-Corp d/b/a China Rose Restaurant
42 Bath Road Cuong Ly

Masagana Corporation d/b/a Oriental Restaurant
13 Mill Street Cecilio Juntura

RENEWAL FOR FULL-TIME MALT AND VINOUS:

Brunswick House of Pizza, Inc. d/b/a The Kitchen
4 Pleasant Street Christos Zoulamis

Maine Pines Racquet Club, Inc. d/b/a Maine Pines Racquet & Sports
120 Harpswell Road Robert Manter

Nok's Thai Place, Inc. d/b/a Thai Place
136 Pleasant Street Benchamas Woramalee

RENEWAL FOR FULL-TIME MALT:

Columbus Club, Inc. d/b/a Knights of Columbus
2 Columbus Drive Douglas A. Rice, Grand Knight

The Public Hearing opened at 8:00 p.m. The Public Hearing closed at 8:00 p.m.

Councilor Moll moved, Councilor Feldman seconded, to approve the Alcoholic Beverage License requests for China Rose, Oriental Restaurant, The Kitchen, Maine Pines Racquet & Sports, Thai Place, and Knights of Columbus. The motion carried with eight (8) yeas.

- 34. The Town Council will conduct a public discussion regarding Fox Run Development to include the following three issues of concern: access, size of retail business in this area, and the area as it is presently zoned and take any appropriate action.**

Councilor Moll moved, Councilor Dotts seconded, to table this item to the March 6, 2000 Town Council meeting. The motion carried with eight (8) yeas.

- 35. The Town Council will conduct a public hearing to consider amending the Traffic and Vehicles Ordinance (Section 15-46) relative to traffic changes making Middle Street entirely a two-way street and take any appropriate action.**

The Public Hearing opened at 8:01 p.m. The Public Hearing closed at 8:01 p.m.

Both Councilors Moll and Gleason disclosed that they own property on Middle Street, but it was determined that there was no conflict of interest participating in this item.

Councilor Moll moved, Councilor Gleason seconded, to approve the proposed amendment to the Traffic and Vehicles Ordinance (Section 15-46) relative to traffic changes making Middle Street entirely two-way. The motion carried with eight (8) yeas.

- 36. The Town Council will conduct a public hearing to consider an Ordinance amending the 1998 CIP Bond Ordinance and take any appropriate action.**

The Public Hearing opened at 8:02p.m. The Public Hearing closed at 8:02p.m.

Manager Gerrish stated that the Council approved this Bond Ordinance in 1998. There was a time limit on the bond and an extension is needed to finish the projects.

Councilor Lowe moved, Councilor Feldman seconded, to approve the Ordinance amending the 1998 CIP Bond Ordinance. The motion carried with eight (8) yeas.

37. The Town Council will conduct a public hearing to consider amending the Animals Ordinance (Section 4-39) relative to unlicensed dogs and the warrant and take any appropriate action.

This item would change our local ordinance to comply with the recent state statute amendment. *A copy of the amendment will be attached to the official minutes.*

Councilor Feldman moved, Councilor Swanson seconded, to approve the amendment to the Animals Ordinance (Section 4-39) relative to unlicensed dogs and warrant on an emergency and regular basis. The motion carried with eight (8) yeas.

24. (Tabled) The Town Council will consider setting a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up and take any appropriate action. (Manager)

Manager Gerrish explained that this item is to consider setting a public hearing to amend the Solid Waste Ordinance pertaining to household refuse and pick up. The Council asked to look at the issue of trash being placed out early for pick-up and how the Town could better enforce compliance with the Town's rules. Manager Gerrish explained that the proposed ordinance falls under two categories as follows:

- 1) All 3 Unit apartments must register with the Town the owner and manager of the facility and list telephone numbers of the appropriate person to call if there are problems. (A change in our Housing Ordinance)
- 2) When a violation occurs, the owner or manager is called and given 4 hours to correct the problem. (A change in our Solid Waste Ordinance)
- 3) If the problem is not taken care of, the owner of the building is fined.

