

BRUNSWICK TOWN COUNCIL MEETING MINUTES
JANUARY 21, 1997
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 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; Jerry Hinton, Police Chief; Bruce Boucher, Police Commander; Casco Cable TV; and various members of the public.

Minutes of Previous Meetings:

Councilor Wilson moved, Councilor Laffely seconded to approve the Town Council minutes of January 2, 1997 . The motion carried with eight (8) yeas - Councilor Moll abstained.

Councilor Moll moved, Councilor Gleason seconded to approve the Town Council minutes of January 6, 1997 . The motion carried with nine (9) yeas.

Councilor Moll moved, Councilor Feldman seconded to approve the Town Council minutes of January 13, 1997 . The motion carried with nine (9) yeas.

Correspondence: A letter of resignation was received by Darren McLellan of the Conservation Commission. A letter of appreciation will be sent to Mr. McLellan and the position will be advertised.

Manager's Report: Zoning Ordinance Development Task Force Workshop. A workshop is scheduled for Monday, January 27, 1997 at 7:00 p.m. at the Municipal Meeting Facility to discuss the proposed Ordinance. At this workshop session, the Council will review the proposed Ordinance with members of the Task Force. Possible workshop dates for review of the Ordinance with the public and a proposed date for a public hearing and adoption will also be decided.

Chair McCausland stated that he hoped to confine the discussion on January 27th to the Councilors and the members on the Task Force. The Task Force has been working on this project for over a year and he felt that the Council would need a "solid evening to get caught up." Following this meeting, he wanted to hear from the public at a more appropriate time.

Manager Gerrish reported that the elected representatives from Bath/Topsham/Brunswick discussed the issue of the joint dispatching study. Each community will need to appoint an elected official to represent them in discussing (if we go forward with the dispatching) how to divide the cost. Mr. Gerrish noted that Councilor Galloupe has been attending previous meetings and might be the appropriate representative to appoint.

Chair McCausland commented that Councilor Galloupe had done a great job on this committee and hoped he would continue to serve in this capacity. Councilor Galloupe was willing and the Council was in agreement with this appointment.

Adjustments to Agenda: Chair McCausland withdrew item #14 from the agenda.
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Councilor Moll commented that when the Council discusses their priorities for the year, she hoped as a memorial to Elizabeth Leach and others, that traffic safety in downtown Brunswick would be a number one priority.

11. The Town Council will hear public comments on the following request for a Victualer license for:

New:

Spider Corporation d/b/a
The Barking Spider
94 Maine Street

David C. Little

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

Councilor Moll moved, Councilor Swanson seconded to approve the Victualer license for The Barking Spider. The motion carried with nine (9) yeas.

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

Renewal:

Nok's Thai Place, Inc. d/b/a
Thai Restaurant
136 Pleasant Street

Benchamas Woramalee

New:

Spider Corporation d/b/a
The Barking Spider
94 Maine Street

David C. Little

The Public Hearing opened at 7:41 p.m.

Richard Fisco, resident of 2 Lincoln Street - spoke about difficulties that he experienced with the former Barking Spider. A copy of his comments will be attached to the official minutes.

Kevin Letourneau, Manager of the Spider Corporation - assured the Council and Mr. Fisco that Mr. Little (owner of the new business) is a very responsible person and will take whatever means necessary, within reason, to ensure that this difficult behavior does not happen. He hoped to gain the respect of the community.

Mr. David Little, owner of the restaurant - understood Mr. Fisco's comments and wanted to work with the community. His goal is to run a good clean operation. He planned to have staff trained in liquor enforcement and there would be limitations on those drinking too much.

Councilor Moll asked Mr. Little what guarantees he would offer to recognize the residential character which abuts the property. She suggested that a policy statement might be posted within the business for expected conduct on the streets.

Mr. Little commented that he intended to provide taxi service and pay for the ride home for individuals who should not drive. He told Councilor Moll that "by all means" she should feel comfortable walking downstairs and spending an evening in the bar room.

Chair McCausland asked Mr. Little if he has experience managing a bar or a lounge with a liquor license.

Mr. Little answered that he did not, however, he was currently interviewing for an experienced bar manager.

There was discussion as to the authority of the Town Council to grant any liquor license as well as the ability to place any restrictions on applicants. This license is issued on an annual basis. Once the license is granted, the Council does not have the power to revoke it.

Councilor Galloupe summarized the closing comments of Mr. Fisco wishing the Barking Spider well and hoping for cooperation.

The Public Hearing closed at 8:10 p.m.

Councilor Wilson moved, Councilor McCausland seconded to approve the Alcoholic Beverage licenses for the Thai Restaurant and The Barking Spider. The motion carried with nine (9) yeas.

McCausland pointed out that Mr. Little owns a thriving business in Topsham. It is up to the owner to be a responsible operator.

13. The Town Council will hear public comments on the following request for a Special Amusement license for:

New:

Spider Corporation d/b/a
The Barking Spider
94 Maine Street

David C. Little

The Public Hearing opened at 8:17 p.m. The Public Hearing closed at 8:17 p.m.

