

BRUNSWICK TOWN COUNCIL MINUTES

September 2, 1997 7:30 P.M.

MUNICIPAL MEETING ROOM

OLD BRUNSWICK HIGH SCHOOL

7:00 P.M.

Councilor Wilson moved, Councilor Laffely seconded, to enter into Executive Session along with the Town Manager to review a poverty property tax abatement request, and will discuss possible purchase of property. 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 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; Geoff Hole, Town Attorney; Commander Robert Annese; Thomas Farrell, Director of Parks and Recreation; John Eldridge, Finance Director; John Foster, Town Engineer; State Representative Reginald Pinkham; several citizens, members of the press and Casco Cable TV.

Minutes of Previous Meetings:

Councilor Laffely moved, Councilor Wilson seconded, to approve the Council minutes of August 4, 1997 as distributed. The motion carried with eight (8) yeas and one (1) abstention - Councilor Gleason was absent from the 8/4/97 meeting.

Correspondence: Manager Gerrish stated that a letter of resignation had been received from Kristina Hodgdon of the Recreation Commission. A letter of appreciation will be sent to Ms. Hodgdon and the position will be advertised.

Manager's Report:

- 1997-98 Budget Update.** Manager Gerrish stated that we are only two months into the current fiscal year. All accounts are in good shape thus far.
- Presentation by Rep. Reginald Pinkham.** Rep. Pinkham gave a presentation to the Brunswick Bambino Baseball (10 yr. olds) Team for winning the State Championship. Paul Lemont, current President of the Bambino League, extended his gratitude to the Recreation Commission and the Recreation Department, as well as the co-sponsors and parents who were instrumental in making this championship possible.
- Council Representative on Committee to finish High School Fields.** A Committee headed up by Bob Thompson is trying to raise funds to complete the athletic fields at the new High School. They were looking for a Council representative to serve on this Committee and Councilor Feldman volunteered.
- Report on Paper Streets.** Several staff members have been reviewing the Paper Streets issue. State Law requires that municipalities either relinquish its rights to such streets or provide a status to the paper street. State Law also allows the Town Council to extend taking action on the Paper Streets for a twenty-year period if this extension occurs prior to the September cut-off date. Attorney Hole recommended that the Council preserve the status quo for the next twenty years and determine a policy where streets could be dealt with on a case by case basis.

5. **Joint Dispatch Workshop.** Manager Gerrish suggested that a workshop be scheduled to review Joint Dispatching in more detail. September 29th at 7:00 p.m. was determined to be a good date.
6. **Nomination Papers Available for Council & School Board.** Nomination papers are available in the Town Clerk's Office for the upcoming November municipal election. Town Clerk Deborah Cabana stated that nomination papers for candidates for Council Districts 1,3,4,6, and one at large as well as nomination papers for School Board Districts 1,2, 6, and 7 were available at the Town Clerk's Office. All nomination papers must be received in the Town Clerk's office no later than September 19th at 4:30 p.m. Each candidate must receive at least 25 voter signatures from their district, except that the Council member at large must receive 100 Brunswick voter signatures.

Adjustments to the Agenda: NONE

166. The Town Council will hear public comments on the following request for a new Victualer license for:

New:

United Lodge Building Corp.
d/b/a Masonic Hall
65 Baribeau Drive

Robert E. Webber

The Public Hearing opened at 7:50 p.m. The Public Hearing closed at 7:50 p.m.

Councilor Moll moved, Councilor Swanson seconded, to approve the Victualer license for Masonic Hall. The motion carried with nine (9) yeas.

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

Renewals:

Sam's Italian Foods, Inc.
d/b/a Sam's Italian Sandwich Shoppe
Rt. 24 Cook's Corner

Phillip Libby

The Great Impasta, Inc.
d/b/a The Great Impasta
42 Maine Street

Alisa Baker Coffin

The Public Hearing opened at 7:52 p.m. The Public Hearing closed at 7:52 p.m.