Our Police and Codes Enforcement Office would enforce this ordinance. The proposed ordinance has been structured after the City of Portland's ordinance.

Councilor Lowe wanted to clarify that the intent of the ordinance is that building owners set their trash cans out the evening before pick-up and that the cans are to be removed at the end of the pickup day.

Councilor Moll felt this was something we can do with a minimal of effort. She requested that the "fine system" be clarified for her as well as those who might be watching.

Chair McCausland read section 13-30(h), which addressed the fine system. *A copy of the proposed ordinance will be attached to the March 6, 2000 minutes.*

Councilor Gleason was initially concerned about placing another responsibility on the landlords, but felt that the proposed ordinance was reasonable. However, enforcement was a concern as he does not want to create a new job.

Chair McCausland requested that the Public Works Director be present at the public hearing for this item.

Councilor Moll moved, Councilor Gleason seconded, to set a public hearing on March 6, 2000 to consider amendments to the Solid Waste Ordinance (Chapter 13) and the Housing Ordinance (Chapter 8) pertaining to household refuse and pick up. The motion carried with eight (8) yeas.

- 28. (Tabled) The Town Council will consider authorizing and signing of a Municipal Warrant relating to the Prosecuting of Unlicensed Dog Owners-Keepers and take any appropriate action.**

Councilor Feldman moved, Councilor Dotts seconded, to approve the Municipal Warrant relating to the Prosecuting of Unlicensed Dog Owners-Keepers. The motion carried with eight (8) yeas.

- 38. The Town Council will set their 2000 goals and objectives and take any appropriate action.**

Manager Gerrish distributed a list of the 1999 goals and added proposed 2000 goals that were discussed at the previous Council meeting. Mr. Gerrish noted that there needs to be further discussion regarding the issue of "growth" in Brunswick. *A copy of the list will be attached to the official minutes.*

Councilor Lowe commended the Town Manager for identifying the need to better understand the issue of growth in our community.

Councilor Feldman felt it was an excellent outline for the year and is exactly what the Council should be focusing on.

Councilor Moll requested that the Council consider adding another item (#5) to their list. She felt a Mill Street Corridor Master Plan was "doable." She felt that the Mill Street Corridor is important. It is Brunswick's front yard and sometimes the only part of Brunswick that some people see. Mill Street joins two critical streets, Pleasant and Maine. Her thoughts are that we need to reassume the vitality of Mill Street.

Chair McCausland did not feel that developing an affordable housing policy was necessary. He did not see the Council getting involved with affordable housing. We can schedule a meeting with the Brunswick Housing Authority. He suggested putting it on an agenda at the second meeting in March and getting it done.

Councilor Gleason stated that affordable housing is an issue that has been a problem for many years. It has been attempted at the state and town level many times to make housing affordable. He did not feel the Council can accomplish this and also suggested that it be turned over to the Housing Authority.

Councilor Galloupe felt that item #2 of the proposed 2000 Goals should be a five-year goal.

Councilor Swanson asked that the Council "Please keep their hands off item #4." It is simple and doable this year.

Councilor Feldman agreed that the Council cannot settle the affordable housing and that is mostly an issue for the Housing Authority. However, he felt that a discussion at some level could be beneficial.

Councilor Lowe agreed with Councilor Galloupe that item #2 could be goals for the next five years. He completely supported acquiring property for a walking path from the River to the Bay. He also would like to add the Mill Street Master Plan. He felt there might be policy issues that the Council could review that might facilitate the process. He supported the concept of using in-town neighborhoods and lands for multifamily homes and other more intensive use.

Chair McCausland pointed out that there was an agreement with items #1 and #4. He reminded the Council that attention needs to be focused on the old high school. SAD 75 will be moving out during the next school year. It was decided that item #2 needed to remain as part of the 2000 goals.

