

**BRUNSWICK TOWN COUNCIL MEETING
MINUTES
DECEMBER 16, 1996
7:30 P.M.
Municipal Meeting Room
Old Brunswick High School**

7:00 P.M.

Councilor Moll moved, Councilor Gleason seconded that the Town Council enter into Executive Session with our Attorney to discuss Ernest Jewett, Jr's litigation and the Town's legal rights and duties in relation to Ernest Jewett, Jr's application for a 1997 automobile graveyard and junkyard permit. The motion carried with nine (9) yeas - Councilors Feldman, Swanson, Galloupe, Laffely, Wilson, Moll, Snyder, Gleason, and McCausland.

7:30 P.M.

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

Councilors Present: Chair 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; Gary Howard, Fire Chief; Alan Houston, Natural Resources Planner; Adam Ogden, Deputy Public Works Director; Bill Collins, Marine Resource Warden; Casco Cable TV; and various members of the public.

Minutes of Previous Meetings: Councilor Wilson asked that two changes be made on page 5. The last sentence of paragraph 5 should read "He was against unnecessary spending of tax dollars and increased bureaucracy." The first sentence of paragraph 6 should read "Andrew Singelakis recognized that this should not be taken lightly."

Councilor Wilson moved, Councilor Laffely seconded to approve the Town Council minutes of November 18, 1996 as corrected. The motion carried with nine (9) yeas.

Correspondence: NONE

Manager's Report:

- 1) **Municipal Office closures for holidays.** Manager Gerrish announced to the public that the Municipal Offices will close on Christmas Eve at 11:30 a.m.
- 2) **Update on Trash/Recycling pick-up over holidays.** Adam Ogden updated the Council and viewers on what Christmas items are recyclable and which are not, and when items will be picked up over the Christmas holiday.
- 3) **Human Services Funding.** Manager Gerrish updated the Council on the status of our Human Services budget which has seen an increase in requests for assistance. A complete update will be presented in January.
- 4) **Ladder Truck Repair Update.** Fire Chief Gary Howard reported that new information has been received on the necessary repairs to our ladder truck. The repairs need to be done in Virginia and the truck will be transported on a flatbed. The estimated cost for the repairs is \$35,000.

Manager Gerrish stated that the Council would be requested this evening to consider adding an agenda item to obtain appropriation for these repairs.

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Councilor Snyder moved, Councilor Wilson seconded to suspend the rules to consider item #222 which is an adjustment to the agenda to deal with the Town Fire Truck. The motion carried with nine (9) yeas.

222. The Town Council will consider a resolution for an emergency appropriation of up to \$40,000 from unappropriated available general fund revenues to the Fire Department for the repair of the Department's aerial ladder truck.

Councilor Wilson moved, Councilor Laffely seconded the Resolution for an emergency appropriation of up to \$40,000 from unappropriated available general fund revenues to the Fire Department for the repair of the Department's aerial ladder truck. The motion carried with nine (9) yeas. A copy of the resolution will be attached to the official minutes.

5) **Housing Authority Membership Update.** Manager Gerrish has been informed by the Housing Authority that the number of members on the Authority should be seven, not five. We, therefore, need to advertise for two additional members, one of whom needs to be a tenant representative.

Adjustments to Agenda: Manager Gerrish recommended that the Council table item #221.

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

New:

Ly Corporation, d/b/a China Rose
42 Bath Road

Cuong Ly

The Public Hearing opened at 8:00 p.m. The Public Hearing closed at 8:00 p.m.

This is a new Victualer license application. This restaurant will be located in the former Chuck Wagon Restaurant building.

Councilor Wilson moved, Councilor Moll seconded to approve the Victualer license for China Rose based on final inspections. The motion carried with nine (9) yeas.

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

Renewal:

Full-time Malt, Spirituous and Vinous:

Stowe House Operating Co. Inc. d/b/a
The Stowe House
63 Federal Street

Robert Wallace Mathews

Bo-Ed, Inc. and Sagtuck Inc. d/b/a
Atrium Motel & Winners Sports Grill
21 Gurnet Road, Cook's Corner

Robert Rosenthal & Gary Sagris

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Dunbarton, Inc. d/b/a McGillicuddy's
103 Pleasant Street

JoAnne Gillies

Patrick Ashby's, Inc. d/b/a
Patrick Ashby's
14 Maine Street

Scott Ashby Marquis &
Shane Patrick Ward

New:

Ly Corporation, d/b/a China Rose
42 Bath Road

Cuong Ly

The Public Hearing opened at 8:01 p.m. The Public Hearing closed at 8:01 p.m.

Councilor Feldman moved, Councilor Gleason seconded to approve the alcoholic beverage applications for The Stowe House, Atrium Motel & Winners Sports Grill, McGillicuddy's, and Patrick Ashby's. The motion carried with nine (9) yeas.

216. The Town Council will hear public comments on the following requests for Special Amusement licenses for:

Renewal:

Bo-Ed, Inc. and Sagtuck, Inc. d/b/a
Atrium Motel & Winners Sports Grill
21 Gurnet Road, Cook's Corner

Robert Rosenthal & Gary Sagris

The Public Hearing opened at 8:02 p.m. The Public Hearing closed at 8:02 p.m.

