

BRUNSWICK TOWN COUNCIL

MEETING MINUTES

NOVEMBER 4, 1996 7:30 P.M.

**Municipal Meeting Room
Old Brunswick High School**

7:00 P.M. MOVED BY COUNCILOR WILSON , COUNCILOR GLEASON SECONDED, TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POSSIBLE LITIGATION. MOTION CARRIED 9-0.

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; Bonnie Gardner, Admin. Assistant; Geoffrey Hole, Town Attorney; Alan Houston, Natural Resources; William Collins, Marine Resource Warden; Jim McLeod, Chair, Marine Resources Committee; Andrew Singelakis, Dir. of Planning & Development; Bruce Boucher, Commander of Support Services and Tim Young, Sgt., Police Dept.; Sen. Phil Harriman; members of the press and Casco Cable TV.

Correspondence: None

Manager's Report:

1) Review of Council's 1996 Goals & Objectives

Manager Gerrish reviewed the 1996 Town Council Goals & Objectives. The Council had set 6 Goals and Objectives:

#1) Economic Development. The Town has worked with representatives of MCBBD (Mid Coast Council for Business Development), the Chamber of Commerce, and the Brunswick Industrial Development Committee. The Town has been looking at the Naval Air Station for a possible joint-use project that would allow the Town to utilize the facilities there for Industrial Development. MCBBD has had a successful year. They have a loan program available to help businesses start up in Brunswick. The next goal is to find a new Industrial Park site.

#5. The Merrymeeting Council of Governments (MCOG) was developed and is made up of Bath, Brunswick and Topsham. We were successful in getting funding through the State for transportation planning needs in the area. The major focus is to position ourselves for the future, to make available to us grants and funds that will be available in the future. We have been looking at a Joint Dispatching project. The MCOG has a contract with RAM, a company that is doing the Joint Dispatch Study.

BRUNSWICK TOWN COUNCIL MINUTES NOVEMBER 4, 1996 PAGE TWO

#2. & #3. Space needs for Municipal Entities and a Capital Improvement Plan. We have been struggling to get this done and get the information to the Council. A CIP will come to the Council by the end of the month. Some tough decisions by the Council will need to be made.

#4. The Zoning Ordinance is an ongoing project. It is anticipated that it will be finalized and brought back to the Council sometime this year.

#6. Public access to water. We are continually looking for access to the water. One project - expanding Sawyer Park access to the water with help from the State. That planning is ongoing. We are also working with the State

and CMP and others in looking for a small project that would help us have access to the Androscoggin for small watercraft. A location off of Mill St. is being looked at.

2) COPS "MORE" Grant Application

Manager Gerrish noted that Commander Bruce Boucher and Sgt. Tim Young were here this evening to provide information and answer questions. Commander Boucher explained that the grant funds, if received, will be used to upgrade the computer system. Lap top computers would be purchased for police cars to enable a direct hook-up to the police station and the Dept. of Motor Vehicles. Officers will have access to criminal record information - federal and state, as well as information on drivers licenses and vehicle registrations. The Town would need to pay 25% (local match) and the Grant pays 75%. The Town cost would be about \$19,500, the Grant would pay \$58,500. The Town would only pay the 25% if the Town is awarded the grant. The Federal Government is not expected to reply until the spring, therefore, financial impact to the Town would be in the next fiscal year budget.

Manager Gerrish strongly recommends that the Council support the submission of the application (the application has already been submitted as the deadline was 10/31/96) and should the Town be a recipient of grant funds, that they will support the appropriation of the necessary matching funds.

Financial Report:

We are now 33% through our fiscal year. All expenditure accounts are in good shape. Revenues are in good shape, too. The excise taxes are continually above our expectations (\$40-50 thousand ahead of last year.)

Adjustments to Agenda: None

Chair McCausland welcomed members of Boy Scout Troop #633 and Scout Master Dale Kelley to this evening's meeting. Several of the scouts are working on their citizenship merit badge that is a requirement for Eagle Scout.

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

Full-time Malt, Spirituous and Vinous

Clare's Dolphin Restaurant, Inc.
d/b/a Benzoni's Brick-Oven Pizza & Italian Cafe
11 Town Hall Place John Siatras, President

BRUNWICK TOWN COUNCIL AGENDA NOVEMBER 4, 1996 PAGE THREE

Full-time Malt:

Capital Pizza Huts, Inc. & Pizza Hut, Inc.
d/b/a Pizza Hut
107 Pleasant Street Kenneth J. Wagon, President

Public hearing opened at 7:46 p.m. Public Hearing closed at 7:46 p.m.

MOVED BY COUNCILOR GLEASON, SECONDED BY COUNCILOR WILSON TO APPROVE THE ALCOHOLIC BEVERAGE LICENSES FOR BENZONI'S BRICK OVEN PIZZA AND ITALIAN CAFE, AND FOR PIZZA HUT. MOTION CARRIED 9-0.