It was decided to change the wording of #3 to "Discuss affordable housing and bring forth recommendations for the Council's consideration."

Councilor Moll's suggestion of item #5 was also added to the list of 2000 goals and objectives.

Councilor Lowe moved, Councilor Moll seconded, to approve the 2000 goals and objectives reviewed and amended. The motion carried with eight (8) yeas.

39. The Town Council will discuss the property at 28-30 Cushing Street regarding unsafe structures and take any appropriate action.

Tom Wakefield, Codes Enforcement Officer and Clark Labbe, Deputy Fire Chief and Health Inspector, made a presentation to the Council regarding this unsafe structure. A Violation Notice was sent to owner Philip Dwinal on February 14, 2000 stating that both apartments were vacated and currently have doors and windows that are not secured creating a fire hazard according to the BOCA National Building Code/1990 Section 120.1. Regular and certified mail has been sent to the owner. Mr. Wakefield, to date, has not had a response from Mr. Dwinal. Several hazardous violations were pointed out. Mr. Wakefield and Mr. Labbe requested that the building be secured and then seek remedies through the legal process.

Chair McCausland asked if the Town takes action to secure the building, will those costs be recovered?

Manager Gerrish stated that under State Statute there is a process.

Councilor Moll moved, Councilor Feldman seconded, to approve the Town Manager to be authorized under MSRS 12 Section 2856 to secure the property at 28-30 Cushing Street (Assessors Map 615 Lot 21) declaring such property a serious threat to the public health and safety and to recover such expenses. The motion carried with eight (8) yeas.

40. The Town Council will consider authorizing the Town Manager to sign a Municipal Quitclaim Deed for consideration paid on a Tax Lien Certificate filed in the Cumberland County Registry of Deeds in Book 13264, Page 254, Recorded on August 19, 1997 for Tax Year 1996 and take any appropriate action.

Councilor Gleason moved, Councilor Lowe seconded, to approve the Town Manager's signing of the Municipal Quitclaim Deed for consideration paid on a Tax Lien Certificate as filed in the Cumberland County Registry of Deed in Book 13264, Page 254, Recorded on August 19, 1997 for Tax Year 1996. The motion carried with eight (8) yeas.

41. The Town Council will consider approving the request of the Memorial Day Parade Committee to hang a banner over Maine Street to promote the annual Memorial Day Parade from May 17, 2000 to May 30, 2000 and the request of the Bowdoin Summer Music Festival to hang a banner over Maine Street from June 29, 2000 to July 13, 2000 and take any appropriate action.

Councilor Lowe moved, Councilor Dotts seconded, to approve the request from the Memorial Day Parade Committee to hang a banner over Maine Street to promote the annual Memorial Day Parade from May 17, 2000 to May 30, 2000 and the request from the Bowdoin Summer Music Festival to hang a banner over Maine Street from June 29, 2000 to July 13, 2000. The motion carried with eight (8) yeas.

42. The Town Council will consider setting a public hearing on March 6, 2000 to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Basswood Road and take any appropriate action. (Manager)

Chief Hinton felt there was a hazardous parking problem at the soccer field on Basswood Road. The problem arises from vehicles parking along the entire east side of Basswood during soccer events. This blocks the access for pedestrians entering and exiting the field at the opening in the fence. Pedestrians must go between parked vehicles, thus creating a hazard due to the vision obstruction for motorists. He is recommending that a "no parking area" at the entrance to the field be created.

Councilor Feldman moved, Councilor Swanson seconded to set a public hearing on March 6, 2000 to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Basswood Road. The motion carried with eight (8) yeas.

Chair McCausland noted that a number of public hearings have been set for the March 6, 2000 meeting. He requested that the public hearings follow the public forum discussion of Fox Run Development.

The meeting adjourned at 8:49 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A TAPE RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

Deborah S. Cabana
Town Clerk
February 24, 2000

March 06, 2000

Date of approval

Council Chair