

BRUNSWICK TOWN COUNCIL MINUTES
APRIL 22, 1997 7:30 P.M.
MUNICIPAL MEETING ROOM
OLD BRUNSWICK HIGH SCHOOL
7:00 P.M.

Councilor Snyder moved, Councilor Gleason seconded to enter Executive Session along with the Town Manager to discuss Union Negotiations. The motion carried with seven (7) yeas. (Councilors Feldman, Swanson, Laffely, McCausland, Wilson, Snyder and Gleason were present.)

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, Leon Laffely, Clement Wilson, Ervin Snyder and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Jerry Hinton, Police Chief; Gary Howard, Fire Chief; Robert Tripp, Tax Assessor; Frank Wright, Animal Control Officer; Andrew Singelakis, Director of Planning and Development; Christopher Vaniotis, Town Attorney; several citizens, members of the press and Casco Cable TV.

Minutes of Previous Meetings:

Councilor Swanson was concerned with item #54 stating a "town-wide" closure given that there was harvesting permitted at Maquoit Bay, and therefore, the Town was not totally closed. It was decided to eliminate the word "town-wide."

Councilor Wilson moved, Councilor Swanson seconded, to approve the Council minutes of April 7, 1997 as distributed and corrected. The motion carried with seven (7) yeas.

Correspondence: NONE

Manager's Report:

1. Report from the Cable Television Committee concerning a separate local government channel.

Charles Priest, Co-chair of the Cable T.V. Committee, explained the tasks of the committee. He clarified that the Committee does not regulate cable rates. The Committee is recommending that by July 31, 1997 the Town assume control of one channel of the basic service tier (channels 2 - 13) to be used exclusively by the Town for governmental and educational programs. It would be up to the Council, should they decide to take control of a channel, as to which of two channels will be taken. If the channel is taken, those with basic cable (about 564 in the Town) would not be able to access the channel eliminated as it will be placed above channel 13. Those with extended service (about 5,813 in the Town) would be able to access that channel.

Chair McCausland asked why the Committee did not make a recommendation on which channel to eliminate.

Mr. Priest felt the Committee could not make a recommendation because the decision is a political issue.

Councilor Wilson suggested holding a public hearing. It was pointed out that the learning channel ~~of~~ or* the French channel would be the one used for the governmental channel. He would like to receive input from the public as to which of the two channels they would prefer to see eliminated from channels 2 through 13.

It was determined that the Council would need to make a definitive answer by July 1, 1997.

Manager Gerrish commented that the initial cost of setting up the channel will be absorbed by Casco Cable. If the Town chose to remain on channel 13, Casco Cable would assume the cost of the modulator and warranted technical changes. However, if the Town chose at another time to go to their own separate channel, the Town would have to pick up the costs. He also pointed out that once the Town goes onto their separate channel, the other communities on Casco Cable will not be able to access that channel. Mr. Gerrish wanted to wait a few weeks, get feedback from the citizens, and then have the Council consider this item at their second meeting in May.

2. **Manager Gerrish reminded the Council and the public that the Cumberland County Commissioners would be conducting a public hearing on April 23, 1997 regarding the services provided by county government.** The Town of Brunswick pays about \$850,000 as its share of county taxes.
3. **Manager Gerrish informed the public that "Clean up Week" started today and will continue until Saturday, May 3, 1997.** The operating hours have been extended and no residential permit is required during this period. There is a charge, however, for residential demolition material.

Adjustments to the Agenda: NONE

Councilor Wilson moved, Councilor Snyder seconded, to suspend the Council's Rules of Procedure and add item #72, that the Town Council will consider a request to support LD 1742 (Act to Comprehensively Realign the Tax Structure of the State) and take any appropriate action. The motion carried with seven (7) yeas.

65. **The Town Council will hear public comments on the proposed changes to the No-Parking Ordinance as it relates to Cumberland Street.**

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

Police Chief Hinton explained the proposed amendments. The first amendment was overlooked when the ordinance was "cleaned up" a few years ago. The second ordinance amendment has been governed by a "No Parking" sign. It was suggested that it be left no parking, commencing at Cushing Street and extending westerly one hundred and thirty feet.

Roland Laferriere of 37 Cumberland Street - felt that the proposed change would not solve the problem. Mr. Laferriere is tired of being unable to get out of his driveway and having to walk in the street in the winter time.

