

**BRUNSWICK TOWN COUNCIL MINUTES**

**August 4, 1997 7:30 P.M.**

**MUNICIPAL MEETING ROOM  
OLD BRUNSWICK HIGH SCHOOL  
7:00 P.M.**

**Councilor Wilson moved, Councilor Snyder seconded, to enter into Executive Session along with the Town Manager for consultation with the Town's Attorney regarding the Town's legal rights and duties in relation to disposition of tax acquired property and to discuss possible purchase of the property. The motion carried with eight (8) yeas - Councilor Gleason absent.**

**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, and Ervin Snyder.

**Others Present:** Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Chris Vaniotis, Town Attorney; Jerry Hinton, Police Chief; Commander Robert Annese; John Eldridge, Finance Director; John Foster, Town Engineer; several citizens, members of the press and Casco Cable TV.

**Minutes of Previous Meetings:**

**Councilor Laffely moved, Councilor Feldman seconded, to approve the Council minutes of July 21, 1997 as distributed. The motion carried with eight (8) yeas.**

**Correspondence:** NONE

*Chair McCausland noted the recent passing of Peleg Bradford, Jr. who was a long time member of the Brunswick Topsham Water District. There was a moment of silence in memory of Mr. Bradford.*

**Manager's Report:**

- 1. 1997-98 Budget Up-date** - Manager Gerrish stated that we are only one month into the budget but it is in great shape.
- 2. Introduction of the new Brunswick Housing Authority Director: John Hodge** - Mr. Hodge stated that he has ten years experience with the Portland Housing Authority, and was the Assistant Executive Director for the last seven years. He plans to do more outreach into the community than has been done in the past. He spoke also about creating opportunities for those receiving subsidized housing.
- 3.** Manager Gerrish stated that he had received notice from the Department of Transportation of a workshop tomorrow in Brunswick. He spoke of a pilot project of locating a sign out on Rte 95 to notify drivers of potential traffic delays heading to Route One.

**Adjustments to the Agenda:** Manger Gerrish requested to add item #165 that the Town Council would consider authorizing the Town Manager to purchase property for the sidewalk on Charles Court. He further recommended that the Council consider items 162 and 159 after the public hearings. There were no objections to these adjustments of the agenda.

**151. The Town Council will hear public comments on the following requests for Alcoholic Beverage licenses for:**

**Renewal:**

**Full-time Malt**

Merrymeeting Racquet Club  
d/b/a The Maine Event  
120 Harpswell Road

William F. Slattery

**New:**

**Full-time Malt and Vinous**

Bangkok Garden Restaurant  
d/b/a Bangkok Garden Restaurant  
14 Maine Street

Khone Khanthasy

Applebee's Northeast, Inc.  
d/b/a Gourmet Systems of Maine, Inc.  
d/b/a Applebee's Neighborhood Grill & Bar  
11 Gurnet Road

Barry Gerstein

The Public Hearing opened at 7:40 p.m. The Public Hearing closed at 7:41 p.m.

**Councilor Snyder moved, Councilor Moll seconded, to approve the Alcoholic Beverage licenses for Merrymeeting Racquet Club, Bangkok Garden Restaurant, and Applebee's Northeast, Inc. The motion carried with eight (8) yeas.**

**152. The Town Council will hear public comments on the following requests for Innkeepers licenses for:**

**Renewal:**

K & M Properties  
d/b/a Siesta Motel  
130 Pleasant Street

Kiran Patel

The Public Hearing opened at 7:42 p.m. The Public Hearing closed at 7:42 p.m.

**Councilor Moll moved, Councilor Feldman seconded, to approve the Innkeeper's license for K & M Properties d/b/a Siesta Motel. The motion carried with eight (8) yeas.**

**153. The Town Council will hear public comments on the following request for Special Amusement license for:**

**Renewal:**

The President and Trustees of Bowdoin College  
d/b/a Magee's Pub & Grill  
1 College Street

Robert H. Edwards

The Public Hearing opened at 7:43 p.m. The Public Hearing closed at 7:43 p.m.

