

BRUNSWICK TOWN COUNCIL MINUTES

JULY 15, 1996

**Municipal Meeting Room
Old Brunswick High School**

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, Ervin Snyder and David Gleason

Councilors Absent: Faith Moll

Others Present: Donald Gerrish, Town Manager; Bonnie Gardner, Admin. Assistant; Police Officer Perry Purinton, Casco Cable TV, and various members of the public.

Minutes of Previous Meetings:

Councilor Wilson moved, Councilor Feldman seconded to approve the Town Council minutes of May 30, 1996 as presented. The motion carried with seven (7) yeas and one (1) abstention - Councilor Laffely.

Councilor Snyder moved, Councilor Feldman seconded to approve the Town Council minutes of June 3, 1996 as presented. The motion carried with eight (8) yeas.

Councilor Gleason moved, Councilor Feldman seconded to approve the Town Council minutes of June 6, 1996 as presented. The motion carried with eight (8) yeas.

Councilor Laffely moved, Councilor Galloupe seconded to approve the Town Council minutes of June 10, 1996 as presented. The motion carried with eight (8) yeas.

Councilor Swanson moved, Councilor Wilson seconded to approve the Town Council minutes of June 17, 1996 as presented. The motion carried with eight (8) yeas.

Councilor Laffely moved, Councilor Galloupe seconded to approve the Town Council minutes of June 24, 1996 as presented. The motion carried with eight six (6) yeas and two (2) abstentions - Councilors Gleason and Swanson.

Councilor Galloupe moved, Councilor Feldman seconded to approve the Town Council minutes of July 2, 1996 as presented. The motion carried with five (5) yeas and three (3) abstentions - Councilors McCausland, Gleason and Snyder.

Correspondence:

None.

Manager s Report:

1) Budget Update

Mr. Gerrish noted that we are entering our third week into this fiscal year and everything is fine.

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2) Berean Baptist Church Donation

Mr. Gerrish acknowledged receipt and expressed appreciation for a check in the amount of \$500.00 in lieu of taxes from the Berean Baptist Church. These types of donations are very much appreciated and he encouraged other tax exempt property owners to make contributions in lieu of taxes if at all possible.

3) Night Out Against Crime Presentation

Officer Perry Purinton made a presentation on the upcoming National Night Out Celebration to be held on August 6, 1996. This will be the 13th Annual National Night Out and is a crime/drug prevention event sponsored by the National Association of Town Watch. It will be hosted by the Brunswick Police Department and the Brunswick Naval Air Station Security Department. This event is designed to heighten crime and drug prevention awareness, generate participation and support for local anti-crime programs, and strengthen neighborhood spirit and police-community partnerships. The event will begin at 5:00 p.m. with a focus on youth and a parade of law enforcement vehicles, i.e.: local police vehicles, state police, sheriff and Navy security vehicles. Invitations have been extended to Gov. King, Senator Snowe, and Congressman Longley. Town Manager Gerrish will speak and Council Chair Stephen McCausland will MC the event.

4) 1996 Paving Bid Award

Mr. Gerrish announced that the Town has awarded the 1996 paving bid to Harry Crooker and Sons on the basis of their bid with the Greater Portland Council of Governments. The COG bid prices will save the Town approximately \$21,000 from the budget estimate that was made.

5) Update on Library Building Committee

Mr. Gerrish met with Library Trustees to start the process of forming a Library Building Committee to oversee the construction of the addition. The Committee membership will consist of two Trustees from the Library, one Town Councilor and 6 citizens at large. An ad will appear in the newspaper. Members must be willing to make a two year commitment to serve on this Committee. The Building Committee hopes to start meeting sometime next month.

Councilor Wilson expressed an interest in serving on this Committee.

Adjustments to Agenda:

Under #134, the Mainely Pizza application has been withdrawn.

Under #138, Kimberly Groat has withdrawn her request.

134. The Town Council will hear public comments on the following requests for new Victualer licenses for:

New:

**Thornton Oaks Homeowners Corp. d/b/a
Thornton Oaks Homeowners Corp.
25 Thornton Way #100**

Van McCullough

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Public hearing opened at 7:44 p.m. Hearing closed at 7:44 p.m.

Councilor Wilson moved, Councilor Snyder seconded to approve the new Victualer license for Thornton Oaks Homeowners. The motion carried with 8 yeas (unanimous of Councilors present).

