

# BRUNSWICK TOWN COUNCIL

## MEETING MINUTES

MONDAY, MAY 20, 1996 Municipal Meeting Room, Old Brunswick High School 7:30 P.M.

Chair McCausland called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Stephen McCausland, Michael Feldman, Eleanor Swanson, Robert Galloupe, Leon Laffely, Clement Wilson, Faith Moll, Ervin Snyder and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Jerry Hinton, Police Chief; Tom Farrell, Director of Parks and Recreation; Robert Tripp, Tax Assessor; Casco Cable TV; and various members of the public.

Minutes of Previous Meeting:

Councilor Laffely moved, Councilor Galloupe seconded to approve the Town Council minutes of May 6, 1996 as presented. The motion carried with eight (8) yeas and one abstention - Councilor Moll.

Correspondence:

Chair McCausland announced that Town Manager Donald Gerrish was recently elected President of the International City/County Management Association. This organization is comprised of city and town managers, and county administrators from all over the world. It is a great honor for Mr. Gerrish and Brunswick is very proud of him.

Manager Gerrish stated that is a great opportunity and honor to be elected by his peers. This organization has over 8,000 members from all over the world. It has an executive board of 17 members and a staff of over 110. ICMA trains and provides information for managers and administrators. Currently they are working overseas helping countries run their communities. Mr. Gerrish is the fourth manager from Maine in 85 years of the association's existence. He thanked the Council and the staff for their support.

Councilor Gleason informed the public and the Council that Councilor Feldman would be joining Mr. Gleason's real estate firm. Councilor Gleason anticipated no conflict of interest, but if any up-coming issues might appear to be a conflict, they would make the public and the Council aware of it.

Manager's Report:

1) Brunswick Topsham Land Trust Presentation. Thomas Settlemire, a representative from the Brunswick Topsham Land Trust made a presentation to the Council concerning the land trust. An annual meeting report was provided to the Council and will be attached to the official minutes.

2) Update, Alternative Transportation Corridor. Manager Gerrish updated the Council on the Alternative Transportation Corridor (Bike Path) project. Money could not be spent until an agreement had been reached with the state. An agreement has finally been reached, therefore Brunswick can move forward to start the final design for the project. He anticipated that in the late spring of 1997 the project would be ready to go out to bid. Brunswick's share of the project is \$273,400. Funds in the amount of \$183,581 have already been raised toward the project. The remaining funds will come from the unappropriated fund balance (\$89,819) according to the Council's Resolution of 1994. Mr. Gerrish credited Parks and Recreation Director Tom Farrell as the "backbone" of the project. As the project progresses, Mr. Gerrish will report back to the Council.

Councilor Snyder commended the Manager and the Recreation Department for redesigning the east end of the project. He felt it was a major improvement and will be much more attractive. Town Council Minutes May 20, 1996 Page 2

3) Update, Line Dispute between Brunswick and Harpswell. Manager Gerrish stated that the Town of Harpswell has requested to meet with Town of Brunswick on a preliminary basis to talk about the line between Brunswick and Harpswell. Mr. Gerrish will report back to the Council. He noted that Councilor Moll will also be attending this meeting.

4) City of Bath Councilor John James to discuss the Carlton Bridge construction. Mr. James informed the Council of the proposed MDOT design of the Carlton Bridge. The five phases of construction would occur over a 2 1/2 to 3 year period. Bath was concerned about the traffic tie-ups and the monetary impact this construction would have on Bath and surrounding communities. Therefore, Bath hired consultants to review the MDOT design and offer another possible alternative. Although the new design will cost an additional 20 million dollars, Bath was more favorable to it. Mr. James stated that this is a regional issue which will directly affect Brunswick and the entire Midcoast region. He asked Brunswick to give consideration to Bath's advantages to the bascule bridge design and furnish a written statement to MDOT supporting Bath's position for the bridge construction.