**Councilor Moll moved, Councilor Feldman seconded, to approve the Special Amusement license for Magee's Pub & Grill. The motion carried with eight (8) yeas.**

**154. The Town Council will hear public comments on the following requests for Victualers licenses for:**

New:

Applebee's Northeast, Inc.  
d/b/a Gourmet Systems of Maine, Inc.  
Cook's Corner

Barry Gerstein

Bangkok Garden Restaurant  
d/b/a Bangkok Garden Restaurant  
14 Maine Street

Khone Khanthasy

The Displaced Chef, Inc.  
d/b/a The Humble Gourmet  
103 Pleasant Street

Sandra Holland &  
Christopher Toole

Kathleen Labbe  
d/b/a Kathleen Labbe  
59 Pleasant Hill Road

Kathleen Labbe

The Public Hearing opened at 7:45 p.m. The Public Hearing closed at 7:45 p.m.

**Councilor Moll moved, Councilor Swanson seconded, to approve the Victualer licenses as advertised. The motion carried with eight (8) yeas.**

**155. The Town Council will hear public comments regarding amending the Bicycle and Skateboard Ordinance relative to riding a bicycle on a sidewalk and impoundment of bicycles. (Manager)**

Commander Annese stated that the Police Department felt there was a need to amend the bicycle ordinance. Most officers feel it is better that the children ride on the sidewalk instead of the street. The police officers on bicycles need to ride on the sidewalks to patrol various locations. If it is safe for our police officers, it should be safe for everyone else. In all cases the bicyclist will have consideration for the pedestrian as well as yield the right of way to the pedestrian.

The Public Hearing opened at 7:46 p.m.

*Caroline Carney* - stated that she had written to all the council members. She did not feel that pedestrians and bicycles should share the same space. She further questioned if the Town would be liable if a pedestrian was hit by a cyclist.

The Public Hearing closed at 7:47 p.m.

Councilor Laffely commented that the current ordinance has been in effect since 1939. He saw no harm in the kids being on the street.

Councilor Swanson read a letter from a constituent, Ann Bonang, who was opposed to amending the ordinance to allow bicycles on the sidewalk. A copy of Mrs. Bonang's letter will be attached to the official minutes. After reading the letter, Councilor Swanson commented that she personally felt that it would be safer to have the bicycles on the sidewalk.

Councilor Moll commented that the ordinance was well written and should be supported. She suggested that those who ride a bike should have a bell or use their voice to notify the pedestrian that the rider is approaching.

Councilor Galloupe felt there was no reason that the cyclist could not walk their bike down the sidewalks. The sidewalks are narrow and he did not feel that this ordinance was what the town needed.

Councilor Feldman was sympathetic to the pedestrians who had written. However, he was concerned for the rider's safety and would support the recommendation of the Police Department.

Councilor Wilson felt that fear was involved with those who contacted him. He was not sure if the Police Department would be able to enforce "prudent bicycle riding on the sidewalk" and stated that he would be voting against this recommendation.

**Councilor Moll moved, Councilor Feldman seconded, to approve amendments to the Bicycle and Skateboard Ordinance relative to riding a bicycle on a sidewalk and impoundment of bicycles, as advertised.**

Councilor Snyder stated that he would reluctantly support the motion. He felt it was important for people to know how to ride bicycles safely in traffic because they will ride in traffic from time to time. It is also important for motorist to be mindful and keep a look out. The current ordinance is not being enforced and the proposed language allows the ability to take enforcement action.

**The motion was voted on carried with six (6) yeas and two (2) nays - Wilson and Galloupe against.**

**156. The Town Council will hear public comment regarding a Bond Ordinance authorizing the making of contracts for an expansion and other improvements at the Graham Road Landfill, and the issuance by the Town of its Bonds and Notes in an Amount not to Exceed \$3,000,000, plus 1% for Costs of Issuance, to Finance the Costs of the Expansion and Other Improvements.**

Finance Director John Eldridge stated that this is going to public hearing because this proposal must be approved by ordinance.

