

**BRUNSWICK TOWN COUNCIL MINUTES**

**November 17, 1997 7:30 P.M.**

**MUNICIPAL MEETING ROOM**

**OLD BRUNSWICK HIGH SCHOOL**

**6:30 P.M.**

**Councilor Wilson moved, Councilor Feldman seconded, that the Town Council enter Executive Session to discuss possible litigation, and review a request for a poverty tax abatement. The motion carried with eight (8) yeas.**

**7:30 P.M.**

Vice-Chair Moll called the meeting to order and asked for the Pledge to the Flag.

**Councilors Present:** Vice-Chair Faith Moll, Michael Feldman, Eleanor Swanson, Robert Galloupe, Leon Laffely, Clement Wilson, Ervin Snyder, and David Gleason.

**Others Present:** Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Police Chief Jerry Hinton; Thomas Farrell, Director of Parks and Recreation; Theo Holtwijk, new Director of Planning and Development; several citizens, members of the press and Casco Cable TV.

**Minutes of Previous Meetings:**

**Councilor Snyder moved, Councilor Laffely seconded, to approve the Council minutes of November 3, 1997 as distributed. The motion carried with eight (8) yeas.**

**Correspondence:** NONE

**Manager's Report:**

- 1) **Presentation of Wal-Mart Industrial Development Grant.** Mr. Greg Franks, Manager of the Brunswick Wal-Mart, presented a check to the Town of Brunswick, recipients of an Industrial Development Grant. Before Andrew Singelakis left, he submitted a proposal for a grant for "promotion of industry." Brunswick will receive two installments of \$2,000 each. **Councilor Snyder moved, Councilor Feldman seconded, to accept this grant with great appreciation. The motion carried with eight (8) yeas.**
- 2) **Signatures for Warrants.** With the new procedure for signing warrants in effect, it was felt that the Council needed to discuss the process for signing warrants. Manager Gerrish suggested leaving the process open, whoever arrives first to town hall on Friday may sign the warrant. Otherwise, the Council may wish to designate a councilor each week to be responsible for signing the warrant. It was decided not to make designations at this time, but rather, allow the third councilor to sign on a first come first serve basis.
- 3) **Winter Parking Ban.** The winter parking ban went into effect on November 15, 1997. Chief Hinton explained that there was an exception for Bank and Cumberland Streets in that the parking ban does not start until 1:30 a.m.
- 4) Manager Gerrish congratulated Tom Farrell (Director of Parks and Recreation) and his wife, Deanna, on the recent arrival of their new son, Benjamin.
- 5) Manager Gerrish informed the Council that there would be no rubbish and recycling pickup on November 27th and 28th (Thanksgiving day and the day after).

**Adjustments to the Agenda:** NONE

**220. The Town Council will hear public comments to consider an amendment to the No-Parking Ordinance, Section 15-74 on a regular and emergency basis, by banning parking on the westerly side of Baribeau Drive, 20 feet north of the entrance to Mallard Pond, to 20 feet south of the exit to Mallard Pond. (Manager)**

Chief Hinton explained that this is a public hearing on the proposed amendments to the No-Parking Ordinance, Section 15-74 on a regular and emergency basis. As was discussed at Council's last meeting, the proposal is to ban parking on the westerly side of Baribeau Drive, 20 feet north of the entrance to Mallard Pond, to 20 feet south of the exit to Mallard Pond.

The Public Hearing opened at 7:42 p.m. The Public Hearing closed at 7:42 p.m.

**Councilor Gleason moved, Councilor Wilson seconded, to approve the amendments to the Section 15-74 No-Parking Ordinance on a regular and emergency basis. The motion carried with eight (8) yeas.**

**221. The Town Council will hear public comments on proposed amendments to the Recreation Ordinance, and take any appropriate action. (Manager)**

Manager Gerrish has had conversations and meetings with the Recreation Commission over the past year concerning the role and responsibility of the Manager in working with the Recreation Department and the Recreation Commission. The issue revolved around the Manager's authority and responsibilities in light of the wording in the Recreation Commission Ordinance. Although there have been no significant problems, it is Mr. Gerrish's opinion that there needs to be changes in the Ordinance. The proposed changes would place the Recreation Director under the direct supervision of the Town Manager. This is in line with all other Department Heads. The Recreation Commission would still be in place and would have responsibilities for Policies and Procedures for the Department. He pointed out that the Recreation Commission members voted 3-2 to support this proposal.

Manager Gerrish believes that the Recreation Commission has done an excellent job over the years in their role of overseeing the Recreation programs and Director and that we have an excellent program. This change would bring all our departments within the same organizational structure. As mentioned above, the Recreation Commission will continue to provide oversight for Policies and Procedures.

The Public Hearing opened at 7:50 p.m.

