

# **BRUNSWICK TOWN COUNCIL MEETING MINUTES MONDAY, SEPTEMBER 16, 1996**

**Municipal Meeting Room  
Old Brunswick High School**

**7:00 P.M.**

**Councilor Wilson moved, Councilor Snyder seconded that the Town Council will enter into Executive Session to review a request for a poverty tax abatement request and a personnel issue. The motion carried with eight (8) yeas - Councilors McCausland, Feldman, Swanson, Galloupe, Wilson, Moll, Snyder and Gleason.**

**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; Alan Houston, Natural Resource Planner; Jerry Hinton, Police Chief; Andrew Singelakis, Director of Planning and Development; Truman Libby, Principal of Brunswick Jr. High School; Geoff Hole, Town Attorney; Casco Cable TV; and various members of the public.**

**Minutes of Previous Meeting:**

**Councilor Wilson moved, Councilor Moll seconded to approve the Town Council minutes of September 3, 1996 as presented. The motion carried with eight (8) yeas.**

**Correspondence: Councilor Moll distributed copies of the Intown Brunswick Walking Map.**

**Manager s Report: There was no report.**

**Adjustments to Agenda: Councilor Swanson suggested that addendum was a more appropriate word for the word amendment in item #166. It was noted that the word addendum was in the proposed motion, therefore, there was no objection to replacing this word.**

**Manager Gerrish requested to add item #171 - That the Town Council consider a request for a poverty tax abatement and take any appropriate action. There was no objection to adding this item to the agenda.**

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

**New: Eveningstar Cinema, Inc. d/b/a Eveningstar Cinema John G. Favreau & 149 Maine Street, Tontine Mall  
Irene L. Favreau**

**Lorraine & Ronald Locke d/b/a Fort Variety 14 Maine Street, Fort Andross Lorraine & Ronald Locke**

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**Yazman Corp. d/b/a Homeplate Pizza 393 Bath Road Rae Webster, Treasurer**

**Maine Street Manhattan, Inc. d/b/a Maine Street Manhattan Mary Lou Graybill & 148 Maine Street Kenneth C. Graybill, III**

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

**Councilor Moll moved, Councilor Feldman seconded to approve the New Victualer licenses for Eveningstar Cinema, Fort Variety, Homeplate Pizza, and Maine Street Manhattan. The motion carried with eight (8) yeas.**

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

**New: Full-time Malt, Vinous & Spirituous Maine Street Manhattan, Inc. d/b/a Maine Street Manhattan Mary Lou Graybill & 148 Maine Street Kenneth C. Graybill, III**

**Renewal: Sam's Italian Foods, Inc. d/b/a Sam's Italian Sandwich Shoppe Rt #24, Cook's Corner Gerald C. Clements, Pres.**

**The Public Hearing opened at 7:34 p.m. The Public Hearing closed at 7:34 p.m.**

**Councilor Feldman moved, Councilor Snyder seconded to approve the New and Renewal Alcoholic Beverage licenses for Maine Street Manhattan, and Sam's Italian Sandwich Shoppe. The motion carried with eight (8) yeas.**

**164. The Town Council will hold a hearing to consider the condition on the permit for Jewett's Auto Parts and the possible revocation of the permit. (Manager)**

**Mr. Jewett had not yet arrived, therefore, Chair McCausland postponed this item until later in the evening, in the event that Mr. Jewett would arrive.**

**165. The Town Council will hear public comments on the proposed amendments to the Traffic & Vehicles Ordinance, Section 15-8 Parking Penalty, by increasing the fines for parking violations, as advertised.**

**Chief Hinton made a proposal before the Council. This amendment will increase the monetary fines for the issuance of parking tickets. There has been a problem in the downtown area with repeat parking offenders. The proposed amendments are the recommendations of the Brunswick Intown Group, the Town Manager and the Police Department. After reviewing parking ordinances from various communities, the proposed ordinance was modeled after the City of Bath's.**

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

**Debbie Kennedy who works at J & J Cleaners - felt that consideration should be given to those who work in the downtown area and need to park. Ms. Kennedy suggested that other alternatives should be considered rather than hitting the employees with increased fines.**

**Susan Tarpinian of Morning Glory - stated that the parking officers who are giving people tickets are doing an excellent job. She felt that raising the ticket fees would help control parking violators and would not hurt the customer. It was her opinion that employees are not utilizing Union Street because they don't want to walk.**

**Richard Fisco, Pastor of the Church of Scientology - suggested that the fines should be steeper. It has been socially acceptable to complain about getting a ticket. It should be socially unpopular to park illegally.**