Town Engineer John Foster explained the third phase of the construction. He anticipated that construction would begin in 1998.

The Public Hearing opened at 8:04 p.m. The Public Hearing closed at 8:04 p.m.

**Councilor Wilson moved, Councilor McCausland seconded, to approve the Bond Ordinance authorizing the making of contracts for an expansion and other improvements at the Graham Road Landfill, and the issuance by the Town of its Bonds and Notes in an Amount not to Exceed \$3,000,000, plus 1% for Costs of Issuance, to Finance the Costs of the Expansion and Other Improvements.**

Councilor Swanson commented that this is a lot of money and wished that Brunswick was more effective at recycling so that the landfill projects would last a lot longer.

Manager Gerrish agreed with Councilor Swanson and noted that Brunswick has realized the benefit of recycling in that this process was started in 1984 and the expectancy of the landfill was anticipated to last only seven years. We have exceeded that expectancy over the years because of the Town's ability to do recycling.

**The motion was voted on and carried with eight (8) yeas.**

**162. The Town Council will discuss Tax Acquired Property Bid issues and take any appropriate action. (Considered out of order)**

The Council will discuss our current bids on the three tax acquired properties and decide on a course of action. Manager Gerrish explained that there appeared to be a potential problem with one piece of property with an IRS lien. When this came to the Town's attention, much time was taken to review this situation. Problems with another parcel also came to Mr. Gerrish's attention. He made a decision last Friday not to open the bids and bring this issue to the Council for a policy decision.

Mr. Gerrish suggested that all bids be rejected and returned to the bidders. Once all issues are clear on the properties, then go out to bid. Since last week, it has been determined that there is no tax IRS lien on the aforementioned property. Much correspondence on all these properties has been received and the issue is clearly a policy decision for the Council. Mr. Gerrish stated that this is the first time that he is aware that the town has had any major parcels with some value to them, which have gone out to bid. Interest has been received from a number of people, however, a number of issues have been raised with the current policy.

**Councilor Snyder moved, Councilor Moll seconded, to reject and return the bids unopened and that the Town Manager present a proposed policy, at the September 2, 1997 meeting.**

Chair McCausland noted that the town has a good policy on tax acquired property which is very liberal in favoring the taxpayer. However, there is no stipulation in this ordinance for notification to the abutters. He felt this is one issue which needs to be addressed.

Councilor Moll encouraged language in the policy that the use of the property will weigh in deliberations.

*Suzanne Johnson of the Harding Road* - commented on the Adams Road property which went to bid. Neighbors were concerned with the impact that potential development could have on the property. Open space has an economic value to the town and she asked for more time for the current homeowner's to explore the options available.

Councilor Moll was very interested in what Ms. Johnson had said. She suggested asking the Town Planner to examine the policy and give recommendations.

*Sue Mason, a homeowner in Brunswick* - asked for consideration for the adjacent property owners in relationship to future tax acquired property. The neighbors in the area of the 24 Columbia Avenue piece felt that it was a fire hazard and asked if the town was liable for the property.

Attorney Vaniotis answered that the Town of Brunswick is the owner of this property by legal title, but the Town has not established possession. He felt that the liability would remain with the previous owners until the town took possession of the property. However, code issues could be addressed through local code enforcement.

*Fred Sisson* - stated that he and his wife have submitted a bid on the Adams Road property. He felt that the possibility of purchasing this property provides a unique opportunity. She is an environmental engineer and he is a mechanical engineer. They both are interested in the property as it is rather than making it a development.

*Harold Mason of 27 Columbia* - noted that the owner of 24 Columbia has not been living at that location for over nine months. He asked for advice as to where to obtain assistance in dealing with the property. He felt it was a fire hazard and understood that the inside of the building is extremely filthy.

Chair McCausland answered if the neighbors have problems (as with any neighbor in town) with loud music or possible law violation to call the police.

Manager Gerrish stated that the interior of the building was inspected. Although the interior is very dirty, it was not the opinion of the inspectors that there were rodents in the building as claimed by the neighbors. There are a number of papers in the building that the town was trying to clean. Unfortunately, this is a very "touchy" legal issue in that the Town does not have possession of the building. Mr. Gerrish stated that the noise and the fire issues will be addressed.