Councilor Gleason moved, Councilor Feldman seconded, to approve the Alcoholic Beverage licenses for Sam's Italian Sandwich Shoppe and the Great Impasta. The motion carried with nine (9) yeas.

168. The Town Council will hear public comments regarding an Ordinance authorizing the funding and the making of Contracts in an amount not to exceed \$128,000 for a Capital Improvement Project for Improvements at the New Meadows River Boat Facility in Sawyer Park.

This is a public hearing on the funding for the improvements to the New Meadows River Boat Facility in Sawyer Park. Tom Farrell reported on the construction schedule and that the facility was opened to the public Labor Day weekend.

The Public Hearing opened at 7:53 p.m. The Public Hearing closed at 7:53 p.m.

Councilor Wilson moved, Councilor Feldman seconded, to approve the Ordinance authorizing the Funding and the Making of Contracts in an 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 nine (9) yeas.

169. The Town Council will hear public comments on the proposed amendments to the Traffic and 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 address parking within twelve inches of the curb or edge of the paved roadway.

Commander Annese gave a brief overview of the ordinance, stating that each amendment was in the interest of public safety. Once this ordinance is on the books, the officers would have a way to enforce violators.

The Public Hearing opened at 7:57 p.m.

George Glover wanted to clarify what portion of the tire would be measured within the 12 inches.

Commander Annese answered that any part of the wheel can be within the 12 inches.

The Public Hearing closed at 7:59 p.m.

Councilor Moll moved, Councilor Feldman seconded, to approve the amendments to the Traffic and Vehicles Ordinance, Section 15-71 as advertised. The motion carried with nine (9) yeas.

170. The Town Council will hear public comments on the proposed amendments to the Brunswick Town Charter relative to:

1. Clarifying the Town Treasurer's duties in relation to investments.
2. Allowing the Town Manager, Chair of the Town Council, or the Vice Chair in the absence or disability of the Chair, and one other Councilor to execute treasurer's warrants.
3. Increasing the monetary limit from \$100,000 to \$500,000, adding capital acquisitions to the requirement that certain contracts must be authorized by ordinance, and capital improvements not fully funded in the current fiscal year.

4. Increasing time limits related to nomination papers.
5. More flexibility in the date, time and place of induction of newly elected Councilors and School Board members.

The Public Hearing opened at 8:03 p.m.

The Public Hearing closed at 8:03 p.m.

Councilor Wilson moved, Councilor Swanson seconded, to approve the proposed Charter Amendments for referendum.

Councilor Galloupe was not entirely comfortable with item #2. He was concerned if both the Chair and Vice Chair were not available, that the warrant would not be signed. He wanted to see this section remain the same. Mr. Galloupe further pointed out a statement in item #5, Section 905 which states "except that the ex-officio Council member shall not be eligible for the office of chair" should be stricken from the text.

Chair McCausland stated that this section was changed several years ago and that this section should have been amended at that time. (Re: Special Election of 1/16/73)

When asked if changes could be made at this time, Attorney Hole commented that the purpose of the Public Hearing is to get input. Therefore, he felt that changes could be made at this meeting for final ratification by the voters in November.

Councilor Galloupe moved, Councilor Swanson seconded, to eliminate item #2 from the Order.

There was considerable discussion among the Councilors as to the merits of such a change.

The motion was voted on and failed with four (4) yeas and five (5) nays - Councilors Gleason, Snyder, Feldman, Moll, and McCausland opposed.

Councilor Moll moved, Councilor Wilson seconded, to amend item #2 by adding the language ",or their designee," after the words "Vice Chair." The motion carried with six (6) yeas and three (3) nays - Councilors Swanson, Galloupe, and Laffely opposed.

Councilor Snyder moved, Councilor Wilson seconded, to amend item #5, Charter Section 905 by striking the verbiage "except that the ex officio council member shall not be eligible for the office of chair" and add "at that meeting". The motion was voted on and carried with nine (9) yeas.