**George Henke of Bubba's Hair Styling - wanted both his employees and customers to have a place to park. He stated that there are only 100 parking spaces with over 250 employees working in the downtown area. Until the town can give more parking spaces, he did not feel the price of parking should be increased.**

**Judy Ballard of Maine Street Craft Shop - works twelve hours a day and constantly plays musical cars for parking. She would like a permanent space, even if it was reserved parking.**

**The Public Hearing closed at 7:55 p.m.**

**Police Chief Hinton noted that individuals who have received repeated numbers of tickets have been put on the "scoff law." The Parking Enforcement Officers have been instructed to try to work with these individuals to find a place to park so they won't continually receive these tickets. They have been successful with a number of people. Chief Hinton stated that the parking spaces have been counted. There are a total of 211 all day parking spaces and 466 two hour parking spaces. Chief Hinton further commented that the Hair Academy students are told they may park all day behind the post office. However, these students choose to park in the downtown area. Some of these students are the repeated offenders mentioned earlier.**

**There had been discussion about people parking all day and commuting in vans to another location. Chief Hinton answered that the Parking Enforcement Officer monitored the parking lots for about a month and a half. He did not find this still occurring.**

**When asked how many people are the habitual offenders, Mike Smith (Parking Enforcement Officer) answered of the 12 to 16 parking tickets issued, that over half are habitual parking offenders. Some of these people receive more than one ticket each day.**

**Manager Gerrish noted that for a number of years there were restrictions on the all day parking spaces which did not allow parking 6:30 a.m. to 7:30 a.m. This restriction was to avoid people from arriving early to park all day and then commute to another location. Then there were complaints from employees who arrived early and could not park. There was a three month trial period where the early morning restriction was removed, and monitored by the Police. It was the opinion that there was not heavy commuter traffic. The Council later removed the restrictions altogether. Manager Gerrish is still trying to make arrangements so that the lot behind the Fire Station could be made available for public parking. There is a drainage problem and the lot cannot be used during inclement weather.**

**When Mike Smith was asked where he would park if he had to park downtown, he answered on the side streets. He noted that the Union Street parking lot (which has 35 spaces) is barely being used.**

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**Manager Gerrish said there was a consensus with the Brunswick Intown Group that there is a need to work with the businesses so that their customers and employees both have a place to park. There has to be a mutual agreement that employers need to tell their employees to leave the two hour parking for the customers and to park elsewhere. The Town has rented spaces in the past and made them available to the businesses. The cost for the spaces was \$10.00 per month. There was very little interest from the employees of the downtown businesses to utilize these rented spaces.**

**Councilor Moll asked that the Hair Academy post a map on their wall identifying the Academy's parking lot. She felt that more parking was needed, but not a parking garage. It was her opinion that stronger fines will encourage people to walk further. In the future, it may be possible to purchase a permit for prime spots.**

**Councilor Wilson asked the Police Chief to consider a plan for a pay permit for the handicapped working in the downtown area.**

**Chief Hinton said he could look at the feasibility of a permit system - possibly permits could be issued by some kind of a lottery system.**

**Chair McCausland clarified that the parking violations will not start to accumulate, for the purposes of these amendments, until the ordinance becomes effective.**

**Councilor Snyder moved, Councilor Moll seconded to approve the amendments to the Traffic and Vehicles Ordinance, Section 15-8 Parking Penalty, as advertised.**

**Manager Gerrish noted that the Town has taken the initiative to pay for parking for town employees at an adjacent funeral parlor. However, this arrangement does not ensure parking for employees on days of funerals. This frees spaces in the municipal parking lot when the funeral home lot can be utilized.**

**Councilor Snyder suggested that a legend be provided on parking tickets identifying other parking spaces in town.**

**The motion was voted on and carried with eight (8) yeas. A copy of the amendments will be attached to the official minutes.**

**164. The Town Council will hold a hearing to consider the condition on the permit for Jewett's Auto Parts and the possible revocation of the permit. (Manager)**

**Attorney Hole stated that Mr. Jewett had not arrived. He requested that the Council reschedule this item until the next meeting. Mr. Hole will provide specific written notice to Mr. Jewett, notifying him of the date and time of the hearing.**

**Councilor Snyder moved, Councilor Wilson seconded to reschedule the hearing for September 30, and the Town Attorney to provide Mr. Jewett with written notice of the meeting between now and the end of this week. The motion carried with eight (8) yeas.**

**166. The Town Council will consider appointing the Zoning Ordinance Development Task Force as the Planning Committee to review a possible Comprehensive Plan amendments addendum relative to College Use Districts at Pickard Field, and take any appropriate action. (Manager)**