Councilor Snyder emphasized that the Code and Fire Departments should be notified as soon as possible of these potential violations so that they may be taken care of.

*Robin Hanning, the daughter of the current owner of 24 Columbia Ave.* - sympathized with the neighbors. She and her husband are aware of the situation at this location. She stated that her husband was at the location at that time trying to cut the tree which had fallen onto the neighbors property. They are working with her father and the Council to clean the area. She promised that the house would not just sit there, but they (the Hannings) will take care of the property.

*Michael Stair of 185 Harding Road* - supported notifying the adjacent land owners of tax acquired property. He supported considerations for the alternative uses of the property. Mr. Stair further suggested that a posting or notice be located on the premises. Finally, he suggested making these current tax acquired properties separate issues.

*Ruth Benedikt of Harding Road* - was pleased that the Town Council is trying to address the whole problem of planning in the East Brunswick area. Residents are concerned about the rapid pace of development. She felt that any consideration of open land should be done in connection with the consideration of the development of that whole area. When there is a Comprehensive Plan in place, or being developed for any part of town, it seemed appropriate that it should be a framework for considering the use of town owned property.

*Attorney Roger Clement* - represented a person who has bid on two of the properties. He suggested that the Council does not have to treat all the properties within the context of the motion on the floor. It was his opinion that the Adams Road property was specifically addressed with this motion and requested that the motion be amended so that the bids could be opened on the other two properties.

**The motion to reject all bids, return the bids unopened to the bidders, and discuss the proposed changes to the tax acquired property policy for consideration at the next Town Council meeting on September 2, 1997 was voted on and carried with eight (8) yeas.**

**159. The Town Council will consider setting a Public Hearing for September 2, 1997 to discuss amendments to the Brunswick Town Charter related to: (Considered out of order)**

- 1. More flexibility in the date, time, and place of induction of newly elected Councilors and School Board members.**

Chair McCausland noted that this ceremony would take place on the first Monday of January unless the first Monday was January 1st, and then the ceremony would take place on the Tuesday following the first Monday of January.

- 2. Clarifying the town Treasurer's duties in relation to investments.**

It was explained that this proposal is basically a "house keeping" proposal. Please see A copy of John Eldridge's comments, attached to the official minutes.

- 3. Allowing the Town Manager, Chairman of the Town Council and one other member of the Town Council to execute treasurer's warrants.**

After considerable discussion, it was decided that there should be language to allow the Vice Chair, in the absence of the Chair of the Town Council, to execute the treasurer's warrants. Please see Mr. Eldridge's comments as well as the new language which addresses the absence of the Town Council Chair.

- 4. Increasing the monetary limit from \$100,000 to ~~\$300,000~~ \$500,000 and adding capital acquisitions to the requirement that certain contracts must be authorized by ordinance.**

Mr. Eldridge explained that he was proposing that the monetary limit be increased from \$100,000 to \$500,000 rather than \$300,000. In 1971, \$100,000 represented approximately 2.12% of the total budget for municipal, school, and county tax expenditures. Were the Town to apply that percentage to the 1997-98 budget, the amount would be approximately \$680,000. Please see Mr. Eldridge's comments which explain the proposal seeking to amend Section 512 of the Charter by capital acquisitions, threshold for capital improvements requiring ordinance, and capital improvements which are not fully funded in the current fiscal year.

- 5. Increasing time limits related to nomination papers.**

Please see a copy of the Town Clerk's memo, and Attorney Hole's letter, explaining this proposal.

**6. Changing the word "district" to "ward".**

Please see a copy of the Town Clerk's memo, and Attorney Hole's letter, explaining this proposal. Town Clerk Cabana explained that she is not seeking a charter amendment pertaining to this item. Instead, she requested consideration to allow the Town Clerk's Department to use the term "Ward" rather than "District" in the printing of the municipal ballots. The charter does not specify what the voting districts shall be called, therefore, no charter amendment would be necessary.