The main motion, as amended, was voted on and carried with nine (9) yeas.

171. **The Town Council will consider an Order regarding the ballot questions for the proposed Charter amendments, and take any appropriate action. (Manager)**

This item is the Order which places the Charter amendments on the ballot for the November 4, 1997 municipal election.

Councilor Feldman moved, Councilor Wilson seconded, to place the Charter Amendments on the November 4, 1997 municipal election. The motion carried with nine (9) yeas.

160. (TABLED.) The Town Council will discuss the dispensation of Town owned property located at Map U-1, Lot 27 and take any appropriate action. (Manager)

(TABLED) This item was tabled from the last meeting. Notifications were sent to the abutters of the property located on Harpswell Road that Habitat for Humanity is interested in. Abutters were invited to attend this evening's meeting. The Council needs to decide whether the property will be put out to bid or whether the property will be donated to Habitat for Humanity. Manager Gerrish had received no comments from abutters of this property.

Councilor Gleason had received several phone calls from abutters who had an interest, therefore, he felt that this property should go out to bid.

Councilor Moll also received responses from citizens who felt the same way as Councilor Gleason's constituents. This, in her opinion, was an issue of giving away a buildable lot. Councilor Moll suggested giving the adjacent lot an easement for a septic system. She further expressed that she would prefer to put this property out to bid.

Councilor Galloupe had spoken with all but one of the abutters who believed that putting a decent building on this property would improve the area.

Councilor Galloupe moved, Councilor Laffely seconded, to amend the original motion to accept the original bid price (\$2001.00), with the condition that these two lots would be combined into one lot. The motion carried with seven (7) yeas and two (2) nays - Councilors Gleason and Moll opposed.

The main motion, to donate the parcel of land, reference Town Assessor's Map U-1, Lot 27 to the Habitat for Humanity, as amended, to accept the original bid price of \$2,001 with the condition that these two lots be combined into one lot, carried with seven (7) yeas and two (2) nays - Councilors Gleason and Moll opposed.

172. The Town Council will discuss and review proposed changes to the Town's Tax Acquired Real Estate Policy, and take any appropriate action. (Manager)

Finance Director John Eldridge outlined the proposed changes to the Town's Tax Acquired Real Estate Policy. Once the Council enacts a new Policy, then a decision will need to be made on how to proceed with the three tax acquired properties which were recently put out to bid and rejected. A copy of the proposed Policy will be attached to the official minutes.

Councilor Gleason asked the rationale for only giving an option to redeem property which the Town has decided not to retain.

Mr. Eldridge explained that the owners are given a 30 to 45 days notice prior to foreclosure. The proposed policy goes beyond the requirements of the State Statutes by allowing a redemption, after the foreclosure takes place. However, he pointed out that this type of situation does not happen frequently. He has been involved with municipal government nearly twenty years and this is the only time he has seen significant interest in property acquired by the town. He further noted that once the town owns the property, any restrictions may be placed on the property before it is sold, whether to a new owner, or back to the previous owner.

Councilor Snyder moved, Councilor Moll seconded, to adopt the revised Town's Tax Acquired Real Estate Policy. The motion carried with nine (9) yeas.

Manager Gerrish made recommendations for the recently tax acquired properties as follows: The first parcel with the mobile home on Patricia Street go back out to bid, negotiate with the former owners to recover the funds due the town on the Columbia parcel (if not, then put it out to bid), and to put the third parcel on Adams Road out to bid.

Councilor Wilson moved, Councilor Laffely seconded, to put the 50 Patricia Street parcel with the 1973 Hillcrest mobile home out to bid. The motion carried with nine (9) yeas.

Councilor Laffely moved, Councilor Snyder seconded, to the give the owner a chance to redeem the property with the restriction that the property be cleaned, as outlined by the letter of Rick and Roben Hanning, dated August 29, 1997.