Chair McCausland stated that Brunswick would furnish comments to MDOT to emphasize minimum disruption.

Adjustments to Agenda:

Mr. Gerrish requested that Item 112 be added to the agenda that the Town Council consider authorizing a quit claim deed for past taxes on property tax map U10, lot 1. There was no objection to adding this item to the agenda.

Mr. Gerrish notified the public that item 106, the request from the Barking Spider d/b/a/ Kingsford Restaurant for prepared food on a public way will be tabled this evening as staff is not prepared to make a recommendation to the Council.

105. The Town Council will hear public comments on the following requests for Victualer license for: New: Larry G. Crooker d/b/a Blossoms Cook's Corner (across from Johnson's Gun Shop) Larry G. Crooker

Theresa Webber & Robin Kelley d/b/a Webley's Theresa Webber Town Mall & Robin Kelley

Renewals: 19 (as advertised)

The Public Hearing opened at 8:16 p.m. The Public Hearing closed at 8:16 p.m.

Councilor Moll moved, Councilor Wilson seconded to approve the new Victualer licenses for Blossoms and Webley's and approval of the 19 renewal Victualer licenses as listed. The motion carried with nine (9) yeas.

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106. The Town Council will consider approving the requests for Sellers of Prepared Food on a Public Way licenses for:

New:

Theresa Webber & Robin Kelley d/b/a Webley's Theresa Webber Town Mall & Robin Kelley

Thomas Rothwell The Barking Spider Inc. d/b/a Kingsfords Restaurant Sidewalk in front of 94 Maine St Thomas Rothwell

Manager Gerrish informed the Council that Webley's is the fourth and final application for a license to sell on the Mall. The application by Thomas Rothwell was tabled.

Councilor Moll moved, Councilor Snyder seconded to approve the new Sellers of Prepared Food on a Public Way license for Webley's. The motion carried with nine (9) yeas.

107. The Town Council will receive a recommendation from the Davis Fund Committee and take any appropriate action. (Manager)

Millie Stewart, Chairperson from the Davis Fund presented the recommendation of the Committee. A copy of their recommendations will be attached to the official minutes.

Councilor Wilson moved, Councilor Moll seconded to approve the recommended uses of the Davis Fund as provided by the Davis Fund Committee. The motion carried with nine (9) yeas.

108. The Town Council will discuss the Approval of Transfer of Fortuitous Assets, as authorized pursuant to 15 M.R.S.A.5824(3) and take any appropriate action.

Police Chief Jerry Hinton explained that any asset forfeitures from drug proceeds involved in a drug case can be turned over to the entity performing the work. In this Brunswick case, there was over \$5,000 in cash and several pounds of marijuana seized in a search warrant raid on an individuals home on Oak Street. According to the law, once the evidence has been seized and prosecuted, it can be turned over to the municipality. The municipality must agree to accept the forfeiture.

Councilor Snyder moved, Councilor Moll seconded that the Brunswick Town Council does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, to the Town of Brunswick, Maine pursuant to 15 M.R.S.A. 5824(3) and 5826(6). The motion carried with nine (9) yeas.

109. The Town Council will consider a letter from the Pejepscot Historical Society concerning tax liability at the Joshua L. Chamberlain Museum, and take any appropriate action.

Manager Gerrish stated that a letter had been received from the Pejepscot Historical Society because of a change in a ruling from the Supreme Court. Their property can now be assessed and taxed.

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Tax Assessor Bob Tripp informed the Council that this item deals with the letter the Council received from the Pejepscot Historical Society concerning their tax status. All tax exemptions are established by state law. This particular case involves a "literary and scientific institution." The law states that the real estate and personal property owned and occupied for use solely for their own purposes by literary and scientific institutions is exempt. A recent State Supreme Court decision involving the City of Lewiston and Marcott Congregate Housing had a different result. The large facility had six or seven doctors offices contained within the facility, which were rented. The State Supreme Court said that because of non-exempt portions of the property, the entire property is then taxable. Therefore, because there are apartments contained within the building of the Pejepscot Historical Society, the entire building is taxable.

