

BRUNSWICK TOWN COUNCIL MINUTES

June 16, 1997 7:30 P.M.

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

Councilor Wilson moved, Councilor Moll seconded, to enter Executive Session along with the Assistant to the Town Manager to discuss a request for a poverty property tax abatement and discussion on union negotiations. The motion carried with eight (8)* yeas. (Councilors Feldman, Swanson, Galloupe, McCausland, Wilson, Moll, Snyder and Gleason were present - Councilor Laffely joined the Town Council while in executive session.)

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: Carla Nixon, Assistant to the Town Manager; Deborah Cabana, Town Clerk; Alan Houston, Marine Resources Planner; Thomas Farrell, Director of Parks and Recreation; Jerry Hinton, Police Chief; Andrew Singelakis, Director of Planning and Development; several citizens, members of the press and Casco Cable TV.

Minutes of Previous Meetings:

Councilor Feldman moved, Councilor Laffely seconded, to approve the Council minutes of June 2, 1997 as distributed. The motion carried with nine (9) yeas.

Correspondence: A letter of resignation was received from Sherry Hanson, of the Marine Resource Committee. A letter of appreciation will be sent to Ms. Hanson and the position will be advertised.

Councilor Moll moved, Councilor Wilson seconded to accept Ms. Hanson's resignation and advertise for the position. The motion carried with nine (9) yeas.

Manager's Report:

1) Rotary Presentation of Bike Path money. Keith Koehler, President of the Brunswick Rotary Club, presented a check in the amount of \$50,000 which the Rotary has raised for the Bike Path. **Councilor Snyder moved, Councilor Feldman seconded, to accept the \$50,000 donated by the Rotary Club. The motion carried with nine (9) yeas.** Alan Houston updated the Council on the progress of the Bike Path. He anticipated that bids for the project will be opened by July 9, 1997 and that construction will begin around July 21, 1997.

2) Berean Baptist Church donation. The Town has received a check in the amount of \$500 from the Berean Baptist Church in lieu of taxes. **Councilor Moll moved, Councilor Wilson seconded, to accept the \$500 from the Berean Baptist Church in lieu of taxes. The motion carried with nine (9) yeas.**

Adjustments to the Agenda: Items #120 and 122 were considered first by the Town Council.

120. The Town Council will consider setting a public hearing for July 7, 1997 for the purpose of enacting a New Meadows River Conservation Area closure, to be effective July 8, 1997.

This item is to set a public hearing for July 7, 1997 in order to enact a New Meadows River Conservation Area closure as is being recommended by the Marine Resources Committee. Alan Houston explained that this is the area where the hatchery and the natural soft-shell clams will be transplanted.

Councilor Swanson was concerned about the effect of the closure and the potential pressure this might put on harvesters if this area was closed, given the closure at Maquoit, red tide in the area, and everybody harvesting in the Middle Bay area.

Mr. Houston stated that this would be a topic of discussion at the Marine Resource Committee meeting next week. However, Maquoit Bay will be open on June 22nd. The New Meadows area is not saturated with soft-shell clams and currently is closed with red tide.

Councilor Moll moved, Councilor Feldman seconded, to schedule a public hearing for July 7, 1997 to enact a New Meadows River Conservation Area closure to be effective July 8, 1997. The motion carried with nine (9) yeas.

122. The Town Council will consider signing a Maine Department of Transportation Agreement pertaining to the Bike-path and Rte. 1 which will allow the Contractor to transport construction equipment that may exceed legal limits. (Manager)

This Agreement from MDOT pertains to the Bike-path and Rte. One project. The Agreement states that the Town will agree to issue individual permits to the Contractor for transporting construction equipment that may exceed legal limits to sources of materials located adjacent to Town roads. It also provides that if gravel or other construction materials are hauled over Town roads, the Town may require a Contractor's bond of not more than \$15,000.00 per mile of traveled length for any damage sustained to the roads.

