

**BRUNSWICK TOWN COUNCIL MINUTES  
MARCH 20, 2000  
MUNICIPAL MEETING FACILITY**

**Councilor Wilson moved, Councilor Lowe seconded, to enter into Executive Session to discuss possible property acquisition and property disposition. The motion carried with nine (9) yeas.**

**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, Forrest Lowe, and David Gleason.

**Councilors Absent:** None

**Others Present:** Donald Gerrish, Town Manager; John Foster, Town Engineer; Thomas Wakefield, Code Enforcement Officer; Alan Houston, Natural Resources Planner; Geoff Hole, Town Attorney, several citizens, members of the press and TV video crew.

**Minutes of Previous Meeting: Councilor Dotts moved, Councilor Lowe seconded, to accept the March 6, 2000 Town Council minutes as distributed. The motion carried with nine (9) yeas.**

**Correspondence:**

**1. Letter of Resignation from Elizabeth Webb, Bicycle and Pedestrian Advisory Committee –** Manager Gerrish explained that a resignation was received from Elizabeth Webb who served on the Bicycle and Pedestrian Advisory Committee. A letter of appreciation will be sent to Ms. Webb. Manager Gerrish noted that the Council had made an appointment to this committee at their last meeting and that there were two qualified candidates who could not be appointed. He requested that the Council consider not advertising for this opening, but rather, make the appointment this evening from the candidates of last meeting. There was no objection to making this exception to procedure.

**2. Letter of Resignation from Shay Bellas, Solid Waste Advisory Committee -** Manager Gerrish explained that a resignation was received from Shay Bellas who served on the Solid Waste Advisory Committee. A letter of appreciation will be sent and the position will be advertised.

**Councilor Lowe briefed the Council on the Open Space Task Force.** Councilor Lowe stated that summary results from the forum held one month ago are available at the Planning Department or the Curtis Library. The next step of the process will be to determine dates for lectures related to open space and recreation in the community. He anticipated this to occur at the end of May or early June.

**Manager's Report:**

**1. Financial Update.** Manager Gerrish stated that the budget is in good shape. Expenditures are as anticipated and revenues continue to exceed expectations. He felt that revenues would exceed budget projections by 15 to 20 percent.

**2. Civil Forfeiture Approval.** The Town Manager asked for approval to accept a civil forfeiture grant in the amount of \$5,150.00 stemming from a criminal case involving Stacy Jackson. Mr. Gerrish stated that the law has recently changed so that an official of the Town can accept the funds instead of the Council. He suggested that he be authorized to accept the funds in the future and report back to the

Councilor Lowe proposed that some of the funds be spent on education about drugs.

Manager Gerrish pointed out that funds have been used for educational purposes in the past.

**Councilor Gleason moved, Councilor Wilson seconded, to allow the Town Manager be authorized the accept all civil forfeiture funds and report back to the Council each amount. The motion carried with nine (9) yeas.**

**3. Update on Spring Street Bridge.** John Foster, Town Engineer, stated that the Spring Street Bridge replacement has been awarded to Reed and Reed out of Woolwich. They are scheduled to begin work on March 27<sup>th</sup>. The bridge will be closed, and remain closed, to pedestrians and vehicles until September 15<sup>th</sup>. At that time, only one lane of the bridge will be opened. The project should be fully completed by November 15<sup>th</sup>. The estimated cost for the project is 1.8 million. The Town will pay 10% of the project.

**4. Update on Browntail Moth Issue.** Alan Houston recommended that the Council approve \$21,000 for an aerial spray program for the Mere Point Peninsula to rid the area of the browntail moths. Approximately 750 acres will be sprayed. Each property owner in the area will be notified of the spraying. If they do not want their property sprayed, they will need to contact the Natural Resources Planning Department. Balloons will be used to identify the properties that are not to be sprayed. Adjacent to these properties, within 250 feet, will also not be sprayed. He recommended that these neighbors be reimbursed at \$25 per acre to do ground spraying. The total cost of the project will be \$21,000.

Dick Bradbury from the Maine Department of Conservation surveyed the town with Mr. Houston for the browntail moth webs. He felt that the browntail moth population has spread up the coast but is beginning to recede statewide. He thought the aerial application this year, with a possible reduced application for the next year, would eliminate the problem.

**Adjustments to the Agenda:** Manager Gerrish requested to add two items to the agenda. Item #59 - The Town Council will Consider a Resolution Authorizing an Insecticide Spray Program on Merepoint to Combat an Infestation of Browntail Moths and an Emergency Appropriation of up to \$21,000 from Unappropriated Available General Fund Revenues for the Purpose of Funding the Program, and Item #60 – The Town Council will Consider a Resolution Authorizing the Purchase of a Replacement Vehicle for the Marine Resources Department and an Emergency Appropriation of up to \$25,000 from Unappropriated Available General Fund Revenues for the Purpose of Acquiring the Vehicle. There was no objection to adding these items to the agenda.