Judith Redwine of 36 Cumberland Street - stated that there are more problems on Cumberland Street than this proposed ordinance addresses. She stated that there are no curbs and suggested that there should be parking on only one side of the street.

Helen Beebe of 31 Cumberland Street - suggested putting the street "one-way" toward Union Street because traffic is terrible on Cumberland Street.

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

Chair McCausland mentioned that he has experienced problems on Cumberland Street when trying to get home. He was not sure if the proposed amendment is what is ultimately needed and this may be a much larger problem than what this change will address.

~~Chair~~ Councilor* Wilson suggested that the Traffic Committee and the Police Chief review this situation.

Manager Gerrish stated that there is a lack of curbing, which is a problem in a lot of areas in the community. He felt that this can be looked at on a comprehensive basis and invited the citizens to comment. He suggested that at least at the intersection, the proposed change was one way of addressing this problem.

Chief Hinton stated that this ordinance is changing language so that there is no parking on the northerly side, which opens the throat of Cumberland Street. He agreed, however, that there is not enough parking in that area. If parking is eliminated on one side of the street, he questioned what to do with the extra twenty vehicles. This may be something for the Traffic Safety Committee to look at, but he cautioned the idea of no parking on one side of the street. It would greatly impact that area.

Chair McCausland agreed that the intersection is a tremendous safety hazard, which is a problem that can not be addressed tonight.

Manager Gerrish noted that there are some areas downtown, where no parking is required in order to operate a business. Certain areas in the community are grandfathered and don't have to provide parking, whereas if they were new, they would be required to do so. The new Zoning Ordinance may have an impact on parking requirements.

Councilor Swanson felt that it was not imperative to proceed with the proposed amendments this evening. She wanted to have the Traffic Committee look at the Cumberland Street situation. She asked what harm it would do to wait another two to three weeks.

Councilor Snyder moved, Councilor Feldman seconded the proposed changes to the No-Parking Ordinance (Section 15-74) Cumberland Street, north side, commencing at Cushing Street and extending easterly one hundred twenty feet, and Cumberland Street, north side, commencing at Cushing Street and extending westerly one hundred thirty feet. The motion carried with four (4) yeas and three (3) nays - Councilors Swanson, Wilson, and Laffely opposed.

66. The Town Council will hear public comments on the proposed changes to the Dog Ordinance.

The Public Hearing opened at 8:20 p.m.

Manager Gerrish stated that this item is the public hearing to amend the Dog Ordinance as it pertains to the penalty section. The goal of this amendment is to eliminate the problem the Town is experiencing with people repeatedly paying modest penalties and continuing to violate the ordinance.

Todd Schreiber of 7 Kimberley Circle - supported the proposed amendments because he and his wife have experienced a safety problem with dogs in their area.

Marybeth Ford of 7 Easy Street - stated that there is a consistent problem in their development with a neighbor who allows her dog to run constantly. She wanted to see something done to deal with this issue.

John Flurry of 8 Kimberley Circle - stated that he walks with a golf club because this same neighbor's dogs have tried to bite him. He felt that something should be done to eliminate this problem.

The Public Hearing closed at 8:25 p.m.

There was considerable discussion pertaining to the merits of raising the fee up to \$100.00 for the first offense of a dog running at large. Most of the Councilors agreed that the potential of a \$100.00 fine for the first offense was too extreme. However, some felt that since the ordinance stated "up to \$100.00", that the Judge and animal control officer would be lenient for the first offense and probably not charge the maximum amount.

Councilor Wilson moved, Councilor Feldman seconded, to approve the changes to the Dog Ordinance, as proposed, on a regular and emergency basis.

Chair McCausland moved, Councilor Snyder seconded, to amend the proposed ordinance, Section 4-38 Penalties to read that "Any person who is found to have violated any provision of this Ordinance shall pay a civil penalty of not more than twenty-five dollars (\$25.00) for the first offense . . . The amendment was voted on and carried with six (6) yeas and one (1) nay - Councilor Wilson opposed.

Councilor Snyder pointed out that there was a typographical error in Section 4-37. Refusing to Reclaim Dog. and should read: "The owner or owner's designee shall not fail or refuse . . . ~~Both Chair McCausland and Councilor Snyder~~ Councilors Wilson and Feldman* agreed to incorporate this into the ~~amendment~~ main motion* of the Ordinance.

The main motion, as amended, was voted on and carried with seven (7) yeas.