193. The Town Council will hear comments on the following request for a renewal Special Amusement License for:

Clare's Dolphin Restaurant, Inc.

d/b/a Benzoni's Brick Oven Pizza
John Siatras & Thomas Siatras

11 Town Hall Place

Public hearing opened at 7:47 p.m. Public hearing closed at 7:47 p.m.

MOVED BY COUNCILOR SNYDER, SECONDED BY COUNCILOR SWANSON TO APPROVE THE SPECIAL AMUSEMENT LICENSE FOR BENZONI'S BRICK OVEN PIZZA. MOTION CARRIED 9-0.

194. The Town Council will hear public comments to consider the closure of the Harpswell Cove Conservation Area from November 5, 1996 to June 26, 1997 (inclusive,) for the purpose of resource conservation.

Public hearing opened at 7:48 p.m.

Jim McLeod of the Marine Resources Committee addressed the Council. The Committee is recommending the closure of Harpswell Cove in order to protect the large number of juvenile clams about to become legal. This closure will enable these clams to become the right size to harvest.

The Committee is also recommending the Council repeal the closures for agenda items 195 and 196 as it is no longer useful to keep them closed. A new three year conservation plan is being formulated and should come before the Council in the spring.

Public hearing closed at 7:50 p.m.

MOVED BY COUNCILOR SWANSON, SECONDED BY COUNCILOR FELDMAN TO APPROVE THE CLOSURE OF THE HARPSWELL COVE CONSERVATION AREA FROM NOVEMBER 5, 1996 TO JUNE 26, 1997 (INCLUSIVE). MOTION CARRIED 9-0.

195. The Town Council will hear public comments to consider repealing the Middle Bay Seasonal Closure, Conservation Area XII, known as Smith's Cove, as advertised.

Public hearing opened at 7:50 p.m. Public hearing closed at 7:50 p.m.

BRUNSWICK TOWN COUNCIL MINUTES NOVEMBER 4, 1996 PAGE FOUR

MOVED BY COUNCILOR WILSON, SECONDED BY COUNCILOR GLEASON TO REPEAL THE MIDDLE BAY SEASONAL CLSOURE, CONSERVATION AREA XII, KNOWN AS SMITH'S COVE AS ADVERTISED. MOTION CARRIED 9-0.

196. The Town Council will hear public comments to consider repealing the current Gurnet Closure, and replacing it with a new description. This will end the 10 day opening from July 1 to July 10, and will allow harvesting anytime, when legal to do so.

Public hearing opened at 7:51 p.m. Public hearing closed at 7:51 p.m.

MOVED BY COUNCILOR FELDMAN, SECONDED BY COUNCILOR SWANSON TO REPEAL THE CURRENT GURNET CLOSURE AND REPLACE WITH A NEW DESCRIPTION AS ADVERTISED. MOTION CARRIED 9-0.

191. (TABLED) The Town Council will consider accepting a Conservation Easement Deed and Indenture from the Cumberland County Cohousing Community's Twin Echo Cohousing project. (Manager)

Chair McCausland explained that this item was on the last Council Agenda on October 21, 1996. At that time there was a motion to Table this item until the November 18, 1996 Council Meeting. The item was tabled due to it being unclear as to whether the Town had an existing policy to accept Easements. We have found out since

that meeting that in September of 1992 the Council voted to have a policy. Chair McCausland, therefore, felt it would be appropriate to discuss whether to remove this item from the table tonight.

Councilor Snyder made two points. He first made note that he has no land; has no indication that he will ever be in a position to be benefited or under some detriment by a conservation easement. He has no friends who are going to be benefited by the Town not having conservation easements. This is a public policy issue.

Secondly, the action of 1992 essentially says that the Town Council should deal with easements on an ad-hoc basis. It does not deal with any of the issues he raised. He would like this item left on the table.

Chair McCausland reminded the Council that there must be a motion to remove the item from the Table to discuss it or we will take the next agenda item. Also, a motion to remove from the table is not debatable.

MOVED BY COUNCILOR GLEASON, SECONDED BY COUNCILOR MOLL TO REMOVE AGENDA ITEM #191 FROM THE TABLE. MOTION CARRIED 7-2 (SNYDER AND LAFFELY).

Andrew Singelakis, Dir. of Planning & Development, addressed the Council. He reiterated that the applicants came through the process as was developed. They went to the Planning Board, Recreation Commission and Conservation Commission. The Town has accepted a total of 6 Conservation Easements since 1980 and we have not had any problems with easements in terms of litigation. Accepting a Conservation Easement is a commitment the Town takes to preserve land in perpetuity. The Conservation Commission evaluates all easements that the Town is holding.

BRUNSWICK TOWN COUNCIL MINUTES NOVEMBER 4, 1996 PAGE FIVE

Councilor Wilson indicated he would like to see the Council accept the Easement and does not want the discussion/review process stopped. Perhaps the current policy needs to be looked at and revised. He does not want the Town to continue on just ad-hoc.

