

BRUNSWICK TOWN COUNCIL MINUTES
MAY 1, 2000
MUNICIPAL MEETING FACILITY

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, Clement Wilson, Faith Moll, and David Gleason.

Councilors Absent: Forrest Lowe

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; John Foster, Town Engineer; Dan Devereaux, Marine Warden; Thomas Wakefield, Codes Enforcement Officer; Jerry Hinton, Police Chief; several citizens, members of the press and TV video crew.

Minutes of Previous Meeting: Councilor Wilson moved, Councilor Dotts seconded, to accept the minutes from the April 18, 2000 meeting as distributed. The motion carried with six (6) yeas – Councilors Moll and Gleason abstained, as they were not present at the 4/18/00 meeting.

Correspondence: Councilor Feldman announced that “Community Day” sponsored by the New Meadows River watershed project will be May 13, 2000. The purpose of the meeting is to increase the awareness of the New Meadows River and the New Meadows Lakes.

Manager’s Report:

1. **State of the College address by Robert H. Edwards, President, Bowdoin College.** This was the sixth year that President Edwards has given a formal address to the Town Council. President Edwards spoke of the inevitable need to grow and hoped that the town would fundamentally want the growth to happen as much as Bowdoin itself.

2. **Report on Clean-up Week.** Town Engineer John Foster stated that the annual “clean-up week” would begin today and run for two weeks until May 13th. He notified the public that the landfill would be open all day every Saturday from May through October. During the winter months, the landfill will close at noon.

3. **Brunswick Intown Group request regarding parking capacity and other related issues in downtown Brunswick.** Manager Gerrish reported that BIG would like to convene a task force to conduct a thorough study of all parking (including a parking garage) and safety issues and come up with a fully integrated parking plan. Council was in agreement to BIG conducting the study.

5. **Brunswick Police Department benefit Softball Game.** The Brunswick Police Department will be playing a softball game on July 15th against retired Red Socks to benefit the Dare Program.

6. **Financial Update.** Manager Gerrish stated that the budget is in good shape. Expenditures are as anticipated and revenues continue to exceed expectations.

4. **2000-2001 Municipal Budget.** The total appropriation for Town and School operations is \$38,151,820, which is a gross increase of \$2,221,321 or a 6.18% increase. The local tax appropriation for School and Town, including an allocation for abatements and deferred property taxes, is \$21,330,856. Our estimated Town valuation is \$961,000,000 million, which would require a tax rate of \$22.20. This represents a \$1.00 increase in the tax rate, or a 4.72% increase.

County Tax has increased from \$770,698 to \$805,542, an increase of \$34,844, or a \$4.52% increase.

Municipal Revenues

Municipal Revenues, including State Revenue Sharing, are estimated at \$6,319,428 an increase of \$506,362 or an 8.71% increase. Two accounts comprise the majority of the revenue increase, i.e. Excise Tax (+\$275,000) and State Revenue Sharing (+\$370,000). One account shows a significant decrease, i.e. Solid Waste User Fee (-\$120,000). The decrease is due to solid waste generated in Brunswick being taken to other locations. The good news is that this extends the life of our landfill.

Mr. Gerrish recommended that \$100,000 be appropriated from the Town's Undesignated Fund Balance to assist in reducing property taxes. This is a \$100,000 decrease from what was appropriated last year.

The Town's valuation is estimated to be \$961,000,000, which is an increase of \$13,000,000 or a 1.32% increase.

Personnel Considerations

Recommended in this budget are three new municipal positions and one shared position with the School Department. A position was recommended to be established to oversee Cable T.V., as well as 40% of the cost for an additional technology position to be shared with the School Department, which is budgeting 60% of the costs. In the Police Department, an additional Communications Officer was requested. Also in the Police Department, a School Resource Officer was requested (funded through a Federal Grant). The Manager requested to upgrade a part-time position in the Finance Office to full-time. Several additional part-time positions are also being requested. These requests for positions will be discussed with Council during budget deliberations.

The Town is in the second year of two-year contracts with the AFSCME, Police, Communications Officers, and Public Works Unions and is in the first year of a three-year contract with the Fire Department. Salary adjustments are being included based on these contracts.