Councilor Feldman moved, Councilor Wilson seconded to approve the special amusement application for the Atrium Motel and Winners Sports Grill. The motion carried with nine (9) yeas.

* Dunbarton, Inc. d/b/a McGillicuddy's
103 Pleasant Street

JoAnne Gillies

* This item was properly advertised but inadvertently omitted from the agenda.

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

Councilor Wilson moved, Councilor Gleason seconded to approve the special amusement application for McGillicuddy's. The motion carried with nine (9) yeas.

217. The Town Council will hear public comments on the following requests for Junkyard Permits for:

Renewals

Ernest S. Jewett, Jr. d/b/a
Jewett's Auto Parts
373 Bath Road

Ernest S. Jewett, Jr.

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Robert R. Moody, d/b/a
Moody's Auto Parts
117 Bath Road

Robert R. Moody

Patrick Pelkey, d/b/a
Pelkey Motors
Cook's Corner

Patrick Pelkey

The Public Hearing opened at 8:06 p.m.

William Collins explained that he had inspected the junkyard for Mr. Jewett's junkyard application and found several articles in violation. He recommended that the Council not renew Mr. Jewett's application. Inspections of Pelkey Motors and Moody's Auto Parts were also conducted. Both Pelkey Motors and Moody's Auto Parts were found in compliance, therefore Mr. Collins recommended their approvals. Copies of Mr. Collin's written comments will be attached to the official minutes.

Attorney Geoff Hole commented that several attempts have been made with Mr. Jewett to help him clean his property and clear the Race Track Road of the debris in this right of way. After speaking with Bath Iron Works, Mr. Hole stated that they (BIW) are still willing to assist with moving the large items. Mr. Jewett does not have exclusive rights to the right of way. The Race Track Road is a Town Road and the law requires screening. There is no way to screen this area. Therefore, Mr. Hole recommended that this application be denied.

The Public Hearing closed at 8:15 p.m.

Councilor Feldman moved that given that this application is including in the junkyard a right of way area and the people with that right-of-way have not consented to having that right of way used as a junkyard, given the fact that Mr. Jewett has failed to comply with all of our requests to remove auto graveyard and junkyard items from the right of way area, and given the fact that the town road known as Race Track Road really can't be screened the way the law requires and he is putting junk on that area, I would move that his application for the 1997 year be denied and he not be renewed. Councilor Galloupe seconded the motion. The motion carried with nine (9) yeas.

Attorney Hole noted that if the Council denies Mr. Jewett's application, a future request for a permit would require a new application and a new hearing. However, if Mr. Jewett indicated that he was willing to comply quickly, the Council could reconsider the action they have taken this evening.

Councilor Wilson moved, Councilor Feldman seconded to approve the Automobile Graveyard and Junkyard Permit for Moody's Auto Parts. The motion carried with nine (9) yeas.

Councilor Laffely moved, Councilor Gleason seconded to approve the Automobile Graveyard and Junkyard Permit for Pelkey Motors. The motion carried with nine (9)

yeas.

- 218. The Town Council will consider the renewal of the 6-month beano licenses. (Manager)**

Manager Gerrish explained that this is the 6-month renewal of the beano/games of chance licenses and recommended approval of these licenses. He noted the times of operation which each beano operator has agreed upon.

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Councilor Laffely moved, Councilor Wilson seconded to approve the renewal beano/games of chance licenses for 55 Plus Center, Elks, Knights of Columbus, and Evergreen Senior Citizens, from January 1, 1997 through June 30, 1997. The motion carried with nine (9) yeas.

- 219. The Town Council will consider supporting the application by the Brunswick Housing Authority for housing assistance for 15 units of housing, and take any appropriate action. (Manager)**

Manager Gerrish explained that this needs the Council's vote of support of the Housing Authority's application to HUD for 15 units of housing (13-one bedroom units and 2-two bedroom units). He recommended support of the application.

Councilor Moll moved, Councilor Wilson seconded to support the application by the Brunswick Housing authority for housing assistance for 15 units of housing. The motion carried with nine (9) yeas.

- 220. The Town Council will consider taking action to amend and restate the Flexible Benefits Plan of the Town of Brunswick. (Manager)**

Manager Gerrish stated that this is a bookkeeping item for the Council. The Town's "cafeteria plan" allows employees to use pre-tax dollars to help pay for the cost of their health insurance plan. The Town is also offering a point of service plan, (for the same cost) which is a little different from the traditional plan.

Councilor Snyder moved, Councilor Swanson seconded to adopt the Resolution amending and restating the flexible benefits plan. The motion carried with nine (9) yeas.

A copy of the Resolution will be attached to the official minutes.

- 221. The Town Council will consider amending its Section 457 Salary Deferral Plans to reflect recent changes in federal legislation. (Manager)**

Councilor Snyder moved, Councilor Moll seconded to table this item. The motion carried with nine (9) yeas.

Councilor Gleason moved, Councilor Snyder seconded to adjourn the meeting. The motion carried with nine (9) yeas. The meeting adjourned at 8:27 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
December 16, 1996

Date of approval

Council Chair