MOVED BY COUNCILOR SWANSON, SECONDED BY COUNCILOR GLEASON TO ACCEPT THE CONSERVATION EASEMENT DEED FROM THE CUMBERLAND COUNTY COHOUSING COMMUNITY'S TWIN-ECHO COHOUSING PROJECT.

Councilors' Feldman, Moll, and Galloupe all stated they would vote in support of the motion and wish to continue discussing and reviewing this policy at the 11/18/96 Council meeting.

Councilor Snyder stated that he recognizes that Conservation Easements provide limited responsibilities to the holder but he feels those responsibilities are significant. He is opposed to enlargement of government in this way and also the enlargement of government's exposure to responsibilities in ways that he feels are not appropriate.

MOTION CARRIED 8-1 (SNYDER).

197. The Town Council will consider setting a public hearing to amend the Parking Ordinance to increase the distance of No Parking on Maine Street, westerly side from Boody Street, northerly, from 70 feet to 155 feet. (Manager)

The Police Dept. is requesting that this change in the ordinance be approved. The original request for a change came from Bowdoin College due to problems they were having.

MOVED BY COUNCILOR WILSON, SECONDED BY COUNCILOR FELDMAN TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 18, 1996 TO CONSIDER AMENDING THE PARKING ORDINANCE AS RECOMMENDED BY THE POLICE DEPT. MOTION CARRIED 9-0.

198. The Town Council will consider setting a public hearing to amend Section 15- 74 No Parking Area, by adding Federal Street, West Side, commencing at School Street and extending southerly three hundred

seventeen feet (317'), on a regular basis. (Manager)

This item comes from a recommendation of Michael Smith, the Parking Enforcement Officer. We have had problems with school buses turning off School Street on to Federal Street. Visibility has also been a problem. After review, it is being recommended that the No-Parking Area be added on Federal Street, west side, commencing at School Street and extending southerly 317 feet. Property owners have been notified that we are looking at this issue.

MOVED BY COUNCILOR MOLL, SECONDED BY COUNCILOR WILSON, TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 18, 1996 TO CONSIDER AMENDING SECTION 15-74 NO PARKING AREA, AS RECOMMENDED BY THE PARKING ENFORCEMENT OFFICER. MOTION CARRIED 9-0.

199. The Town Council will consider setting a public hearing to amend Section 15- 74 No Parking Area, to include Bath Road, 500 feet south on the Harding Road on both the east and west sides. (Manager).

BRUNSWICK TOWN COUNCIL MINUTES NOVEMBER 4, 1996 PAGE SIX

This item is on the agenda at the request of the Traffic Safety Committee. The Traffic Safety Committee had received a request to look at this issue from a Harding Road resident. Both Commander Annese and the Parking Enforcement Officer reviewed the intersection and concur with the proposed change to the Ordinance.

MOVED BY COUNCILOR FELDMAN, SECONDED BY COUNCILOR SWANSON TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 18,1996 TO CONSIDER AMENDING SECTION 15-74 NO PARKING AREA TO INCLUDE BATH ROAD, 500 FEET SOUTH ON THE HARDING ROAD, ON BOTH THE EAST AND WEST SIDES. MOTION CARRIED 9-0.

200. The Town Council will consider signing a Quit Claim Deed for Map U-24, Lot 15. (Manager)

Manager Gerrish recommends that the Council sign the quitclaim deed as there were old liens that were never released. The owners have asked that the Town release its interest in these liens. There is no money due the Town.

MOVED BY COUNCILOR SNYDER, SECONDED BY COUNCILOR GLEASON, THAT THE TOWN RELEASE BY QUIT CLAIM DEED ANY INTEREST IT HAS IN THE PROPERTY ON MAP U-24, LOT 15. MOTION CARRIED 9-0.

201. The Town Council will consider making an appointment to the following committee:

Solid Waste Management Advisory Committee 3 Full Members-Balance of three year terms to expire 1/1/97 2 Full Members-Balance of three year term to expire 01/10/98

Councilor Moll moved to appoint Christopher Fuchs to the Solid Waste Management Advisory Committee for the balance of the three year term to expire 01/10/98.

By unanimous vote of the Council, Christopher Fuchs was appointed.

MOVED BY COUNCILOR LAFFELY, SECONDED BY COUNCILOR FELDMAN TO ADJOURN. MOTION CARRIED 9-0.

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.

Respectfully submitted,

Bonnie L. Gardner Administrative Assistant 11/06/96

Date of Approval

Chair, Brunswick Town Council

[To the minutes for October 21, 1996](#)

[To the minutes for November 18, 1996](#)

[Back to the Town Council Home Page](#)

[Back to the Brunswick Town Government Home Page](#)

[Back to the Curtis Memorial Library Home Page](#)