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**Andrew Singelakis explained that issues surrounding the future zoning of Bowdoin College and its adjacent neighborhoods have become increasingly complex, involving delicately balanced negotiations. Throughout the process it was discovered that the issue of College zoning at Pickard Field was not addressed through the Town's adopted Comprehensive Plan.**

**The Town Attorney has indicated that it would be prudent for the Town Council to entertain an addendum to the Comprehensive Plan, pursuant to 30-A, MRSA, Chapter 187 (The Growth Management Act). An addendum would ensure compliance with the Growth Management Act, and would further ensure the legal defensibility of the zoning language being developed.**

**Growth Management Act procedures require the following:**

**1) That the Council designate a Planning Committee to undertake the addendum; 2) That the Planning Committee conduct a public hearing on the addendum; 3) That the Planning Committee develop the Comprehensive Plan language and make that language available 30 days prior to a public hearing; 4) That the Council conduct a public hearing on the addendum and adopt the addendum prior to adopting the proposed zoning language, that is largely a procedural request.**

**The issue of the addendum is largely procedural, as the details of the plan via zoning language has been worked through. The amendment can be adopted during the same evening as the public hearing for the zoning. The Task Force is the obvious Planning Committee, since it has developed the intricacies of this proposal. The Growth Management Act refers to 30-A, MRSA, Chapter 187 as an "Amendment", however, we are calling it an "Addendum" since we are talking about an addition to the Comprehensive Plan, rather than a deletion of a policy.**

**Councilor Moll moved, Councilor Wilson seconded that the issues of College Use zone expansion related to Pickard Field constitutes an addendum to the Comprehensive Plan, pursuant to MRSA 30-A, Chapter 187, Section 4324, and that the Zoning Ordinance Task Force is the designated "planning committee" to undertake**

**this issue. The motion carried with eight (8) yeas.**

**170. The Town Council will consider a Resolution establishing the Lester Rogers Trust Fund, and take any appropriate action. (Manager)**

**Principal of Brunswick Junior High School, Truman Libby, stated that this Resolution establishes the Lester Rogers Trust Fund. This was requested by faculty at the Brunswick Junior High School. A copy of the resolution will be attached to the official minutes.**

**Councilor Snyder moved, Councilor Feldman seconded to adopt a Resolution establishing the Lester Rogers Trust Fund. The motion carried with eight (8) yeas.**

**167. The Town Council will consider the annual reappointment of the Primary Plumbing Inspector (Tom Wakefield) and the Alternate Plumbing Inspector (Paul J. Lempicki). (Manager)**

**Councilor Moll moved, Councilor Gleason seconded to reappoint Thomas Wakefield as the Primary Plumbing Inspector, and Paul Lempicki as the Alternate Plumbing Inspector. The motion carried with eight (8) yeas.**

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**168. The Town Council will consider setting a public hearing to consider the winter closing of Sawyer Road from December 1st through March 31st each year, for the five year period 1996-2000, as permitted under Title 23, M.R.S.A., Subchapter VI 2953. (Manager)**

**Manager Gerrish stated that this is the annual winter closure of the Sawyer Road. In checking the State Statutes, it was learned that a closure for up to 10 years can be authorized. The Municipal Officers would be able to modify this closure during the 10 year time frame should there be a need. In talking with Parks & Recreation Director Tom Farrell, it was suggested that the Council authorize this yearly closure for a five year period.**

**Councilor Gleason moved, Councilor Feldman seconded to schedule a public hearing for September 30, 1996 to establish the winter closing of Sawyer Road from December 1st through March 31st each year, for the five year period 1996-2000. The motion carried with eight (8) yeas.**

**169. The Town Council will consider setting the hours for voter registration for the November 5th State and Municipal Election, as recommended by Pauline Brilliant, Registrar. (Manager)**

**The hours recommended were: 1-7 p.m. from October 28 through October 30, 1996 1-4:30 p.m. on October 31 and November 1, 1996 Closed Monday, November 4, 1996**

**Councilor Moll moved, Councilor Gleason seconded to set the hours for Voter Registration for the November 5, 1996 election as recommended by the Registrar. The motion carried with eight (8) yeas.**

**170. The Town Council will consider a request for a poverty tax abatement and take any appropriate action.**

**Councilor Wilson moved, Councilor McCausland seconded to deny the request for the poverty tax abatement. The motion carried with eight (8) yeas.**

**Councilor Moll moved, Councilor Gleason seconded to adjourn the meeting. The motion carried with eight (8) yeas. The meeting adjourned at 8:40 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 20, 1996 Date of approval**

## **Council Chair**

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