67. The Town Council will receive a report from the Director of Planning and Development concerning proposed amendments to the Zoning Ordinance, and take any appropriate action. (Manager)

Andrew Singelakis, Director of Planning and Development, summarized that these items are being considered because they were entered too late for consideration during the recent adoption of the Zoning Ordinance. Two of the items are map amendments and the rest are a series of comments offered for consideration. These items are outlined on a memo from Mr. Singelakis to the Town Council, dated April 16, 1997. Attorney Vaniotis recommended that the following items should not be considered as amendments to the ordinance:

3. page 5, DELETE definition of "Day Care Center"
6. page 7, DELETE definition of "Level of Service"
11. page 11, DELETE the definition of "Yard"
12. ADD Section 306.20 on page 62, regarding Yard Sales

However, Mr. Vaniotis felt that the Planning Board would need to conduct a public hearing on the remaining items, as outlined in Mr. Singelakis' memo to the Council, dated April 16, 1997. After the Planning Board's public, the Council could consider these items for adoption. A copy of this memo will be attached to the official minutes.

Councilor Snyder asked what Mr. Vaniotis's opinion was pertaining to the language found in Section 703.4C1d. (Item #14 on the aforementioned memo)

Attorney Vaniotis answered that this ordinance provides a standard of review for the Board of Appeals to apply when an appeal from the decision of the Codes Enforcement Officer or Planning Board has been requested. The Board of Appeals must find that there is an error committed by the Codes Officer or the Planning Board. The language that says the Board of Appeals cannot substitute its judgement means that the decision that comes before the Board comes to the Board with a presumption that if there is a judgement call to be made, the Board will defer that judgement to the Code Officer or the Planning Board as opposed to imposing its own opinion. Most ordinances do not have this language, however, he suspected it might prove helpful to the Board of Appeals to know that they have a standard of review to apply. Mr. Vaniotis also explained that this language applies only to administrative review and does not apply to requests for variances.

Councilor Snyder moved, Councilor Gleason seconded, to request the Planning Board to review items # 1,2,4,5,7,8,9,10, and 13, as outlined on the memo from Andrew Singelakis dated April 16, 1997, and report back to the Council with recommendations for consideration to set a public hearing. The motion carried with seven (7) yeas.

68. The Town Council will consider the request to increase compensation of Trustees of the Brunswick & Topsham Water District and take any appropriate action. (Manager)

Superintendent of the Water District Norman Cyr - explained that according to Maine law, an increase in compensation of the trustees of a water district must first be approved by the trustees themselves, and then approved by a majority vote of the municipal officers in the municipality or municipalities representing a majority of the population within the district. The trustees have approved the increase in compensation, therefore, a vote of the municipal officers of Brunswick and Topsham is necessary before any increase in compensation can be permitted under 35-A M.R.S.A, 6410(7). The municipal officers of Topsham have approved the increase. The Trustees believe the increase in compensation is warranted for several reasons. First, the current annual compensation is \$300, which has not been increased since 1945. Since that time, the regular burden on Trustees of the Water District has increased substantially, often involving multiple meetings on a monthly basis, participation in contract review and award committees, and other special meetings called by the Water District. Mr. Cyr, the Clerk of the Brunswick & Topsham Water District certified that the Board vote, at their regular meeting held March 10, 1997 to amend the District's by-laws in a manner consistent with 35-A M.R.S.A., 6410(7) provides that each member of the Board of Trustees shall receive compensation for his or her services in the amount of \$100.00 for each meeting actually attended (not to exceed an annual total of \$1200.00), that the President of the board shall receive compensation for his or her services in the amount of \$125.00 for each meeting actually attended (not to exceed an annual total of \$1500.00) and reimbursement be made for travel and expenses, beginning July 1, 1997.

Councilor Feldman moved, Councilor Laffely seconded to approve the increase in compensation for the Trustees of the Brunswick-Topsham Water District as requested by the District Trustees and approved by them at their meeting on March 10, 1997. The motion carried with seven (7) yeas.

69. The Town Council will receive a report from the Town Assessor concerning the renaming of certain streets and take any appropriate action. (Manager)

Town Assessor Robert Tripp - stated that he is the newly appointed E911 Addressing Officer. He informed the Council that the streets involved are town accepted streets and private streets and rights of way. Several years ago (1993) the Council enacted an ordinance that the Town Assessor would assign names to private rights-of-way (with appeal to the Council within 60 days if the name selected is unacceptable to the residents).