Councilor Moll felt that the Town should continue to support the resource Brunswick has in the Historical Society. It was her opinion that Brunswick uses the Society as an "unpaid consultant." It is involved in the Village Review process. It is the curator of the Town's material culture and a major tourist attraction. Other groups that provide town services are supported by a line item in the budget . She asked that the Council instruct the Manager to include funding of \$5,000 in this year's budget to go toward the operating expense of the Pejepscot Historical Society.

Councilor Wilson would be in favor of the Town of Brunswick being one of the three towns that make a contribution to the Society. He suggested contributing the amount which would be their extra taxation. He did not want to give them more than what they requested, which is \$2,300.

Councilor Galloupe moved, Councilor Wilson seconded to appropriate \$3,000 into this 96/97 fiscal year budget for the Pejepscot Historical Society.

Councilor Feldman felt it might be better for the Historical Society if some sort of precedent could be established where the equivalent of the tax increase would be donated.

Councilor Moll would take what she could get. She felt this should be a line item in the budget, recognizing the Society's special condition. It was her opinion that the Pejepscot Historical Society is one of Brunswick's unpaid consultants and a repository of many of Brunswick's records.

Manager Gerrish suggested that this request be listed as an annual appropriation. If the Council would like a more definite process for the future, he thought a separate line item could be placed in the budget. This might be placed under boards and commissions, or have a separate line item like the library or the Fifty-five Plus Center.

Chair McCausland moved, Councilor Snyder seconded to amend the motion to appropriate what the Pejepscot Historical Society requested, which is \$2,300.

Chair McCausland added that he felt this issue needs to be addressed by our Legislature and it was a great injustice to Maine's greatest war hero. Other cities and towns all over the state are going to be faced with the same situation of organizations which do incredible good work, for the public good, and all of a sudden are going to be receiving tax bills.

Councilor Snyder felt it was a shame that the item comes before the Council under the circumstances it does. But he thought it was more appropriate to deal with the Society's specific request.

Councilor Moll did not want to tie the amount to their tax bill. She wanted to recognize the Historical Society's place in the community.

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The amendment to change the amount from \$3,000 to \$2,300 was voted on and carried with eight (8) yeas and one (1) nay - Councilor Moll.

The motion to appropriate \$2,300 into this 96/97 fiscal year budget for the Pejepscot Historical Society carried with nine (9) yeas.

Ed Langbein, Jr., Vice President of the Historical Society - thanked the Council for their support.

110. The Town Council will sign the notice of the Public Hearing for the Curtis Memorial Library Expansion Bond Ordinance. (Manager)

Mr. Gerrish explained that this item is to sign the Notice of Public Hearing for the Curtis Memorial Library Bond issue as required by state law.

Councilor Gleason moved, Councilor Moll seconded to approve and sign the notice of Public Hearing for the Curtis Memorial Library Bond Issue. The motion carried with nine (9) yeas.

111. The Town Council will approve the Municipal and State Warrants for the June 11, 1996 election. (Manager)

Councilor Gleason moved, Councilor Moll seconded to approve and sign the Municipal and State Warrants for the June 11, 1996 election. The motion carried with nine (9) yeas.

112. The Town Council will consider authorizing a quit claim deed for past taxes on property tax map U10, lot 1.

Chair McCausland stated this property was acquired by tax acquisition. The bank was not initially notified of the lien or the foreclosure. The bank has since paid the taxes for the town to quit claim interest in the property.

Councilor Wilson moved, Councilor Feldman seconded to approve and sign the quit claim deed. The motion carried with nine (9) yeas.

Councilor Laffely moved, Councilor Galloupe seconded to adjourn the meeting. The meeting adjourned at 8:55 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 Date of approval May 23, 1996

Chair

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