*James M. Burbank, Chair of the Recreation Commission* - gave the historical background of the Commission. The purpose of the Commission/Department is to provide recreation opportunity, passive and active, for all ages of citizens of the community. Mr. Burbank was opposed to this ordinance change because he felt that the manager (being one person) could not pay as close attention to the program, or the needs of the recipients of the program, as the five member commission is able to do. There have been no conflicts, therefore, it was his opinion that "if it is not broke, don't fix it." He saw no clear benefits for making this change and felt it was a mistake.

Councilor Wilson expressed a concern of one department head not under the same umbrella as the other department heads.

*Chris Montroy, Vice Chair of the Commission* - recommended the proposed changes to the ordinance. He did not feel that the current ordinance accurately reflects what the Commission does. It was his opinion that the proposed changes were more in line with what has been happening. He did not feel that the services would change.

*Kris Hodgdon, former Chair of the Commission* - fully supported the proposed changes. She felt that the change in the ordinance would not change the function of the Commission. She further stated that she felt that what is being proposed was not a significant change.

Vice-Chair Moll entered comments from John Mulrooney, former member of the Recreation Commission, supporting the proposed changes. A copy of his comments will be attached to the official minutes.

The Public Hearing closed at 8:15 p.m.

Councilor Swanson felt it was an appropriate time to make the change and that the charge of the Commission will change very little.

It was Councilor Feldman's opinion that the proposed changes were more of a "house keeping" issue rather than a major change.

Vice Chair Moll likes smooth integration of municipal departments and felt this could be better achieved with the proposed changes.

**Councilor Feldman moved, Councilor Wilson seconded, to approve the amendments to the Recreation Ordinance as proposed. The motion carried with eight (8) yeas. A copy of the approved ordinance will be attached to the official minutes.**

**222. The Town Council will consider setting a public hearing to amend changes to the Zoning Ordinance as proposed by the Planning Board. (Manager)**

This item is to consider setting a public hearing to amend the Zoning Ordinance. The Planning Board has reviewed the amendments that were proposed by Andrew Singelakis, Phil Carey and John Foster. A few minor adjustment were made by the Planning Board. The changes involve amendments to the Sign Ordinance relative to pole signs, copy signs, political signs and directional signs.

Councilor Snyder stated that he would be opposing the proposed amendment of item number eight when it is presented at the public hearing. This item would omit the language which states, "When reviewing signs, the Director of Planning & Development shall send a notice to owners of property on the same street and located within 200 feet of the property boundary."

**Councilor Snyder moved, Councilor Swanson seconded, to set a public hearing for December 1, 1997 to consider amending the Zoning Ordinance as proposed. The motion carried with eight (8) yeas.**

**223. The Town Council will consider sending to the Planning Board for review the issue regarding temporary structures as it relates to our Zoning Ordinance. (Laffely)**

Councilor Laffely asked that the Council send to the Planning Board for their review, the issue of temporary structures (specifically canvas garages) and how they are permitted. The existing ordinance allows for the structures but they need to have permits and meet setback requirements. Councilor Laffely would like the Planning Board to review the need for permits for the temporary structure and also the restriction of placing them in the setbacks.

There was discussion as to the merits of sending this to the Planning Board for their review. Some councilors felt the setback requirements and/or the need for a permit was too restrictive. Some Councilors thought these type of structures could devalue the abutting property and did not see the need for Planning Board review. It could also be an expansion of non-conforming uses.

**Councilor Laffely moved, Councilor Wilson seconded, to send this item to the Planning Board review of temporary structures and regulations. The motion failed with three (3) yeas - Councilors Laffely, Galloupe, and Wilson and five (5) nays.**

**224. The Town Council will consider the confirmation of Theo Holtwijk as the new Director of Planning and Development. (Manager)**

Mr. Holtwijk expressed gratitude for the warm welcome he has already received and stated that he was looking forward to the challenges and opportunities he would be facing in Brunswick.

**Councilor Gleason moved, Councilor Snyder seconded, to confirm the appointment of Theo Holtwijk as the Director of Planning and Development. The motion carried with eight (8) yeas.**

**225. The Town Council will consider establishing the effective date of the amendments to the Brunswick Town Charter approved by the voters November 4, 1997. (Manager)**

This item requires the Council to establish the effective date of the amendments to the Town Charter that was ratified by the voters on at the November 4<sup>th</sup> election.

**Councilor Wilson moved, Councilor Feldman seconded, that the Brunswick Town Council hereby orders November 4, 1997 to be the effective date of the amendments to the Brunswick Town Charter ratified by the voters on November 4, 1997. The motion carried with eight (8) yeas.**

**226. The Town Council will take action on a request for a poverty property tax abatement.**

**Councilor Snyder moved, Councilor Galloupe seconded, to deny the poverty tax abatement. The motion carried with eight (8) yeas.**

**Councilor Feldman moved, Councilor Galloupe seconded, that the meeting be adjourned. The motion carried with eight (8) 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.*