Councilor Gleason asked how cleaning and fixing a property would be defined.

Councilor Moll agreed with Councilor Laffely and felt that the letter of intent from the Hanning Family should be used as a standard.

Chair McCausland pointed out that the Hanning's letter indicates that if the property is returned to the previous owner (Robert Derendinger), then he will deed the property over to his daughter (Roben Hanning). The Hannings then plan to get estimates from contractors, apply for financing, and start renovation as soon as possible. A copy of this letter will be attached to the official minutes.

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

There was considerable discussion pertaining to the Adams Road property.

Councilor Moll hoped that this property would go back out to public bid with restrictions on the property limiting development to one or two house lot sites in order to preserve the historical and rural quality of the area.

Councilor Feldman supported Councilor Moll's proposed restriction. He reminded the Councilors of a petition received from abutters who live in this area. They requested that the Town keep the property until some future time when the impact on the development of the parcel and region as a whole is defined with neighborhood participation; or prioritize the acquisition of the property to a bidder who respects the undeveloped quality of this land; and/or require as conditions of the bid, restrictions on the property limiting to one or two house lots sites to preserve the historical and rural quality to this area. Councilor Feldman expressed concern regarding the stream which flows through the property and thought a site review process would be warranted.

Chair McCausland commented that the Recreation and Conservation Commissions reviewed this property and felt that it offered no potential use for the town.

Councilor Feldman moved, Councilor Moll seconded, that this property be put out to bid with restrictions that no more than two houses can be put onto that property and each would be required to go to the Planning Board for site plan review.

Councilor Moll questioned if it was necessary to have a full site review process as this would add a substantial cost. She suggested that intermittent streams be treated with the same conditions as full streams.

Andrew Singelakis, Director of Planning and Development, stated that the town does not currently require site plan review for single or two family homes. He recommended that site plan review restrictions not be placed on this property.

Councilor Laffely felt that too many restrictions were being placed on the property.

Councilor Gleason questioned if anybody on behalf of the family had come forward requesting to negotiate with the town for this property. Secondly, he felt the restrictions were a clear case of taking private property rights away from people.

Attorney Jim Day, representing Theryl Robbins, who is a mortgage holder on the property. Mr. Day stated that Melville Robbins (through his brother, Theryl Robbins) would like to pay all taxes due the town and buy the property back by Friday of this week. He suggested that the conditions placed upon the property was an attempt to be a spokesperson for the neighbors to try to spot zone the land against the prior owner.

Councilor Galloupe felt it would be extremely inconsistent not to give this previous owner the option to redeem the property, as was decided for the previous owner of the Columbia Avenue property.

John Eldridge stated that he made several attempts, as did the Town Manager, to work with Mr. Robbins to redeem his property. It would still be his preference, to allow Mr. Robbins to redeem, having learned that he has an interest in the property. However, until this point, he understood that Mr. Robbins had no interest in the property.

Manager Gerrish stated that certified mail was also sent to Theryl Robbins, making him aware that the town was going to foreclose on the property.

Mr. Day answered that Theryl Robbins had been paying his brother's financial debts on the property and finally felt that he was investing money into an "empty well." He explained that Theryl Robbins wanted to keep his investment by paying the back taxes. Mr. Robbins would be pursuing foreclosure on his brother's property in order to redeem his monetary loans.

Attorney Hole felt that once the property has been foreclosed, it belongs to the town. If the town decides to sell the property back to the previous owner, it would be acceptable to place conditions on the property.

Councilor Feldman pointed out that this property is undeveloped land. He understood that the town now owns this land, and has a right to place restrictions upon it. Everyone who bids on the property is very aware of any restrictions.

Councilor Gleason felt that the conditions were arbitrary and capricious.

Councilor Galloupe pointed out that any construction would have to adhere to all zoning and building codes.