Some councilors agreed that they did not like the connotation the word ward brings to mind. However, they were in agreement to Town Clerk's request to allow the use of the term "Ward" rather than "District" in the printing of the municipal ballots.

**Chair McCausland moved, Councilor Laffely seconded to approve the Order for Public Notice and Hearing on Proposed Amendments to the Brunswick Town Charter. The Motion carried with eight (8) yeas.** Please see the order below:

**ORDER FOR PUBLIC NOTICE AND HEARING ON  
PROPOSED AMENDMENTS TO THE BRUNSWICK TOWN CHARTER**

The Town Council has determined that amendments should be considered to the Brunswick Town Charter related to:

1. More flexibility in the date, time, and place of induction of newly elected Councilors and School Board members into office.
2. Clarifying the Town Treasurer's duties in relation to investments held in custodial agreements pursuant to state law approved by the Council.
3. Allowing the Town Manager, Chair of the Town Council, or the Vice Chair in the absence of the Chair, and one other Council member to execute treasurer's warrants.
4. Increasing the monetary limit from \$100,000 to \$500,000 and adding capital acquisitions to the requirement that certain contracts must be authorized by ordinance.
5. Increasing time limits related to nomination papers.

It is hereby ORDERED that a public hearing shall be held to consider the proposed amendments on September 2, 1997. At least seven (7) days prior to the hearing, notice of the hearing shall be published in the Times Record, which is a newspaper of general circulation in Brunswick. The notice shall contain the text of the proposed amendments, and a brief explanation of the proposed amendments. The hearing will be conducted by the Town Council.

**157. The Town Council will consider appointing a New Year's Eve 1999 Committee and take any appropriate action.**

The Town Council received a letter from Jan Wilk discussing the proposed New Year's Eve 1999 Committee requesting that the Town recognize this committee as a town committee.

Councilor Moll stated that she assumed Ms. Wilk was requesting that the Town Council recognize this committee as the nucleus group around which a committee will assemble. She did not believe that Ms. Wilk was requesting that the Council approve the committee members. Councilor Moll hoped that many people would serve on this committee from many areas of the Town. A copy of Ms. Wilk's letter will be attached to the official minutes.

**Councilor Moll moved, Councilor Feldman seconded, to recognize the New Year's Eve 1999 committee as proposed by Jan Wilk. The motion carried with eight (8) yeas.**

**158. The Town Council will consider setting a Public Hearing for September 2, 1997 to discuss proposed amendments to the Traffic & Vehicles Ordinance, Section 15-71 Rules governing stopping and parking. Proposed changes address prohibiting parking within 20 feet of an intersection unless otherwise designated as a parking space and also addresses parking within twelve inches of the curb or edge of the paved roadway.**

Commander Annese explained this proposal to the Town Council. The 20 foot from the intersection recommendation is the result of a number of complaints about vehicles parked too close to intersections. The second section of this proposal (parking within 12 inches of the curb) will give the Department some authority to ask individuals to move vehicles or issue tickets if they are parked more than twelve inches from the curb or edge of the paved roadway.

**Councilor Moll moved, Councilor Snyder seconded, to set a Public Hearing for September 2, 1997 to discuss proposed amendments to the Traffic & Vehicles Ordinance, Section 15-71 Rules governing stopping and parking. The motion carried with eight (8) yeas.**

**160. The Town Council will discuss the dispensation of Town owned property located at map U-1 Lot 27 and take any appropriate action.**

Steve Caron of the Habitat for Humanity requested that the Town Council allow the sale by bid of a town owned parcel on Harpswell Road, reference Town Assessor's Map U-1, Lot 27. The lot was taken for taxes in 1962 and has been off the tax roles since that time. Mr. Caron had been authorized by the Habitat board to request an outright donation of the lot. A copy of Mr. Caron's letter explaining this proposal will be attached to the official minutes.

**Councilor Feldman moved, Councilor Wilson seconded, to donate the parcel of land, reference Town Assessor's Map U-1, Lot 27 to the Habitat for Humanity.**

Councilor Galloupe normally would want to sell tax acquired property, but, in this situation, felt this proposed lot should be combined with the adjacent lot to make a conforming lot.