Mr. Tripp requested that the Council change the names of the list of streets identified by the Public Safety officials that are potential conflicts with other streets in town which could cause public safety problems. Also, a few streets were identified as "house-keeping" in that they were accepted as i.e. Columbia Street and commonly referred to as Columbia Avenue. A memo from Mr. Tripp identifying all of these streets will be attached to the official minutes.

Councilor Swanson questioned why Fitch Place was not on the list. Even though Fitch Place (by Park Row) is only one block long and there are no homes located on it, there is also a Fitch Avenue located at the BNAS.

Mr. Tripp stated that he went strictly by what the Fire and Police Department recommended and Fitch Place was not one of their recommendations. He suggested that if the Council wanted to change the name of the street it could possibly be named Gazebo Place. He hoped for a continuing recognition from Police and Fire to document on a regular basis any discrepancies in street names that might pose safety problems.

Councilor Wilson moved to accept Proposal B, as outlined by the Town Assessor. There was no second to the motion, therefore the motion failed.

Councilor Gleason moved, Councilor Snyder seconded to accept Proposal A, as outlined by the Town Assessor. Both of these proposals will be attached to the official minutes.

Jim Davis, President of Maplewood Homes - supported changing the names of similar sounding or "same" name streets. He felt that safety should be the only issue when making this consideration and that politics could have played a part in consideration for some of these streets. Mr. Davis suggested that the Council appoint a street safety committee consisting of the Town Assessor, Police Chief, Fire Chief, safety dispatchers, and five or six interested citizens to consider all of the streets in the town. Mr. Davis requested that a copy of his memo and listed names of same/similarly named streets be attached to the official minutes.

Anthony Bernier -thought that Fitch Place should not be changed, as it was named in honor of a Brunswick man who died for our Country.

Councilor Gleason asked for a response from the Tax Assessor and Fire/Police Chiefs because he thought Mr. Davis made some valid points.

Mr. Tripp cited an example from Mr. Davis' list (McLellan and MacMillan), and they did not appear on the lists originally received from Police and Fire. As far as he was aware, these two streets were not considered.

Chief Gary Howard assured that no politics were involved, as suggested by Mr. Davis. The biggest deciding factor for him was information he received from his dispatchers. There were a number of names that they wrestled with at the beginning of the meetings, and they tried to cut them down to a minimum, knowing this would cause a lot of disruption.

Chief Hinton stated that the initial list was developed by the communications officers who deal daily with the names of streets. Fitch Place was discussed, but because there were no houses located on this street, they felt there was no conflict.

Chair McCausland felt that if there was a motorist emergency located on Fitch Place, that the person phoning in the emergency would describe it as Maine Street or Park Row. Fitch Place is not one of the best known little streets in Town.

Councilor Feldman had received many phone calls regarding the renaming the roads. He felt that the Fire/Police Chiefs first concern was public safety. Councilor Feldman wanted to create a minimal amount of disturbances while eliminating tragedies.

Jim Davis - asked what harm it would do wait a sixty day period and form a committee to review all the streets.

Chair McCausland was convinced that if safety was an issue, and that if the Fire/Police Chiefs had problems with the names of streets, they would have been addressed. This list is a start, it may not be the end.

Chief Howard stated that the dispatchers will keep a log of potential street name problems and return later with possible changes.

Chief Hinton stated that his department receives new road or street names from the Town Assessor. The names are reviewed before they are accepted by the Council as a town road.

Assessor Robert Tripp stated that once the Council takes action, his office would notify the residents and the Brunswick Post Office of the changes. This is not something that happens overnight. Mr. Tripp further noted, that the appeal process is 60 days for private rights-of-way.

Chair McCausland suggested that **the effective date be July 1, 1997** because this date will cover the appeal process. This effective date would need to be incorporated within the motion. Both Councilors Gleason and Snyder were in agreement with adding this effective date to the motion.

Councilor Swanson commented that she was willing to let Fitch Place remain, as it honors a veteran.

Chair McCausland read the names of the town accepted streets which will be changed:

The Town Council will consider the request of the Assessor/E911 Addressing Officer to change the following street names: Booker Street to Market Lane, Dunning Street Extension to Sage Hill, Rossner Road to Wadsworth Road, Woodward Cove Road to Leeward Cove Road, Old Gurnet Road (from the Coombs Road to the Naval Air Station and the New Meadows Cemetery) to Purinton Road, Old Gurnet Road (from Purinton Road to Gurnet Road) to Coombs Road, Harpswell Street to Harpswell Road, Bath Street to Bath Road, Columbia Street to Columbia Avenue, Freeport Road to Old Portland Road, Oak Ridge to Oak Ridge Road, Perryman Road to Perryman Drive, Rich Way to Rich Road and Wilson Avenue Extension to Wilson Avenue, Mere Point Road (Pleasant Hill Road to Maquoit Road) to Maine Street. Also, reaffirm that the road accepted as Forest Terrace is Forest Terrace and not Forrest Terrace.