Councilor Gleason commented that once the town acquired the property, we are the custodians of the land. If restrictions are placed on the land to make it valueless, that would not be an intelligent thing to do.

Councilor Moll stated that the Council is not obliged by the constitution or anything else, to come up with the highest and best use of property. At this point she would give preference to the former property owner. However, expectations have been raised in the neighborhood and among various individuals across the country. It was her opinion that the Council was entirely within their rights to put restrictions on the property limiting development to one or two house lots.

Suzanne Johnson spoke on behalf of the 36 homeowners who surround this parcel of land and signed the aforementioned petition. She believed that the town is the owner of the property and needs to make good decisions pertaining to their land. She pointed out that Section 6.6 of the former tax acquired policy already gave preference to the abutters of the property and encouraged conditions of use on the property. She further stated that the abutters are ready to meet the debt of the property.

Fred Sisson - is from out of town and a perspective bidder on the property. He and his wife were interested in building a single family dwelling only, and were attracted to the privacy that the property offers.

Councilor Swanson moved, Councilor Feldman seconded, to put the property out to public bid with restrictions on the property limiting development to one or two house lot sites to preserve the historical and rural quality of this area.

Councilor Gleason asked if the previous owner will be given the 30 day redemption opportunity.

Manager Gerrish commented that the Council has to determine when the redemption date is.

Finance Director Eldridge informed the Council that it was intended that any property to be sold would have a redemption date determined by the Council. However, the Council has already met to determine what to do with this property. Under the old policy, the offer to redeem the property has been met. If the Council decides to conclude that this is the meeting to determine how to dispose of the property, the prior owner would be offered the right of redemption. But, if the Council concludes that they have already decided to go out to bid on the property, already offered the opportunity for redemption under the old policy, then this is a different scenario. The reason this policy was changed in mid-stream was done at the direction of the Council, requiring language regarding use and the abutter notifications. The intent is if the property is to be sold, that an opportunity to redeem has been offered. We would not have gone out to bid on this property if the Council had not already made the decision to bid it several months ago.

Councilor Moll would prefer a redemption with conditions before putting the property out to bid.

George Coulombe - stated that his wife (the ex-wife of Melville Robbins) has been disputing this parcel and he believes that his wife has an interest in the property.

The motion was voted on and failed with four (4) yeas and five (5) nays - Councilors Gleason, Snyder, Galloupe, Laffely, and McCausland opposed.

Councilor Snyder moved, Councilor Galloupe seconded, to establish a redemption date of Friday of this week and that the redemption be conditioned on the development of this property not exceeding two house lots in order to preserve the historical rural character of the area, and that

failing to redeem the property within this time frame, the property be put out to bid under those same conditions.

Edward Benedikt - suggested that the wording be changed to state the "protection of wetlands."

Attorney Day - guaranteed that the property will be redeemed by Friday, but felt that the conditions were unwarranted.

The motion was voted on and carried with seven (7) yeas and two (2) nays - Councilors Gleason and Laffely opposed.

**173. The Town Council will consider releasing a Quit Claim Deed for Map U17, Lot 049.
(Manager)**

The Town bid a small land-locked parcel located off Page Street to the four abutters of the property. Only one abutter submitted a bid, Pauline Kent, owner of Lot 27. The Kents have since sold their property to a new owner, Mr. Nees. Mr. Nees and the Kents worked together on bidding on the property. Manager Gerrish recommended that a Quit Claim Deed be issued for the sum of \$1,000.

Councilor Snyder moved, Councilor Moll seconded, that the Town convey and authorize the Manager to sign a Quit Claim Deed for Map U17, Lot 049, releasing this property to Pauline Kent. The motion carried with nine (9) yeas.