Councilor Snyder moved, Councilor Galloupe seconded, to sign the MDOT Agreement for the Bike-path and Rte. One construction allowing the Contractor to transport construction equipment that may exceed legal limits and the Town may require a Contractor's bond of \$15,000 per mile of traveled length for any damages sustained to the Town's roads. The motion carried with eight (8) yeas and one (1) nay - Councilor Moll.

111. The Town Council will adopt on an emergency basis amendments to the Traffic and Vehicles Ordinance as it pertains to compliance with 911 regulations (name changes for certain streets and roads) and will schedule a public hearing for July 7, 1997 to adopt the ordinance amendments on both an emergency and regular basis. (Manager)

This item is to adopt on an emergency basis the street name changes in the Traffic and Vehicle Ordinance that the Council has adopted to be in compliance with 911 regulations. Because the name changes go into effect July 1st, this needs to be done on an emergency basis and schedule a public hearing for July 7th to adopt the changes on both a regular and emergency basis.

Councilor Feldman moved, Councilor Swanson seconded, to adopt the street name change amendments to the Traffic and Vehicles Ordinance on an emergency basis and to schedule a public hearing for July 7, 1997 to adopt the amendments on both an emergency and regular basis. The motion carried with nine (9) yeas. A copy of the ordinance will be attached to the minutes.

112. The Town Council will discuss Phase II of the Zoning Ordinance Task Force, and take any appropriate action. (Manager)

This item is for the Council to discuss the next steps and issues for the Zoning Task Force. Andrew Singelakis, Director of Planning and Development, suggested that the process start in September. It is more difficult to get volunteers during the summer months and his Department is very busy making adjustments to the new zoning code. He further suggested that the Aquifer Protection Zone be addressed first, followed by the Coastal Protection and Natural Resource Protection Zones. Given the fact the range of issues will be significantly different, Mr. Singelakis suggested that the composition of the committee change slightly, as follows:

- 3 Environmentalist (Marine Resources, Conservation Commission or Comprehensive Plan - Natural Resources Committee member)
- 3 Business Persons/Homeowners/Property Rights Advocates
- 2 Town Council Members
- 1 Planning Board Member

Both Councilors Moll and Snyder agreed with the composition of the Zoning Ordinance Task Force as suggested by Mr. Singelakis.

Councilor Swanson wanted the committee to be established by September. She asked that the Town Manager and staff provide a proposed charge for the committee.

Councilor Snyder moved, Councilor Moll seconded, to advertise for the Zoning Ordinance Task Force, as outlined by Mr. Singelakis. The motion carried with nine (9) yeas.

113. The Town Council will consider accepting the COPS MORE Grant in the amount of \$58,000 and take any appropriate action. (Manager)

Chief Jerry Hinton stated that the COPS MORE Grant was applied for in 1996 and at that time the Council was informed that the Town would need to provide \$19,500 in matching funds if the Town received the \$58,500 grant. The \$19,500 is in the Capital Improvement Program and the Council needs to vote to accept the Grant and authorize the \$19,500 matching funds.

114. The Town Council will consider accepting the Problem Solving Partnership Grant in the amount of \$71,623, and take any appropriate action. (Manager)

Councilor Snyder moved, Councilor Feldman seconded, to accept the COPS MORE Grant in the amount of \$58,000 and to authorize the local match amount of \$19,500 and further moved to accept the Problem Solving Partnership Grant in the amount of \$71,623. The motion carried with nine (9) yeas.

115. The Town Council will hear a report from Police Chief Jerry Hinton concerning the Cumberland Street parking issues.

Chief Jerry Hinton had requested the parking enforcement officer to conduct a survey on Cumberland St., by randomly counting the number of vehicles three times a day over a week. The patrol division Town

was also instructed to count the parked vehicles on Cumberland Street during the evening hours. He reported that no major parking issues were seen. A new business moved into the area which brought several client vehicles which were parked on Cumberland Street for a short period of time. It was a clustered problem. After the Council meeting, this business wrote a letter to the neighbors on Cumberland Street saying that they were not aware of the parking problem and that they would stagger their work hours, and ensure that their employees utilize the parking lot as agreed upon during the planning stages before the business opened. It was Chief Hinton's opinion that there was not a problem with parking and there was plenty of access for emergency vehicles. He has heard no more complaints from the neighbors on Cumberland Street.

