

BRUNSWICK TOWN COUNCIL MEETING MINUTES
MONDAY, OCTOBER 21, 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, Faith Moll, Ervin Snyder, and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Geoff Hole, Town Attorney; Andrew Singelakis, Director of Planning and Development; Alan Houston, Natural Resources Planner; Casco Cable TV; and various members of the public.

Minutes of Previous Meeting:

Councilor Gleason moved, Councilor Galloupe seconded to approve the Town Council minutes of September 30, 1996 as presented. The motion carried with eight (8) yeas and one (1) abstention.

Correspondence: Manager Gerrish received a letter from Erik Greven who was instrumental in articles being published in a number of magazines concerning work on the new high school.

Manager's Report:

- 1) **Political Signs-Public Property.** Manager Gerrish reviewed the Town's policy on political signs on public property.
- 2) **Disposition of old Voting Booths.** Town Clerk Deborah Cabana has been approached by the Town of Wiscasset to purchase five of the old metal voting booths. Manager Gerrish planned to authorize Deborah to proceed with working with Wiscasset to purchase the booths. The Council had no objection to this.

Adjustments to Agenda: Chair McCausland noted that the correct date of the elections is November 5, 1996 for items #184 and #185.

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

New:

Obur, Inc. d/b/a Bagel Boomers
182 Bath Road

Stephen Douglas Burr

Patrick Ashby's Inc. d/b/a
Patrick Ashby's
14 Maine Street, Suite #112

Shane P. Ward &
Scott A. Marquis

The Public Hearing opened at 7:32 p.m. The Public Hearing closed at 7:32 p.m.

Councilor Moll moved, Councilor Wilson seconded to approve the new Victualer licenses for Bagel Boomers and Patrick Ashby's. The motion carried with nine (9) yeas.

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

RENEWALS:

Full-time Malt, Spirituous and Vinous

Andrew V. Atripaldi, d/b/a

Vincenzo's Restaurant

15 Cushing Street

Andrew V. Atripaldi

Full-time Malt and Vinous

Bombay Mahal, Inc. d/b/a

Bombay Mahal

99 Maine Street

Raj Kumar Sharma

NEW:

Full-time Malt and Vinous

Patrick Ashby's, Inc. d/b/a

Patrick Ashby's

14 Maine Street

Scott A. Marquis &
Shane P. Ward

The Public Hearing opened at 7:33 p.m. The Public Hearing closed at 7:33 p.m.

Councilor Moll moved, Councilor Wilson seconded to approve Alcoholic Beverage licenses for Vincenzo's Restaurant, Bombay Mahal, and Patrick Ashby's. The motion carried with nine (9) yeas.

184. The Town Council will consider approving the election officials list for the November 5th election. (Manager)

Councilor Wilson moved, Councilor Laffely seconded to approve the list of election officials for the November 5th election. The motion carried with nine (9) yeas.

185. The Town Council will consider signing the Election Warrants for the November 5th election, and approval of the central voting location. (Town Clerk)

This item pertains to the November 5th election and requires the Council to sign the Warrants, as well as approve the central voting location (Small Conference Room at the Municipal Building). Town Clerk Cabana also explained that new legislation designates all voting districts as WARDS. In order to be consistent with the state change, the local ballots have also been printed designating the voting districts as Wards. Councilors Moll and McCausland both preferred that the voting districts would be called "districts" rather than "wards." Town Clerk Cabana will seek the Council's advise on this before printing future local ballots.

Councilor Wilson moved, Councilor Feldman seconded to sign the Election Warrants for the November 5th election, and to approve using the Small Conference Room in the Municipal Building as the Central Voting location. The motion carried with nine (9) yeas.

186. The Town Council will consider scheduling a public hearing for November 4, 1996 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. (Manager)

Councilor Swanson moved, Councilor Galloupe seconded to schedule a public hearing for November 4, 1996 to consider the closure of the Harpswell Cove Conservation Area from November 5, 1996 to June 26, 1997 (inclusive). The motion carried with nine (9) yeas.

187. The Town Council will consider scheduling a public hearing for November 4, 1996 to consider repealing the Middle Bay Seasonal Closure, Conservation Area XII, known as Smith's Cove. (Manager)

Councilor Swanson moved, Councilor Feldman seconded to schedule a public hearing for November 4, 1996 to repeal the Middle Bay Seasonal Closure, Conservation Area XII, known as Smith's Cove. The motion carried with nine (9) yeas.

