

BRUNSWICK TOWN COUNCIL MEETING MINUTES

TUESDAY, SEPTEMBER 3, 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, Clement Wilson, Faith Moll, Ervin Snyder, and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Geoff Hole, Town Attorney; Jerry Hinton, Police Chief; Alan Houston, Director of Natural Resources; Casco Cable TV; and various members of the public.

Minutes of Previous Meeting:

Councilor Wilson moved, Councilor Feldman seconded to approve the Town Council minutes of August 19, 1996 as presented. The motion carried with eight (8) yeas.

Correspondence: There was no correspondence.

Manager's Report:

1) Budget Update: Manager Gerrish stated that the Town is two months into the fiscal year and the budget is in good shape. Revenues were as anticipated.

Adjustments to Agenda: There were no adjustments to the agenda.

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

New:

Arthur Howard Young, d/b/a
Waterfront Flea Market
14 Maine Street

Arthur Howard Young

Confitdel, Inc. d/b/a
Brunswick Variety & Deli
51 Harpswell Street

Lori Follett

Kathleen Labbe
59 Pleasant Hill Road

Kathleen Labbe

The Public Hearing opened at 7:38 p.m. The Public Hearing closed at 7:38 p.m.

Councilor Gleason moved, Councilor Wilson seconded to approve the Victualer licenses for Waterfront Flea Market, Brunswick Variety & Deli, and Kathleen Labbe. The motion carried with eight (8) yeas.

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

Renewal:

Alisa Baker Coffin d/b/a
The Great Impasta
42 Maine Street

Alisa Baker Coffin

Richard's Restaurant d/b/a

Richard's Restaurant
115 Maine Street

Richard Gnauck

The Public Hearing opened at 7:39 p.m. The Public Hearing closed at 7:39 p.m.

Councilor Moll moved, Councilor Feldman seconded to approve the renewal Alcoholic Beverage licenses for The Great Impasta and Richard's Restaurant. The motion carried with eight (8) yeas.

155. The Town Council will hear public comments on the proposal to change the voting location for District #4 from the United Methodist Church to the Municipal Meeting Facility at the Old Brunswick High School, and take any appropriate action.

The Public Hearing opened at 7:40 p.m. The Public Hearing closed at 7:40 p.m.

This is the public hearing to consider the change in voting location for District 4 from the United Methodist Church to the Municipal Meeting Facility at the old Brunswick High School. The primary reason for changing the voting place was to locate it within it's own voting district, which would be in compliance with state law.

Councilor Snyder moved, Councilor Swanson seconded to change the voting location for District 4 from the United Methodist Church to the Municipal Meeting Facility at the old Brunswick High School. The motion carried with eight (8) yeas.

156. The Town Council will consider the condition on the permit for Jewett's Auto Parts including the possibility of scheduling a hearing for the revocation of the permit. (Manager)

Attorney Geoff Hole made a presentation to the Council. He distributed pictures to the Council depicting the several articles of debris which include a crane, cages, two school buses and a mobile home chassis. Mr. Hole reviewed that the permit (which was granted December 18, 1995) was conditioned that these various items would be removed. Since that time, several requests have been made by administration for Mr. Jewett to clean up the area. Former Councilor Pinkham, as well as Councilor Feldman, have also made attempts with Mr. Jewett to have him clean the area. The property has not been cleaned to date. Because the standards have not been met, the permit has not yet been issued to Mr. Jewett. Attorney Hole suggested that this condition be considered by the Council and a revocation hearing be scheduled. The hearing is an exercise of precaution as Mr. Hole did not want to violate Mr. Jewett's "due process rights." Chair McCausland stated that town staff had requested that this item be considered at least three months ago. He purposely had delayed putting this on the agenda so that Mr. Jewett would have the opportunity to clean the area.

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Attorney Hole explained that Mr. Jewett owns the title to the underlying land, but it was Mr. Hole's opinion that abutters have access over this land. Mr. Jewett disagrees with Attorney Hole's opinion. However, the issue goes further than this in that there are setback requirements for this zone. The Council also has the right, under state law, to condition a license.

Both Councilors Gleason and Moll asked what liabilities might there be to the town (setbacks, environmental waste, operating without permit, etc).

Attorney Hole did not see a lot of liability for the town as long as the town operates in good faith. The Council has placed conditions to be followed and now needs to deal with violation of these conditions.

Chair McCausland stated this is not a public hearing and that Council needs to decide whether or not to schedule a hearing.

Mr. Ernest Jewett - questioned that the Town had the right to put a restriction on his junk yard.

Councilor Moll moved, Councilor Wilson seconded to schedule a hearing on September 16, 1996 to consider

revocation of the junk yard permit for Ernest Jewett. The motion carried with eight (8) yeas.

157. The Town Council will consider setting a public hearing to amend the Traffic and Vehicles Ordinance, Section 15-8 Parking Penalty, by increasing the fines for parking violations as recommended by the Parking Enforcement Officer. (Manager)

Chief Hinton explained that the Parking Enforcement Officer has been looking at the issue of frequent offenders of our parking ordinance. He has obtained information from other communities on how they handle habitual parking violations. Brunswick is having a problem with frequent parking violators in the downtown area and it is being recommended that we change our ordinance to increase parking penalties. A copy of the proposed change is attached. Bath has the same kinds of chronic violations, therefore, the proposed ordinance is similar to Bath's. The Brunswick Intown Group has reviewed the proposed changes and supports the proposal. A public hearing would need to be scheduled - possibly for September 16, 1996.