135. The Town Council will hear public comments on the following renewal alcoholic beverage licenses for:

Renewal:

Full-time Malt, Vinous & Spirituous
Bowl New England, Inc. d/b/a
Yankee Lanes
276 Bath Road

J. Michael Corley

Full-time Malt and Vinous:

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

Robert H. Edwards

Full-time Malt:

Columbus Club of Brunswick
d/b/a Columbus Club Bowling Bowl
7 Dunlap Street

Louis E. Levesque

Merrymeeting Racquet Club, Inc.

d/b/a The Maine Event-Downeast Sporting Club Ross R. DePencier

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

Councilor Gleason moved, Councilor Wilson seconded to approve the renewal alcoholic beverage licenses for Yankee Lanes, Magee's Pub & Grill, Columbus Club Bowling Bowl, and The Maine Event-Downeast Sporting Club. The motion carried with 8 yeas (unanimous of Councilors present).

136. The Town Council will receive a report and recommendation from the Planning Board concerning the request from St. Charles Church to replace their sign on McKeen Street, and take any appropriate action. (Manager)

Mr. Gerrish noted that the Town received a request from St. Charles Church to amend the Sign Ordinance. They would like to replace their sign that was destroyed last winter by a hit and run driver. The Council had referred the request to the Planning Board for review and recommendation. The Planning Board has conducted their review and has made a recommendation. If the Council agrees, the item should be scheduled for a public hearing. The request is that the amendment be considered on both a regular and emergency basis.

Councilor Snyder moved, Councilor Laffely seconded to schedule a public hearing for August 5, 1996 and to consider the amendment on both a regular and emergency basis. The motion carried with eight (8) yeas (unanimous of Councilors present).

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137. The Town Council will consider a request from The Maine Squeeze, a vendor on the Maine Street Mall, to amend their food service cart license to allow the sale of hot dogs, and take any appropriate action. (Manager)

Mr. Gerrish explained that, as part of our Ordinance for Sellers of Prepared Food on a Public Way, the Town Council has authority to issue 4 licenses to people who would like to sell prepared food on the Mall, in addition to the Farmers Market. Part of the application form requests that the person describe the type of food to be sold, the nature and condition of their vehicle and other criteria. Over the years it has been the practice of the Town to limit the applicant to selling the food they have listed on their application. Kevin Kelly, Business Manager for the Maine Squeeze, is asking to amend the original application to include the sale of hot dogs.

Kevin Kelley addressed the Council. Mr. Kelley noted that about three to four weeks ago the Council granted The Maine Squeeze their license to sell food on the Mall. He concurred that the original application did not include hot dogs in the food items that would be sold. He noted that the reason hot dogs was not listed was that they did not feel hot dogs would be a necessary item to make their cart a successful venture. However, after two

weeks, they have learned they are wrong. They feel their cart cannot be successful without being able to sell hot dogs as part of their menu. He then read excerpts from an article that was in a Portland newspaper that talked about the hot dog vending issue. Mr. Kelley stated that about half the people who come to his cart have asked for hot dogs and have left when they have been told they did not sell them.

Mr. Kelley stated that he did not see any indication in the Licensing Ordinance that the selling of hot dogs is restricted or that a change in menu requires a new license or an amendment.

Chair McCausland noted that the Town Ordinance does state that in determining whether or not to issue a license the Council shall consider a variety of issues, one of which is the type of food to be sold. That is why his request comes before the Council for consideration.

Anthony Bernier, resident of Brunswick, urged the Council to allow these people to sell hot dogs on the mall.

Councilor Feldman inquired of the Manager whether there is a history of this type of dispute before.

Mr. Gerrish stated that in the seven years he has been in Brunswick he does not recall having this type of issue before.

Councilor Gleason inquired as to whether an applicant has ever come to the Council and asked to sell hot dogs and were told they could not because there were only two locations for hot dogs?

Mr. Gerrish responded that the applicant puts on the application the types of food they want to sell. The Town does not tell them what they can or cannot put on their application. The application then comes to the Council for consideration. He does not recall that anyone has every been denied the opportunity to sell a particular item on the Mall.

Councilor Galloupe stated that the four carts are on public property and that they are an asset to the Mall and to the Town. Earlier this Spring an applicant came before the Council and the Council did not approve of the type of cart that would be used and was denied a license. The Council had no guidelines on what criteria for the cart they should consider. There are no guidelines on what vendors will sell or how many of one type of food is permitted. He favors postponing this and in the Fall come up with guidelines for carts and the types of food to give the Council more stability and continuity on approving the Mall license requests. Town Council Minutes July 15, 1996 Page Five

Councilor Swanson stated Councilor Galloupe's idea is a good one. However, the tourist season is passing by quickly and the public benefits from competition. She asked if the Council could amend the application to include hot dogs and then follow Councilor Galloupe's suggestion.