**52. 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**

The China Pearl, Inc. d/b/a The China Pearl  
112 Pleasant Street

Chung Hua Wang

Town Council Minutes  
March 20, 2000  
Page 3

**RENEWAL FOR FULL-TIME MALT**

John Guida d/b/a Rosita's Mexican Food  
212 Maine Street

John Guida

The Public Hearing opened at 8:08 p.m. The Public Hearing closed at 8:08 p.m.

**Councilor Lowe moved, Councilor Wilson seconded, to approve the alcoholic beverage license applications for Brunswick Golf Club Lounge, The China Pearl and Rosita's Mexican Food, as advertised. The motion carried with nine (9) yeas.**

**53. The Town Council will hear public comments on the following request for a Victualer License and take any appropriate action.**

**NEW VICTUALER**

Dolores Bader d/b/a Homeplate Pizza  
393 Bath Road

Dolores Bader

The Public Hearing opened at 8:09 p.m.

*William Bader* and his wife recently purchased the Homeplate Pizza. It is located on the front property of the New Meadows Hotel.

The Public Hearing closed at 8:10 p.m.

**Councilor Wilson moved, Councilor Feldman seconded, to approve the victualer license request for Homeplate Pizza. The motion carried with nine (9) yeas.**

**46. (Tabled) The Town Council will conduct a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up and take any appropriate action.**

Manager Gerrish outlined the three major changes in the proposed ordinance 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.
- 2) When a violation occurs, the owner or manager is called and given 4 hours to correct the problem.
- 3) If the problem is not taken care of, the owner of the building is fined.

The Public Hearing opened at 8:11 p.m.

*William Moore, a landlord in the downtown district - felt that the proposed ordinance penalizes landlords and residents and that it imposes a financial burden to the taxpayers. A copy of his comments will be attached to the official minutes.*

*Marybeth Burbank, on behalf of the trash committee of the Northwest Neighborhood Committee - was in favor of the ordinance but recommended a few changes. Her comments will be attached to the official minutes.*

Town Council Minutes

March 20, 2000

Page 4

*Elizabeth Glover of 19 High Street – encouraged the Council to look at other communities such as Old Orchard Beach and Biddeford. She was concerned that a level of garbage is tolerated which is not prevalent anywhere else in town.*

*Donna Miller is a landlord who owns property on Cushing Street. She did not think it should be the burden of the town to take care of trash but that the landlords should be responsible for their own properties.*

The Public Hearing closed at 8:44 p.m.

There was considerable discussion regarding the merits of the proposed ordinance. Tom Wakefield, Codes Enforcement Officer and John Foster, Town Engineer, were also present to offer comments. It became apparent that this ordinance does not deal with large (non-biodegradable) items such as mattresses, televisions, and furniture, etc. that is left in back yards. Manager Gerrish summarized that there were four areas of concerns that need to be addressed as follows:

- 1) The landlord registration is necessary.
- 2) The four-hour time frame needs to be addressed.
- 3) How will the landlords be notified of violation (i.e. verbally, email, fax, or written notice)?
- 4) Three violations are too many. A landlord should be allowed one warning and be fined upon the second violation.

Mr. Gerrish suggested that this item be tabled and that these concerns be returned to staff and the Town Attorney for further review and consideration. He will return to the Council with proposed amendments in the near future.

**Councilor Moll moved, Councilor Feldman seconded, to table this item and send it back to staff for further review and consideration. The motion carried with nine (9) yeas.**

- 54. The Town Council will consider approving the King's Conservation Easement negotiated by the Conservation Commission and the owner of the property and take any appropriate action.**

*William Ferdinand, Jr., Chairman of the Conservation Commission – introduced John Loyd, attorney representing the property owners who are offering the easement to the town. Mr. Loyd explained the Conservation Easement that was negotiated by the Conservation Commission and the owners (the Kings and the Kellys) of the property and approved by the Planning Board. It was pointed out that this easement does not guarantee public access. The owners anticipated that access would remain as long as it is not abused. The two easements will be attached to the official minutes.*

**Councilor Lowe moved, Councilor Wilson seconded, to accept from Robert and Nancy King, a conservation easement on approximately 115 acres of land on Miller Point and east of Mere Point Road in Brunswick, Maine in the form approved and recommended by the Town of Brunswick Conservation Commission at its meeting on February 9, 2000 and executed by Robert and Nancy King, to be effective immediately. John F. Loyd, Jr. Esq. shall record this easement and to accept**

**from Robert and Nancy King and Gregory and Lynda Kelly, a conservation easement on approximately 61 acres of land on John's Point, between Simpson's Point Road and Miller Point, in Brunswick, Maine in the form approved and recommended by the Town of Brunswick Conservation Commission at its meeting on February 9, 2000 and executed by Robert and Nancy King and Gregory and Lynda Kelly to be effective December 29, 2000. The executed John's Point Conservation Easement shall be held in escrow by the King's attorney, John F. Loyd, Jr., Esq. until**