188. The Town Council will consider scheduling a public hearing for November 4, 1996 to consider repealing the current Gurnet Closure, and replace with a new description. (Manager)

Councilor Feldman moved, Councilor Laffely seconded to schedule a public hearing for November 4, 1996 to repeal the current Gurnet Closure, Area VII, and replace with a new description as advertised. The motion carried with nine (9) yeas.

189. The Town Council will consider giving the Town Manager authority to authorize the placement of Neighborhood Crime Prevention signs. (Manager)

An association of neighbors on Collinsbrook Road has requested permission to have a Neighborhood Crime Watch sign placed on their road. Manager Gerrish requested authorization to approve these signs when approached by neighborhood associations.

Councilor Snyder moved, Councilor Wilson seconded to give the Town Manager authority to authorize Neighborhood Crime Watch signs to be erected when requested by neighborhood associations. The motion carried with nine (9) yeas.

190. The Town Council will consider approving the request of the Theater Project to hang a banner over Maine Street for a two week period in November. (Manager)

Councilor Wilson moved, Councilor Laffely seconded to approve the request of The Theater Project to hang a banner over Maine Street for a two week period in November. The motion carried with nine (9) yeas.

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

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Andrew Singelakis stated that this item is a request from the Cumberland County Cohousing Community to accept a conservation easement associated with the Twin Echo Cohousing project. This 27 unit development is located at Hacker Road with 72 acres in a conservation easement out of a total of 92 acres. The Town Attorney, Conservation Commission and Recreation Commission have reviewed the information and have given their approval of the conservation easement. This request satisfies the conditions of the Planning Board and has been reviewed by the Town Attorney. The owners of the project will maintain the property.

Councilor Gleason asked if the responsibility falls back to the town if the owners do not maintain the easement.

Councilor Snyder had expressed concerns about conservation easements about a year ago. At that time, he also requested that a policy be established regarding conservation easements. Councilor Snyder believed that these easements have implications which are long term. It was his opinion that they were invitations to litigation in the future. The Town of Brunswick will be the holder of a 75 acre easement and regardless of whether the conservation commission or any other town entity is looking after it, it has the potential for municipal costs down the road. He felt conservation easements require this Council to give serious and deliberate thought as to whether the Council wishes to establish this as a town policy. Councilor Snyder requested that there be a discussion about this at the Council meeting of November 18, 1996.

Andrew Singelakis, Director of Planning and Development, agreed that this is an issue which needs to be discussed so that the Council can understand it. However, from his own personal experience, this typically is not an issue. The problem that a lot of Councilors have is that it is in perpetuity. This is a process which has been in place and he would hate to see it be extinguished as permanent preservation is being offered on a significant piece of property.

Councilor Snyder did not feel that the town should take conservation easements. A municipality should not use our ordinances and town boards to coerce developers into giving land rights to the municipality.

Councilor Moll felt strongly that this had been discussed quite thoroughly. Conservation easements are alternatives which do exist in law and developers can take advantage of them if they so desire. If clarification is necessary of choices which a developer may use, then a choice list could be established. She felt that this is a decision that there may be personal preferences for or against. Coercion is not the word to be used. These easements deal with issues the Town encourages through the Comprehensive Plan.

Councilor Swanson felt conservation easements were wonderful.

Councilor Moll suggested a workshop with the Town Attorney to discuss legalities of conservation easements.

Councilor Moll moved, Councilor Swanson seconded to accept a Conservation Easement Deed and Indenture from the Cumberland County Cohousing Community's Twin Echo

Cohousing Project.

Andrew Singelakis pointed out that this easement is being offered as a result of the applicant not having to pay the recreation impact fee. The Conservation Commission determined that this has conservation value. The second point is that this is private property even though there is a conservation easement on the property.

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Councilor Wilson moved, Councilor Laffely seconded to table this item until November 18, 1996. The motion carried with six (6) yeas and three (3) nays - Councilors Swanson, Moll and Gleason.

Councilor Laffely moved, Councilor Wilson seconded to adjourn the meeting. The motion carried with nine yeas. The meeting adjourned at 8:45 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
November 12, 1996

Date of approval

Chair

NOTE: The Council adjourned the meeting and entered into a workshop session to discuss the Horsley-Witten Report on Maquoit Bay and the Wright-Pierce Report on the Coastal Protection Zone. There was no action taken by the Council following this workshop session.