General Town Budget

The following list shows some of the significant increases in the Town Operating Budget:

Employee Benefits (Majority is Health Insurance)	\$170,000
Library	79,000
Debt Service	115,000
Parks & Recreation	120,000
Risk Management (Insurance)	40,000
New Personnel	85,000
	<u>\$609,000</u>

The proposed budget is really a maintenance budget. The majority of the increases are for maintaining our existing programs and services. Increased costs in the Parks and Recreation Budget address the added responsibility the Department has taken on, including the Mall, the Football Field on McKeen Street, and new parks.

Adjustments to the Agenda: Council was in agreement to adding item #85 to consider authorizing the Marine Resource Committee to open and close the flats for the remainder of this calendar year.

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

NEW:

Mainway Café, Inc. d/b/a Pleasant Street Purveyors
207 Pleasant Street

Scott Ellsworth Devlin & Debra Wilson Devlin

TDATZP, Inc. d/b/a Big Top Delicatessen
70 Maine Street

Anthony W. Sachs

The Public Hearing opened at 8:29 p.m.

Anthony Sachs – stated that he and his wife will own and operate the Big Top Delicatessen.

Debra & Scott Devlin – purchased the former MacLeans Seafood restaurant. They will be operating a catering business for prepared entrees.

The Public Hearing closed at 8:31 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the Victualer Licenses for Pleasant Street Purveyors and Big Top Delicatessen, as advertised. The motion carried with eight (8) yeas.

75. The Town Council will conduct a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up and the Housing Ordinance and take any appropriate action.

Manager Gerrish explained the proposed amendments to the Solid Waste Ordinance (Chapter 13) and the Housing Ordinance (Chapter 8) pertaining to household refuse and pick up. This ordinance change makes it the duty of the owner of every residential property occupied or, intended to be occupied, accountable for the following:

1. To provide and keep suitable and sufficient containers to receive solid waste between collections.
2. The owner of the property and any person who places household refuse, at the curb, prior to 4:00 p.m. the day before collection, shall be liable for violations. The Chief of Police, Codes Enforcement Officer, or the duly authorized representative of either may issue an order to remove the refuse within four (4) hours.
3. After the issuance of one order to remove and one written notice during a twelve (12) month period, the fee for collecting all household refuse which was not removed will be \$100.00 for up to one (1) cubic yard of refuse collected. If the refuse collected exceeds one (1) cubic yard, the fee will be \$100.00 plus the cost per cubic yard to collect and dispose of the waste at an approved facility. The fees thereafter will be charged each time the town removes waste material deposited in violation of the ordinance without the need for additional order or notice.

The Public Hearing opened at 8:35 p.m.

Marybeth Burbank of 11 Cumberland Street – is part of the trash committee of the Northwest Brunswick Neighborhood Association. She asked the Council to reconsider suggestions that were made at their last public hearing, which are not included in the current proposed amendments. In addition to providing suitable containers, she requested that a sentence be added which states that the containers would be kept on the property, out of public view. She expressed concern, regarding the speed of action, relative to notice, regarding trash placed out at wrong times. She requested that Council reconsider the lien process (which the City of Portland uses) for violators. Mrs. Burbank concluded by stating that the Northwest Brunswick Neighborhood Association wanted to have an ordinance that really works.

Elizabeth Glover of 19 High Street - member of Northwest Brunswick Neighborhood Association submitted pictures she had taken that she felt illustrated unsightly trash in public view. She hoped this would reinforce the Northwest Association's request that the containers be kept on the property out of public view. She was sorry that neither the Town Manager nor the Town Council had time for a workshop for everyone concerned with this issue.

George Glover of 19 High Street - chairman of the Northwest Brunswick Neighborhood Association - felt the proposed ordinance was cumbersome. He agreed that some provision is needed in the ordinance that will "hide the garbage." It was offensive to him to see engraved in an ordinance provisions that don't make sense and are repeatedly violated, for example, the wording regarding placing trash after 7:00 a.m. on trash day. Mr. Glover suggested that it be changed to state that on trash day, the homeowner shall not put trash out after trash pickup.

Michael Cronin – is a landlord. He felt the proposed ordinance put the whole burden unfairly upon the landlord. He stated that he has no recourse if his tenants do not comply with the ordinance, as he has no control over his tenant's behavior. He thought policing powers of the town were needed.