Town Council Minutes

March 20, 2000

Page 5

**December 29, 2000, after which date he shall record this easement. The motion carried with nine (9) yeas.**

- 55. The Town Council will discuss a recommendation to the Planning Board concerning dimensional standards in the zoning ordinance in the Cook's Corner area and take any appropriate action.**

Councilor Feldman asked the Council to support a recommendation to be sent to the Planning Board to allow for a change in the current limit of 50,000 square feet building footprint limit in the Cook's Corner Zone. There have been rumors about the possible expansion of Wal-Mart at Cook's Corner or the possibility of Wal-Mart moving out of Cook's Corner. The Cook's Corner Master Plan states there is a spot in Cook's Corner for three big boxes. The possible loss of Wal-Mart in that area would negatively impact other businesses in the area. He suggested that Council encourage the Planning Board to enter into discussions with Wal-Mart (and if Ames desires) to allow them to expand beyond the current dimensions which are allowed and to reach a compromise which would be good for the Town (the Planning Board would not abandon design standards, impact fees, or other appropriate requirements) so that Wal-Mart could expand and remain the anchor that we need in Cook's Corner.

**Councilor Moll moved, Councilor Feldman seconded, to ask the Planning Board for their recommendations regarding the expansion of the present square foot allowances (50,000 sq. ft.) at Cook's Corner for large retail structures under one owner (big box). The motion carried with nine (9) yeas.**

- 56. The Town Council will hear a report of disposition of tax acquired property and take any appropriate action.**

Manager Gerrish stated that the existing process for tax-acquired properties is to ask all departments within town if there is a desire to keep property. The Town Manager asked the Council to consider a policy change making it possible for the owners of the properties to reacquire the properties before the Town makes a decision to keep the property or put it up for bid. There currently exists a list of properties that the Town has acquired. He would like to give these owners one more chance to pay their taxes. Mr. Gerrish stated that he would return with a recommendation to amend the existing policy for the Council's consideration.

**Councilor Wilson moved, Councilor Dotts seconded, to allow the Town Manger to send another notice to the existing tax acquired property owners for payment of taxes and to return with a recommendation to amend the existing policy of tax acquired properties for the Council's consideration. The motion carried with nine (9) yeas.**

- 57. The Town Council will consider approving the request of the Maine State Music Theatre to**

hang a banner over Maine Street to announce their Summer 2000 mainstage show season and the productions taking place at Pickard Theater on the Bowdoin College campus from June 5, 2000 to June 19, 2000 and take any appropriate action.

**Councilor Lowe moved, Councilor Feldman seconded, to approve the request from Maine Street Music Theatre to hang a banner over Maine Street to announce their Summer 2000 mainstage show season and the productions taking place at Pickard Theatre on the Bowdoin College campus from June 5, 2000 to June 19, 2000. The motion carried with nine (9) yeas.**

Town Council Minutes

March 20, 2000

Page 6

- 58. The Town Council will consider making appointments to the following boards and committees:**

Councilor Feldman nominated Tom Legare' to the Bicycle and Pedestrian Advisory Committee as a full member, representative from the general public.

**Councilor Feldman moved, Councilor Dotts seconded, that nominations cease and that the Chair cast one vote for Tom Legare'. The motion carried with nine (9) yeas.**

- 59. The Town Council will Consider a Resolution Authorizing an Insecticide Spray Program on Merepoint to Combat an Infestation of Browntail Moths and an Emergency Appropriation of up to \$21,000 from Unappropriated Available General Fund Revenues for the Purpose of Funding the Program and take any appropriate action.**

**Councilor Feldman moved, Councilor Moll seconded, to approve the Resolution Authorizing an Insecticide Spray Program on Merepoint to Combat an Infestation of Browntail Moths and an Emergency Appropriation of up to \$21,000 from Unappropriated Available General Fund Revenues for the Purpose of Funding the Program. The motion carried with nine (9) yeas.**

- 60. The Town Council will Consider a Resolution Authorizing the Purchase of a Replacement Vehicle for the Marine Resources Department and an Emergency Appropriation of up to \$25,000 from Unappropriated Available General Fund Revenues for the Purpose of Acquiring the Vehicle and take any appropriate action.**

**Councilor Feldman moved, Councilor Moll seconded, to approve the Resolution Authorizing the Purchase of a Replacement Vehicle for the Marine Resources Department and an Emergency Appropriation of up to \$25,000 from Unappropriated Available General Fund Revenues for the Purpose of Acquiring the Vehicle. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:55 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  
March 24, 2000

April 3, 2000

Date of approval

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Council Chair