174. The Town Council will consider signing a Maine Department of Transportation Agreement pertaining to the West Bath project which will allow the Contractor to transport construction equipment that may exceed legal limits. (Manager)

This is the usual paperwork we receive from MDOT when projects are going to take place, which means that trucks could be transporting construction equipment that exceeds legal limits, and gives the Town the ability to require Contractor's bond for any damage sustained to the roads. This project is to deal with the "foam" in the water on the New Meadows near the New Meadows Restaurant. Manager Gerrish recommended approval of the Agreement.

Councilor Wilson moved, Councilor Feldman seconded, to sign the MDOT Agreement for the West Bath Project #7142.00 allowing the Contractor to transport construction equipment that may exceed legal limits and allowing the Town to 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 nine (9) yeas.

175. The Town Council will discuss the Special Amusement License for the Barking Spider and take any appropriate action. (Moll)

This issue is placed on the agenda by Councilor Moll. There have been some problems at this establishment that have brought concerns to the Town. Several complaints were received from abutters about slamming doors and loud noises. The police have tried to intervene and work with the owners to eliminate the problems. According to the Town's Ordinance, the Council may suspend or revoke a license following a public hearing.

Councilor Moll moved, Councilor Wilson seconded, to schedule a public hearing for September 22, 1997 to allow discussion of the Special Amusement license for the Barking Spider. The motion carried with nine (9) yeas.

Attorney George Glover, representing the Barking Spider - asked what the public hearing was about.

Chair McCausland answered that the Council will consider the revocation of the Special Amusement License of the Barking Spider.

Attorney Glover felt it was not an appropriate way for the Council to act without apprising Mr. Little of what law(s) he has violated. Mr. Glover expressed concern to know specifically what was being considered before the owner of the business spent money to create a defense. This will create bad publicity for the Barking Spider without really knowing what is at issue.

Town Attorney Hole stated that the owners of the business have the right to know the charges before the hearing. The Council will sit as the judges, therefore, it is entirely appropriate that they do not get heavily involved with the allegations. Commander Annese and Mr. Hole would be working the case to present before the Council. Information will be shared with Attorney Glover ahead of time to allow him to prepare his case.

181. The Town Council will discuss entering into an option on the Maine Street Station property, and take any appropriate action. (Manager) Considered out of order.

Manager Gerrish explained that the Town has a proposal to enter into an option agreement to purchase the Maine Street Station property. This agreement will cost \$25,000 to allow nine months to decide whether or not to purchase the property for \$655,000. Mr. Gerrish stated that a proposal has been made by the State of Maine whereby they are willing to contribute up to \$150,000 toward the purchase of the property for a park and ride facility, as well as a possible multi-model facility. There has also been discussion with the Credit Union who has agreed to work with the Town on their needs for parking. After the nine month process, the Town will need to decide whether or not to purchase the property.

Director of Planning and Development, Andrew Singelakis, commented that this is a unique opportunity of downtown development and strongly recommended that the Town move forward on this proposal.

Councilor Moll moved, Councilor Gleason seconded, that the Town Manager be authorized to enter into an exclusive nine month option agreement on the Maine Street Station property for a fee of \$25,000, with a purchase price of \$655,000 should the Town decide to exercise its option.

Councilor Snyder commended the Manager and other members of the community who have worked on this project and put together a package for possible consideration.

Eddie Palmer - did not think that the town should be in the real estate business. He did not want to spend the \$25,000 to look at property which has been available to look at for several years.

Manager Gerrish stated that this nine month option takes the parcel off the market. He believed it was timely, given that the State was willing to contribute \$150,000 toward the purchase price and there was interest by the Credit Union. There appears to be other interest in the parcel and this option would afford the Town time to see if we have a possible interest. A proposal could be put together to make this parcel a benefit to the community and the region. He also spoke of selling part of the property back to private entities to put it back on the tax roles.

Chuck Moll, member of the Brunswick Intown Group - refreshed the Council's memory of a letter from the Brunswick Intown Group to the Town Council in 1986 requesting that the Maine Street Station property be made compatible with the downtown, encouraging the Town to take a pro-active role.