James Burbank of 11 Cumberland Street - supported the proposed ordinance, but felt the enforcement portion needs to be "beefed up."

The Public Hearing closed at 9:07 p.m.

Councilor Swanson asked that 7:00 a.m. be deleted (Section 13-30). She also requested that a statement be added that trash is kept in containers on the property out of public view.

Chair McCausland reminded the Council that the downtown area has been focused on and that this ordinance applies to all homeowners in Brunswick.

Councilor Gleason was concerned that the Council was going in a totally different direction with enforcement of trash on public property to enforcement on private property.

Chair McCausland wanted to lengthen the four-hour notice.

Councilor Gleason moved, Councilor Wilson seconded, to amend the four-hour notice to 24 hours. The amendment carried with eight (8) yeas.

Councilor Gleason moved, Councilor Feldman seconded, to amend Section 13-30(a) by replacing "7:00 a.m." to "the hour of pickup." The amendment carried with six (6) yeas and two (2) nays – Councilors Moll and Galloupe opposed.

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Councilor Moll moved, Councilor Feldman seconded, to approve the proposed amendments to the Solid Waste Ordinance and the Housing Ordinance, as amended, as it pertains to household refuse and pick up. The motion carried with eight (8) yeas.

76. The Town Council will conduct a public hearing to amend the Traffic and Vehicles Ordinance (Section 15-78) relative to Handicapped Parking Only and take any appropriate action.

Chief Hinton explained that this ordinance change would require the Handicap Placard be displayed in compliance with Title 29A M.R.S.A., Section 521. If the Placard is not displayed and a ticket is issued, the noncompliance violation of the Town Ordinance would be in effect and the person would be subject to a \$10.00 fine. *A copy of the proposed amendments will be attached to the official minutes.*

The Public Hearing opened at 9:30 p.m. The Public Hearing closed at 9:30 p.m.

Councilor Gleason moved, Councilor Feldman seconded, to approve the proposed amendments to the Traffic and Vehicles Ordinance (Section 15-78) relative to Handicapped Parking Only, as advertised. The motion carried with eight (8) yeas.

77. The Town Council will conduct a public hearing to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Maine Street and take any appropriate action.

This item is to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Maine Street, east side, commencing at the intersection of Whittier Street and extending south to the intersection of Atwood Lane. This change would accommodate a bike lane. *A copy of the proposed amendments will be attached to the official minutes.*

The Public Hearing opened at 9:31 p.m.

Elizabeth Webb of 286 Maine Street – spoke in favor of the proposed amendment

Patricia Ryan of the Bicycle and Pedestrian Committee - supported this recommendation.

The Public Hearing closed at 9:32 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking areas on Maine Street, as advertised. The motion carried with eight (8) yeas.

78. The Town Council will consider proclaiming May 19, 2000 as the 281st Anniversary of the Town Commons.

Priscilla Davis, Chair of the Town Commons Committee - was present at the meeting. A copy of the Proclamation will be attached to the official minutes. **The Council signed the Proclamation regarding May 19, 2000 being the 281st Anniversary of the Town Commons.**

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79. The Town Council will consider setting a public hearing to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Park Row and take any appropriate action.

Chief Hinton has designated an emergency proclamation. This is an amendment to the Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Park Row. The No Parking Area is at the location of the delivery driveway to the Searle Science Building.

Councilor Feldman moved, Councilor Dotts seconded, to set a public hearing on June 5, 2000 to consider amendments to the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Park Row. The motion carried with eight (8) yeas.

80. The Town Council will consider setting a public hearing to amend the Marine Activities, Structures, and Ways Ordinance (Chapter 11) and take any appropriate action.

Marine Resource Warden Daniel Devereaux explained that the proposed ordinance amendments are to change two sections in Marine Activities, Structure and Ways (Chapter 11) to state the following:

1. For every 10 resident recreational licenses we sell, we shall sell 1 non-resident and have unlimited recreational license sales. Currently the ordinance allows for the sale of 140 resident recreational licenses and 14 non-residents.
2. Allow revoked and/or surrendered commercial licenses to be issued to the next person in line on the lottery list anytime during the license year. Currently the ordinance only allows for issuance of licenses during a specific time period.