Councilor Moll maintained that the Council must be vigilant and very careful to maintain the "livability" of the downtown. It was her opinion that the neighbors wish the parking conditions to be monitored and desire some legislation. It is important that the conditions of approval by the Planning Department be maintained. Councilor Moll suspected that between Union Street and Cushing Street, that Cumberland Street is now being used as a through street out of town. She asked how many vehicles use the street and suggested that we may need to prepare ourselves that Cumberland Street have no parking on one side.

It was determined since once the Traffic Safety Committee has not had an opportunity to review this issue that it will be placed on the Council agenda again for consideration.

**116. The Town Council will consider the approval of the 6-month beano license renewals.
(Manager)**

This is the 6-month renewal of the four beano licenses for Elks, Knights of Columbus, 55 Plus Center and Evergreen Senior Citizens. These renewals will expire 12/31/97.

Councilor Gleason moved, Councilor Wilson seconded to approve the 6 month renewal beano licenses for the Elks, Knights of Columbus, 55 Plus Center and Evergreen Senior Citizens.

Councilor Swanson expressed concern with renewing the beano license for the Evergreen Citizens. She recalled that Councilor Moll had requested information from the Evergreen's at their last renewal, which information has not been received.

Councilor Moll added that she has been concerned as to how the Evergreen organization is set up. She questioned how the membership is formed and wanted to know about the Board. She was not comfortable with the status of the Evergreen Citizens and its government. She asked if the beano licenses could be renewed conditionally.

Chair McCausland suggested that these requests of Evergreen be put in writing in order to receive a formal response. After considerable discussion, the Council agreed this would be the appropriate procedure.

The motion was voted on and carried with nine (9) yeas.

Chair McCausland reiterated that this letter to the Evergreens will request the status of their officers, their membership, their income derived from beano, their expenses, their nights of operation, and any other information that might be relevant in understanding the makeup of the Evergreens.

117. **The Town Council will consider a poverty property tax abatement request and take any appropriate action. (Manager)**

Chair McCausland moved, Councilor Feldman seconded, to deny this application. The motion carried with nine (9) yeas.

Councilor Snyder commented that the Town Council has recently received several poverty property tax abatement requests which have been reviewed long before the lien is going to mature (as much as a year to a year and a half). It would be more productive for everyone involved if consideration is taken when the foreclosure is becoming eminent, which would be more timely.

118. **The Town Council will vote to release a Municipal Quit Claim Deed for Map 022, Lot. 054. (Manager)**

Councilor Snyder moved, Councilor Laffely seconded, to sign the Municipal Quitclaim Deed for Map 022, Lot 054. The motion carried with nine (9) yeas.

119. **The Town Council will consider authorizing the Town Attorney to take necessary enforcement action for those businesses operating without a license. (Manager)**

Councilor Feldman moved, Councilor Snyder seconded, to authorize the Town Attorney to take necessary enforcement action against Constantines for operating without a license. The motion carried with nine (9) yeas.

121. **The Town Council will consider authorizing salary adjustments for Department Heads and non-union employees. (Manager)**

This item is to authorize a 3% salary increase for Department Heads and non-union employees to be in line with the new union contracts.

Councilor Moll moved, Councilor Feldman seconded to authorize a 3% salary adjustment for Department Heads and non-union employees. The motion carried with nine (9) yeas.

Councilor Gleason moved, Councilor Swanson seconded, to adjourn the meeting. The motion carried with nine (9) yeas. The meeting adjourned at 8:35 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
July 3, 1997

Date of approval

Council Chair