Councilor Snyder moved, Councilor Feldman seconded to approve the Special Amusement license for The Barking Spider. The motion carried with nine (9) yeas.

14. The Town Council will consider the practice of funding social service agencies, and take any appropriate action. (McCausland)

This item was withdrawn from the agenda.

15. The Town Council will receive a report from the Town Manager concerning the Mall on Maine Street, and take any appropriate action. (Manager)

Manager Gerrish commented that a review of the Ordinance concerning approval of vendors on the Mall has been completed. The Town Attorney was also requested to review the overall uses of the Mall and give the Town specific issues to review as we proceed with a comprehensive analysis of the Mall.

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The Council had requested specific issues be reviewed: that of food to be sold by the vendors and the fees that are charged for the right to be on the Mall. After review of these issues, it was recommended that the criteria of what food is sold by the proposed vendors be deleted.

The Town charges \$500 for a license to sell prepared food on the Mall from March to December, and \$750 for a license for the Farmers Market for Tuesdays and Fridays from March through December. The food vendors also pay a Victualer's license fee of \$60.00.

The Town also calculated the estimated maintenance costs for the Mall. Maintenance includes mowing, trash removal, litter removal, spring clean-up, benches and trash can maintenance and painting, grass planting, electrical costs, and gazebo maintenance. The estimate is between \$20,000 and \$25,000 a year.

This number includes the cost of equipment and manpower to provide the service and also includes the donation by the Village Improvement Association toward grass slicing and seeding.

Manager Gerrish stated that increasing the fees for the use of the Mall may be in order, but he had no specific recommendation at this time. He recommended that the Council support a comprehensive review of the Mall and that the following issues be explored:

- Number of vendors allowed on the Mall and location of the vendors.
- Should we have design standards for carts?
- Further review of fees or bidding for licenses.
- Criteria, location and turf condition issues associated with the Farmers Market.
- How vendors access and exit the Mall (driving on the Mall damages the turf.)
- Overall use of the Mall by citizens, non-profit organizations and businesses.
- Amplification issues.
- Insurance issues by users.
- Use by Brunswick and non-Brunswick citizens.
- Grass and turf issues including trees and plantings.
- How we approve applications for use of the Mall and should there be a fee.
- Other issues as they arise.

The review would include asking users, neighbors, vendors, Village Improvement Association and the general public for comments on the above issues and to report back to the Council by the first meeting in October with a report and recommendations. The Committee to review the issues would include: Police Chief, Town Engineer/PW Director, Director of Parks and Recreation, Director of Planning and Economic Development, Assistant to the Manager/Personnel Director; Town Clerk, and the Councilor from the downtown district. Mr. Gerrish anticipated that he would have a comprehensive report for the Council on these issues.

Mr. Gerrish suggested that a Public Hearing be scheduled for February 3, 1997. He offered no recommendation for changing the amount of fees, but rather asked for the Council's direction.

Chair McCausland stated that it has been several years (early 1980's) since the fees were established. He suggested that the fees be increased from \$500 to \$1,000 for the food vendors and from \$750 to \$1,500 for the Farmer's Market.

Councilor Moll moved, Councilor Wilson seconded to set a public hearing for February 3, 1997 to consider removing the food criteria when deciding on the approval of a vendor license, to consider increasing the fees from \$500 to \$1,000 for the food vendors on the Mall and from \$750 to \$1,500 for the Farmer's Market, and to grant the Town Manager the ability to do a comprehensive review of the use of the Mall. The motion carried with nine (9) yeas.

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16. The Town Council will appoint a Councilor to serve on the Solid Waste Management Advisory Committee. (Councilor Swanson's one year term expires). (Manager)

This item is the appointment of a Council representative to the Solid Waste Management Advisory Committee. (This appointment was omitted from the Agenda of January 2, 1997 which listed various boards and committees that needed Council representation). This is a one year term that was previously filled by Councilor Swanson. She has indicated an interest in being reappointed.

Councilor Moll nominated Councilor Swanson.

Councilor Wilson moved, Councilor Gleason seconded that nominations cease. The motion carried with nine (9) yeas.

Councilor Swanson was appointed to serve on the Solid Waste Management Advisory Committee with nine (9) yeas.

17. The Town Council will consider the request of the American Cancer Society to conduct their annual sale of corvette raffle tickets from February 17, 1997 through August 16, 1997. (Manager)

This is the annual request of the American Cancer Society to sell corvette raffle tickets. The time frame would be from February 17, 1997 through August 16, 1997. He saw no problem with the Council approving this request.

Councilor Moll moved, Councilor Laffely seconded to approve the request of the American Cancer Society to sell corvette raffle tickets from February 17, 1997 through August 16, 1997. The motion carried with nine (9) yeas.

Councilor Laffely moved, Councilor Feldman seconded to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 8:31 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
January 24, 1997

Date of approval

Council Chair