Councilor Feldman moved, Councilor Wilson seconded, to set a public hearing on June 5, 2000 to consider amendments to the Marine and Activities, Structures, and Ways Ordinance (Chapter 11) relative to open sales of recreational licenses and issuance of revoked or surrendered commercial licenses, on a regular and emergency basis. The motion carried with (8) yeas.

81. The Town Council will consider allowing New England Telephone Company and Central Maine Power Company to erect 5 poles on Pleasant Hill Road and take any appropriate action.

Councilor Wilson moved, Councilor Moll seconded, to approve the New England Telephone Company and Central Maine Power Company's request to erect five poles on Pleasant Hill Road. The motion carried with seven (7) yeas and one (1) nay - Councilor Swanson opposed.

82. The Town Council will consider reappointing Thomas Wakefield as Primary Plumbing Inspector, and reappointing Jeffrey Hutchinson as Alternate Plumbing Inspector for the remainder of the calendar year and take any appropriate action.

Councilor Moll moved, Councilor Wilson seconded, to approve the reappointment of Thomas Wakefield as Primary Plumbing Inspector and Jeffrey Hutchinson as Alternate Plumbing Inspector for the remainder of the calendar year. The motion carried with eight (8) yeas.

83. The Town Council will consider the request of Harry Darling and Steven Chouinard to be Constables in the Town of Brunswick and take any appropriate action.

Councilor Dotts moved, Councilor Feldman seconded, to approve the request of Ace Detective & Security Agency, Inc. on behalf of Harry Darling and Steven Chouinard to be constables in the Town of Brunswick. Mr. Darling and Mr. Chouinard will be prohibited from carrying a firearm or other weapon, they will have no arrest powers and they will be limited to service of Civil Process. The motion carried with eight (8) yeas.

84. The Town Council will consider making appointments to the following boards and committees:

CONSERVATION COMMISSION, 3 Full Members

Councilor Feldman nominated Edmund Benedikt and Erik Hellstedt.

Councilor Feldman moved, Councilor Wilson seconded, that nominations cease and that the Chair cast one vote for Edmund Benedikt and Erik Hellstedt as full members to the Conservation Commission for three-year terms to expire 05/01/03. The motion carried with eight (8) yeas.

MARINE RESOURCES COMMITTEE, 1 Resident (Non-Harvester) and 1 Alternate Member

Councilor Galloupe nominated Ralph Keyes as the Resident (Non-Harvester) member of the Marine Resource Committee.

Councilor Galloupe moved, Councilor Swanson seconded, that nominations cease and that the Chair cast one vote for Ralph Keys as the Resident (Non-Harvester) member of the Marine Resource Committee for a three-year term to expire 05/01/03. The motion carried with eight (8) yeas.

Councilor Feldman nominated Charles Vaughn.

Councilor Swanson nominated Bettina Smith.

Councilor Dotts moved, Councilor Moll seconded, that nominations cease. The motion carried with eight (8) yeas.

Charles Vaughn was appointed to the Marine Resource Committee as the Alternate Member for a three-year term to expire 05/01/03 with five (5) votes – Councilors Galloupe, Feldman, Wilson, McCausland, and Gleason.

ZONING BOARD OF APPEALS, 2 Associate Members

Councilor Feldman nominated John Richardson to the Zoning Board of Appeals as an Associate Member.

Councilor Feldman moved, Councilor Moll seconded, that nominations cease and that the Chair cast one vote for John Richardson as the Associate Member to the Zoning Board of Appeals for the balance of a three-year term to expire 12/18/02. The motion carried with eight (8) yeas.

84. The Town Council will consider authorizing the Marine Resources Committee to open and close the flats and take any appropriate action.

Councilor Swanson suggested that the Marine Resource Committee give copies of their minutes to the Council.

Councilor Wilson moved, Councilor Feldman seconded, to authorize the Marine Resources Committee to open and close the flats, provided that the Council receives copies of the Marine Resources Committee's meeting minutes. The motion carried with (8) yeas.

The meeting adjourned at 9:50 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
May 19, 2011

May 25, 2000
Date of approval

Council Chair