Councilor Wilson also agrees with Councilor Galloupe's suggestion. He would also like to look at who has the most "seniority" and how does the Council determine that from one year to the next.

Mr. Kelley acknowledged that the application contains the line which asks to list the food items to be sold. There is no indication on the application that any food is not allowed or "taboo". He stated that The Maine Squeeze intends to offer a variety of other products. It is not fair to not allow them to serve hot dogs. Other items they sell are lobster and clam rolls, hamburgers, sausage, veggie burgers, fresh-squeezed lemonade, smoothies, etc. Some items may be eliminated if they do not sell well.

Dave Wright, a friend of Danny McDonald and Steve Sprague addressed the Council. He stated it is unfair to have someone sell hot dogs when it was not approved on the application. The two vendors who are currently selling hot dogs have planned their season and hired staff with the understanding that there would be two vendors selling hot dogs. They run clean operations. If applicants have a diversity of products they should not have the ability to make changes later.

David Girardin, resident, asked whether Danny McDonald and Steve Sprague will have the opportunity to add

products to their menu? He does not feel this is a fair request and the Council should abide by the current rules and review the issue before next year's licenses are distributed.

Councilor Feldman agreed that the Council should consider having a committee look over the rules and establish new rules or clarify the current ones and then report back to the Council in the Fall. The Council should not change rules in the middle of the season.

Councilor Feldman moved, seconded by Councilor Galloupe to deny the request of The Maine Squeeze to sell hot dogs, to keep the rules the same for this year and to have the Manager set up a committee to review the entire Mall vendor licensing criteria process, i.e., number of vendors allowed on the Mall, if there are more applicants than licenses available, how the Council will determine who will get a license, types of food to be served, fees, etc. and have the Committee report back to the Council with recommendations prior to the March Council meeting when licenses are issued.

Mr. Gerrish suggested that if there is a committee assigned this task that he should come back to the Council to get some of their opinions.

VOTE ON MOTION: Motion carried with seven (7) yeas, one (1) nay - (Swanson opposed).

138. The Town Council will consider a request from Kim Enterprises, a vendor on the Maine Mall, to amend their food service cart license to allow the sale of hot dogs, and take any appropriate action. (Manager)

Kimberly Groat withdrew her request.

139. The Town Council will consider the request of the Knights of Columbus for permission to extend their liquor license to include the outside horseshoe pit areas adjacent to the Knights of Columbus building, and take any appropriate action. (Manager) Town Council Minutes July 15, 1996 Page Six

Mr. Gerrish stated that the Knights of Columbus have a license to sell liquor in their building. They want to be able to take drinks in cups outside to their horseshoe pit area. The Council needs to approve this request. David Girardin, Grand Knight, was at the meeting on behalf of the Knights of Columbus.

Councilor Swanson expressed concern about drinking going on so close to the playground and volleyball courts.

Mr. Girardin indicated that the kids are not usually around when the horseshoe games are going on.

Councilor Laffely indicated that usually the horseshoe games are played in the evening hours.

Councilor McCausland noted that if a problem develops, the Council would take that information into consideration when the application is up for renewal next year.

Councilor Laffely moved, seconded by Councilor Feldman to approve the request of the Knights of Columbus. The motion carried with eight (8) yeas (unanimous of Councilors present).

140. The Town Council will consider approving a pole location on the Highland Road. (Manager)

Councilor Snyder moved, Councilor Wilson seconded to approve the pole location on Highland Road. The motion carried with 8 yeas (unanimous of Councilors present).

141. The Town Council will discuss approving the 1996-97 Local Road Assistance Program from the Maine Department of Transportation. (Manager)

Councilor Gleason moved, Councilor Wilson seconded to certify that funds received from the Local Road Assistance Program for the fiscal year 1996-97 will be used only for the maintenance or improvement of public roads. The motion carried with eight (8) yeas (unanimous of Councilors present).

Councilor Laffely moved, Councilor Feldman seconded to adjourn the meeting. The motion carried with 8 yeas (unanimous of Councilors present). The meeting adjourned at 8:30 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.

Bonnie L. Gardner Administrative Assistant July 17, 1996

_____ **Council Chair**

_____ **Date of Approval**

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