The motion was voted on and carried with seven (7) yeas. (Effective date 7/1/97)

Chair McCausland read the following private rights-of-way or streets, as proposed by the Assessor:

<u>CURRENT NAME</u>	<u>PROPOSED NEW NAME</u>
Mary's Circle	Randall Circle
Bayshore Lane	Ocean Drive
Bowen Drive (Maplewood)	Karen Lane
Laura Lane (Sunset Garden)	Coach Lane
Merequoit Drive (Linnhaven)	Amos Way
Patricia Street (Bay Bridge Est.)	Katahdin Drive
River Road Extension*	Lamb Farm Road*
Spruce Ridge Road	(to be determined)
Crooker's Field	Lilac Lane
	and Dahlia Drive

Harold Hutchinson - stated that River Road Extension is a town way.

Mr. Tripp stated that he would check on the status of River Road Extension.

(*It was determined after the Council meeting that River Road Extension is a town way. The Town Council will take action on this name at their meeting of May 5, 1997.)

- 70. The Town Council will consider a request to accept \$510 as forfeited assets and take any appropriate action. (Manager)**

Councilor Snyder moved, Councilor Wilson seconded, to approve the transfer of forfeited assets from the State of Maine, in the amount of \$510.00, to the Town of Brunswick's forfeited assets account. The motion carried with seven (7) yeas.

- 71. The Town Council will receive a report from the Brunswick/Topsham Bypass Committee concerning naming the bypass bridge and take any appropriate action. (Manager)**

Councilor McCausland moved, Councilor Wilson seconded, to ratify the recommendation of the Brunswick/Topsham Bypass Committee to name the bypass bridge Merrymeeting Bridge. The motion carried with seven (7) yeas.

- 72. The Town Council will consider a request to support LD 1742 (Act to Comprehensively Realign the Tax Structure of the State) and take any appropriate action.**

Councilor Wilson discussed the merits of the bill and asked that the Council consider passing a resolution supporting LD 1742, an "Act to Comprehensively Re-align Maine's Tax Structure", the Homestead Exemption-property tax relief. The Joint Standing Committee on Taxation will consider this bill at their hearing on April 30, 1997. Councilor Wilson felt that this committee needs to hear that property tax relief is vital, especially when it does not involve any increase in the overall tax burden. So far, Bangor, Lewiston, Old Town and Sanford have officially endorsed LD 1742, and the Portland Sunday Telegram, Bangor Daily News, Lewiston Sun Journal, and Maine Times have editorialized favorably this tax reform.

If this passes at the state, then the people of Maine will vote on this as a referendum.

Councilor Wilson moved, Chair McCausland seconded, that the Brunswick Town Council support the passage of LD 1742 and Act to Comprehensively Realign the Tax Structure of the State.

Councilor Feldman asked if the exemption for property taxes included out of state property owners.

Councilor Wilson answered that in order for the property owner to be eligible for the tax exemption, it must be his/her primary home. For instance, a Massachusetts resident would not be eligible for Maine tax relief, even though he may own a home in Maine.

Chair McCausland added that this legislation has the full support of the Maine Municipal Association.

Manager Gerrish felt that this was a great step in the right direction in dealing with the issue of property tax relief . This gives a direct benefit to the property owners in our community. It was his opinion that this bill starts the discussion of property tax relief and he would like to put this to referendum to see what the citizens of Maine say.

Councilor Gleason did not have all the facts and did not want to endorse (on behalf of the Town) at this time.

Councilor Wilson asked that if the Council did not want to support this particular bill, but liked the idea of property tax relief, that the Taxation Committee be made aware of this.

The motion was voted on and carried with five (5) yeas and two (2) nays - Councilors Gleason and Swanson opposed.

Councilor Laffely moved, Councilor Wilson seconded to adjourn the meeting. The motion carried with seven (7) yeas. The meeting adjourned at 10:00 p.m.

| * As corrected and approved by the Brunswick Town Council on May 5, 1997.

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
April 30, 1997

Date of approval

Council Chair