George Gilmore, representing W.F. Senter Co. - was very much in favor of the concept of the Town acquiring the property.

Ruth Fraser - suggested filling the empty shops which currently exist on Maine Street, rather than expecting to develop and fill new shops on the proposed property. She also wanted people in the rural areas of Brunswick to have a say in whether this property should be purchased, thereby, suggesting that this might be put to referendum for a vote.

Bruce Marston - questioned if there were really prospective buyers for the property.

Dick Morrell - stated that the price is currently about 1/2 of the original asking price. He believed this proposal is in the best interest of the tax payers and encouraged the Council to move ahead.

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

- 176. The Town Council will consider the request of Flying Changes Center to hang a banner over Maine Street from September 15-29, 1997 to promote the performances of the Royal Lipizzan Stallions at the Brunswick Naval Air Station. (Manager)**

This is a request by the Flying Changes Center to hang a banner over Maine Street to promote the performances of the Royal Lipizzan Stallions at the Brunswick Naval Air Station. The policy of the Town is that no advertising is permitted on the banner. Manager Gerrish recommended approval of the banner as long as "to benefit Flying Changes Therapeutic Riding" is not placed on the banner.

Councilor Snyder moved, Councilor Moll seconded, to approve the request of Flying Changes Center to hang a banner over Maine Street, without the wording benefitting the Center, from September 15-29, 1997. The motion carried with nine (9) yeas.

- 177. The Town Council will consider the request of the American Cancer Society to hang a banner over Maine Street for the two week period October 1-15, 1997, in observance of Breast Cancer Awareness Month. (Manager)**

Councilor Wilson moved, Councilor Laffely seconded, to approve the request of the American Cancer Society to hang a banner over Maine Street from October 1-15, 1997. The motion carried with nine (9) yeas.

- 178. The Town Council will consider setting a public hearing for September 22, 1997 to open the New Meadows River Conservation Area #7 6. (Manager)**

This item is to schedule a public hearing for September 22, 1997 to open the New Meadows River Conservation Area #6. This is at the request of the Marine Resource Committee.

Councilor Feldman moved, Councilor Swanson seconded, to set a public hearing for September 22, 1997 to open the New Meadows River Conservation Area #6. The motion carried with nine (9) yeas.

179. The Town Council will consider authorizing the Town Manager to appoint an Acting Town Manager in the case of his absence or disability, as permitted by Town Charter.
(Manager)

The Charter gives the option of appointing an Acting Town Manager in the case of the Manager's absence or disability. Carla Nixon was appointed Acting Town Manager several years ago. She is going on a four month leave of absence and Mr. Gerrish asked that the Council give him the authority to appoint a Department Head of his choice as the need arises, to be Acting Town Manager.

Councilor Wilson moved, Councilor Laffely seconded, to authorize the Town Manager to appoint a Department Head as an Acting Town Manager as the need arises. The motion carried with nine (9) yeas.

180. The Town Council will consider the three year reappointment of Clark Labbe as the Town's Health Officer. (Manager)

Councilor Wilson moved, Councilor Snyder seconded, to reappoint Clark Labbe as Health Officer for a three year term to expire September 6, 2000. The motion carried with nine (9) yeas.

182. The Town Council will take action on a poverty property tax abatement request.

Chair McCausland moved, Councilor Wilson seconded, to deny the request for the poverty property tax abatement. The motion carried with nine (9) yeas.

183. The Town Council will consider making appointments to the following boards and/or committees:

Cable TV Committee

5 Full (citizen) members, three year terms to expire 09/06/00

Councilor Wilson moved, Councilor Feldman seconded, to appoint Harry J. Hopcroft, Jr., John Berger, and Charles Priest to the Cable TV Committee for three year terms to expire 9/6/00. The motion carried with nine (9) yeas.