Councilor Moll moved, Councilor Snyder seconded to set a public hearing for September 16, 1996 to consider amending the Traffic and Vehicles Ordinance, Section 15-8 Parking Penalty as recommended by the Parking Enforcement Officer. The motion carried with eight (8) yeas.

158. The Town Council will receive a report from the Town Manager on final valuation figures and discuss impact on the proposed 1996-97 Tax Rate, and take any appropriate action. (Manager)

Manager Gerrish informed the Council that the final valuation figures for 1996-97 will be \$7 million more than anticipated, according to Assessor Bob Tripp. This additional amount all came from personal property accounts for which the Assessor's office received declaration forms after the adoption of the Budget on June 10, 1996.

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This gives the Town options concerning the 1996-97 Budget. At the proposed mill rate of \$19.50 (3.1% increase from last year), the Town would receive \$136,500 to \$140,000 more than anticipated. This additional money could be used for capital expenditures that were cut from the Budget by the Town and School in June. After discussing this issue with the Superintendent of Schools, Manager Gerrish proposed the following to be funded:

1)	Coffin School-Gym Floor	\$ 19,200
2)	Hawthorne School-Roof	34,900
3)	Charles Court	30,000
4)	Paving-Harpswell Road	20,000
5)	Sidewalks	10,000
6)	Sidewalk-College Ave.	10,000
		\$124,100

Manager Gerrish noted that the Town also has the option to lower the Tax Rate by \$.10 to \$19.40 which would be a 2.6% tax increase from last year. If we choose this option, we would generate an additional \$47,400 above what we had anticipated. This money could be added to our overlay or could be used to fund two projects - Charles Court (\$30,000) and Coffin School Gym Floor (\$19,200).

Manager Gerrish recommended that the money be used for additional capital projects for the School and Town that were eliminated during the Budget process. However, if the Council would like to use this as a reduction of the mill rate, he would understand.

Councilor Gleason moved, Councilor Moll seconded that the money be used for additional capital projects for the School and Town that were eliminated during the Budget process, as recommended by the Town Manager.

Each of the Councilors commented on what they felt would be the best use of this additional money. Some felt it was a small amount of money to be given back to the taxpayer (\$10.00 per 100,000 valuation) and would be better served to invest in these capital improvements, as recommended by the Town Manager. Other Councilors felt that money was relative to each taxpayer and the "idea" of giving back to the taxpayers would be better received.

The motion was voted on and failed with four (4) yeas and four (4) nays - Councilors Swanson, Galloupe, McCausland, and Wilson opposed.

Councilor Swanson moved, Councilor Wilson seconded to lower the Tax Rate by \$.10 to \$19.40 and fund two projects - Charles Court (\$30,000) and Coffin School Gym Floor (\$19,200) with the additional \$47,400 above what was anticipated. The motion carried with five (5) yeas and three (3) nays - Councilors Feldman, Moll, and Snyder opposed.

159. The Town Council will discuss the procedure for candidate withdrawals adopted by the Town Council on October 5, 1992, and take any appropriate action. (Manager)

In October, 1992 the Council adopted a Procedure for Candidate Withdrawal from a Brunswick Municipal Election after the Ballots have been printed. This procedure now violates State Law. Attorney Geoff Hole reviewed this issue and provided a copy of Title 30-A, 2528, (6-A). Attorney Hole suggested that the Council abandon the 1992 procedure and give Section 6-A a chance to work for a few elections.

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Councilor Snyder moved, Councilor Wilson seconded to revoke the Policy for Candidate Withdrawal from a Brunswick Municipal Election as adopted by the Town Council October 5, 1992 in recognition of the new statutes in Title 30A, 2528, (6-A). The motion carried with eight (8) yeas.

160. The Town Council will consider renewing the one year lease with Merrymeeting Rowing Club. (Manager)

This is the annual renewal of the lease between the Town and Merrymeeting Rowing Club.

Councilor Moll moved, Councilor Gleason seconded to renew the Lease with the Merrymeeting Rowing Club for one year. The motion carried with eight (8) yeas.

161. The Town Council will consider making appointments to the following boards/committees:

CONSERVATION COMMISSION: 1 Full Member, Balance of a 3 year term to expire 05/01/99

Councilor Moll moved, Councilor Feldman seconded to appoint Matthew F. Thayer to the Conservation Commission for the balance of a three year term to expire 05/01/99. The motion carried with eight (8) yeas.

ZONING BOARD OF APPEALS:

- 1 Associate Member, Balance of a 3 year term to expire 07/01/97
- 1 Associate Member, Balance of a 3 year term to expire 12/18/96

Councilor Moll moved, Councilor Wilson seconded to appoint Robert I. Stark to the Zoning Board of Appeals for the balance of a three year term to expire 07/01/97. The motion carried with eight (8) yeas.

Councilor Gleason moved, Councilor Feldman seconded to adjourn the meeting. The motion carried with eight (8) yeas. The meeting adjourned at 8:50 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 9, 1996

Date of approval

Council Chair

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