Manager Gerrish wanted to clarify that each lot in this area is grandfathered and could be built upon, provided that all setback requirements could be met, as well as all building/plumbing regulations.

Councilor Moll commented that although she felt that Habitat for Humanity is worth while, she was concerned about giving property away. Anyone could go through the tax roles and find a property that is legitimate for some use. She would not be voting to give a piece of property away because there are lots of worthy charitable organizations and this could set a precedent. She also wanted the abutters to be notified of the availability of this lot.

Councilor Wilson stated that the intent was to make this property tax paying. It was not quite the same as the property going to a tax-exempt organization.

Councilor Feldman was comfortable with giving this land to Habitat for Humanity to build a home and putting this property back on the tax roles.

Chair McCausland pointed out that this property was not correctly noted on the agenda. He felt this was inadequate notice to the immediate adjacent property owners.

**Chair McCausland moved, Councilor Moll seconded, to table this motion to be considered at the first meeting in September in order to allow the adjacent property owners to be notified. The motion carried with eight (8) yeas.**

**161. The Town Council will consider the approval of any future transfers of Forfeited Assets, pertaining to the Case of State v. Gaudette and Havener as authorized pursuant to 15 M.R.S.A. 5824(3) and take any appropriate action. (Manager)**

Police Chief Hinton clarified that the Council in not voting to accept any funds, but to be considered for future funds that the superior court may find in the investigation.

**Councilor Feldman moved, Councilor Galloupe seconded, to approve any future transfers of Forfeited Assets, pertaining to the Case of State v. Gaudette and Havener as authorized pursuant to 15 M.R.S.A. 5824(3). The motion carried with eight (8) yeas.**

**163. The Town Council will consider setting a Public Hearing on September 2, 1997 to consider An Ordinance Authorizing the Funding and Making of Contracts in the Amount not to Exceed \$128,000 for a Capital Improvement Project for Improvements at the New Meadows River Boat Facility in Sawyer Park.**

Manager Gerrish noted that this item fulfills the requirement of our Charter to have an ordinance for expenditures over \$100,000 for Capital Improvements. The project is currently underway. Initially, it was not anticipated that the project would cost over \$100,000.

**Councilor Wilson moved, Councilor Laffely seconded, to set a Public Hearing on September 2, 1997 to consider an Ordinance Authorizing the Funding and Making of Contracts in the Amount not to exceed \$128,000 for a Capital Improvement Project for Improvements at the New Meadows River Boat Facility in Sawyer Park. The motion carried with eight (8) yeas.**

**164. The Town Council will consider amending a Resolution pertaining to the Special Revenue Fund for Recreation Programs.**

This item will amend the existing Resolution pertaining to the Special Revenue Funds for the Recreation Programs. The changes would allow the use of the funds up to \$10,000 in non operating Capital expenditures per year per program with the approval of the Town Manager, Recreation Director and Recreation Commission. This change will allow flexibility for the Recreation Director and Commission to use funds generated by the Recreation Programs for capital expenditures related to specific programs i.e. (special rest room for pre-school program).

**Councilor McCausland moved, Councilor Snyder seconded, to amend a Resolution pertaining to the Special Revenue Fund for Recreation Programs. The motion carried with eight (8) yeas.**

165. The Town Council will consider authorizing the Town Manager to purchase property for the sidewalk on Charles Court and take an appropriate action.

**Councilor Wilson moved, Councilor Feldman seconded, to authorize the Town Manager to purchase a strip of land 2' X 118' on behalf of the Town of Brunswick from Lucille F. Raymond, 53 Jordan Ave., for \$1,000 to be used for a sidewalk for Charles Court. The motion carried with eight (8) yeas.**

**Councilor Snyder moved, Councilor Wilson seconded, to adjourn the meeting. The motion carried with eight (8) yeas. The meeting adjourned at 9:40 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  
August 8, 1997

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Date of approval

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Council Chair