Marine Resource Committee

1 Full member, balance of three year term to expire 05/01/98

Councilor Feldman moved, Councilor Swanson seconded, to appoint Dana Wallace to the Marine Resource Committee as a full member for the balance of a three year term to expire 5/1/98. The motion carried with nine (9) yeas.

Planning Board

1 Full member, balance of three year term to expire 02/23/99

Councilor Galloupe nominated Samantha Simmons Jones. Councilor Wilson nominated Edward Hawes.

Councilor Snyder moved, Councilor Wilson seconded, that nominations cease. The motion carried with nine (9) yeas.

Samantha Jones was appointed to the Planning Board the balance of a three year term to expire 02/23/99 with seven (7) votes - Councilors Gleason, Snyder, Moll, Feldman, Swanson, Galloupe, and McCausland.

Water District Trustees

2 Full members, three year terms to expire 09/13/00

Councilor Moll abstained because her husband, Richard Moll, is an applicant.

Councilor Swanson nominated Richard Moll. Councilor Feldman nominated Harold Hutchinson. Councilor Gleason nominated Stuart Savage.

Councilor Wilson moved, Councilor Feldman seconded, that nominations cease. The motion carried with eight (8) yeas.

Richard Moll was appointed to the Water District for a three year term to expire 09/13/00 with eight (8) votes.

Harold Hutchinson was appointed to the Water District for a three year term to expire 09/13/00 with seven (7) votes - Councilors Gleason, Snyder, Wilson, McCausland, Laffely, Galloupe, and Feldman.

Zoning Ordinance Development Task Force (environmental phase)

1 Planning Board Member.

The Planning Board has not formally presented a member's name for approval at this date.

2 Citizens with background in Marine Resources/Conservation/Resource Protection.

Councilor Snyder nominated Anne Hayden. Councilor Moll nominated Rita Worthing. Councilor Gleason nominated Ed Benedikt. Chair McCausland nominated William Smith.

Councilor Snyder moved, Councilor Wilson seconded, that nominations cease. The motion carried with nine (9) yeas.

Anne Hayden was appointed to the Zoning Ordinance Development Task Force with nine (9) votes.

William Smith was appointed to the Zoning Ordinance Development Task Force with six (6) votes - Councilors Gleason, Snyder, Wilson, McCausland, Laffely, and Feldman.

2 Citizens with background in Land Development/Realtors/Property rights.

Councilor Moll nominated John Fitzpatrick. Councilor Wilson nominated Stoddard Smith. Councilor Gleason nominated William Morrell.

Councilor Feldman moved, Councilor Wilson seconded, that nominations cease. The motion carried with nine (9) yeas.

John Fitzpatrick was appointed to the Zoning Ordinance Development Task Force with six (6) votes - Councilors Snyder, Moll, Feldman, Swanson, Galloupe, and Laffely.

William Morrell was appointed to the Zoning Ordinance Development Task Force with nine (9) votes.

2 Citizens with an interest with the Zoning Ordinance.

Councilor Moll nominated James Porter. Councilor Wilson nominated Stoddard Smith. Councilor Galloupe nominated Norman Berge. Councilor Gleason nominated Roger Howell.

Councilor Laffely moved, Councilor Feldman seconded, that nominations cease. The motion carried with nine (9) yeas.

James Porter was appointed to the Zoning Ordinance Development Task Force with six (6) votes - Councilors Swanson, Galloupe, Laffely, Feldman, Moll, and Snyder.

Norman Berge was appointed to the Zoning Ordinance Development Task Force with six (6) votes - Councilors Feldman, Swanson, Galloupe, Laffely, Snyder, and Moll.

Two Councilors.

Councilors Snyder and Moll volunteered to serve on the Zoning Ordinance Development Task Force. Chair McCausland named them with the Council's appreciation.

Councilor Laffely moved, Councilor Feldman seconded, to adjourn the meeting. The motion carried with nine (9) yeas. The meeting adjourned at 11:07 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
September 12, 1997

Date of approval

Council Chair