

BRUNSWICK TOWN COUNCIL MINUTES
September 22, 1997 7:30 P.M.
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, Ervin Snyder, and (David Gleason *arrived at 7:36 p.m.).

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Commander Robert Annese; Geoff Hole, Town Attorney; Alan Houston, Natural Resources Planner; Andrew Singelakis, Director of Planning and Development; State Senator Philip Harriman; 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 September 2, 1997 as distributed. The motion carried with seven (7) yeas.

Correspondence:

Councilor Feldman commented that the organizers of the first Brunswick Family Arts Festival stated that the festival was very successful and appreciated the cooperative efforts of all involved, particularly Manager Gerrish.

*Councilor Gleason arrived.

Councilor Snyder noted a memo received from Phil Carey regarding special permits. The new Zoning Ordinance requires that the Council receive notice of special permits. The Council has the opportunity to review the Planning Board's decision, especially if it might affect the whole town. Although this particular approval was minor, Councilor Snyder wanted to bring this correspondence to the Council's attention, as it may be the first of many to be received.

Manager's Report:

1) **Referral of revisions in the Zoning Ordinance to Planning Board for recommendation.** There are a few revisions that need to be reviewed by the Planning Board. Once reviewed, the Planning Board will refer the item back to the Council to schedule a public hearing. A copy of Mr. Singelakis's recommendations will be attached to the official minutes.

Councilor Snyder expressed concerns with items #6 and #7. It was his opinion that the notice to abutters was an important element (which was discussed by the Zoning Task Force), as well as the right of the abutters to appeal.

Chair McCausland clarified that there will be plenty of time for input before adoption of these changes. Councilor Wilson concurred with Councilor Snyder's concerns.

Manager Gerrish suggested that this be directed to the Planning Board for consideration. Once it has been reviewed by the Planning Board, they will return to the Council with recommendations. The Council will conduct a public hearing pertaining to the subject prior to adoption.

Councilor Galloupe moved, Councilor Feldman seconded, to send this item (along with Councilor Snyder's and Councilor Wilson's concerns) for due process. The motion carried with eight yeas.

Manager Gerrish stated that Andrew Singelakis, Director of Planning of Development, is leaving employment with the Town of Brunswick for a new position in the State of New Hampshire. He stated that Andrew was a fine employee and wanted to publicly thank him for his professional contributions to the Town and to wish him well.

2) Report from Frank McVey, Sewer District, on proposed changes to sewer rates and Rules and Regulations. There was no report.

3) Issue of the Brown Tail Moths. Councilor Swanson informed the Council that there were reports of brown tail moths being in the Mere Point area. The proper way to eliminate the brown tail moths is to collect the webs in October. For each web collected, it will eliminate 300 to 400 caterpillars in the spring. She wanted the town to have a small committee, possibly the Natural Resource Chairman, a member of the Conservation Commission, and some of the concerned citizens of the Mere Point area.

Manager Gerrish suggested that he put together a small committee. Information will be gathered and distributed to citizens in the area, to try to curb this issue before it becomes major. The Council was in agreement with Mr. Gerrish's suggestion.

4) Brunswick-Topsham bypass officially opens November 8, 1997. Chair McCausland stated that an adhoc committee has been formed to put together an opening ceremony.

5) Don Gerrish completed a successful year as President of ICMA. ICMA is a national organization of city and town managers from across the country and all over the world. Chair McCausland stated that the town was proud to call Mr. Gerrish "our own."

Mr. Gerrish stated he will cherish his experience as president of this organization for the rest of his life. He expressed gratitude for the support he received from the Council, staff, and the community.

Town Attorney Geoff Hole attended the swearing in of the opening ceremony last year. He stated that Mr. Gerrish's presidency, was not only an honor for Brunswick, but for the state of Maine as well.

Adjustments to the Agenda: NONE

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

Full-time Malt, Spirituous and Vinous:

Richard's Restaurant, Inc.
d/b/a Richard's Restaurant
115 Maine Street

Richard A. Gnauck

Andrew Atripaldi
d/b/a Vincenzo's Restaurant
15 Cushing Street

Andrew V. Atripaldi

The Public Hearing opened at 7:53 p.m. . The Public Hearing closed at 7:53 p.m.

Councilor Wilson moved, Councilor Gleason seconded, to approve the renewal Alcoholic Beverage licenses for Richard's Restaurant and Vincenzo's Restaurant. The motion carried with eight (8) yeas.

185. The Town Council will hear public comments on the following requests for renewal Special Amusement licenses for:

Richard's Restaurant, Inc.
d/b/a Richard's Restaurant
115 Maine Street

Richard A. Gnauck

The Public Hearing opened at 7:54 p.m. The Public Hearing closed at 7:54 p.m.

Councilor Gleason moved, Councilor Snyder seconded, to approve the renewal Special Amusement license for Richard's Restaurant. The motion carried with eight (8) yeas.

186. The Town Council will hear public comments on the possible revocation of the Special Amusement License for the Barking Spider Restaurant and take any appropriate action.

Attorney Hole reported that he did not have to prepare for the hearing for this item. Attorney Glover and the owner of the Barking Spider met with the neighbors. Terms and conditions for the Special Entertainment License were agreed upon by both attorneys, the Spider Corporation, the neighbors, and the Police Department. Mr. Hole was pleased with this spirit of cooperation. A copy of the conditions will be attached to the official minutes.

The Public Hearing opened at 7:58 p.m.

Attorney Glover, representing the Spider Corporation and David Little (owner). Mr. Glover wanted to ratify Attorney Hole's presentation. The meeting with the Carons (neighbors involved) was very positive. He thanked all parties concerned for their input, as he felt that the conditions were agreeable and a worth while procedure for all parties.

Attorney Hole explained that if a violation of the conditions should occur, the violation would be brought to the attention of management. Hopefully, it would be taken care of immediately. If it occurs again, uncorrected, then procedure for revocation would begin.

Richard Fisco of 2 Lincoln Street - felt that revoking the Special Entertainment Permit was unwarranted and was against closing the bar.

The Public Hearing closed at 8:13 p.m.

Councilor Gleason was pleased that an agreement had been reached. He felt that if they could have communicated and come to this agreement earlier, prior to escalating to the point that it did, that this issue would not have been considered by the Council.

Commander Annese wanted to clarify that this disagreement started back in July and an inordinate amount of hours were spent trying to resolve this issue. Specific issues were presented and were not corrected (the same conditions agreed upon tonight). This is the reason it was brought before the Council for consideration.

Chair McCausland stated that a great deal of time was spent on this issue. When the Special Entertainment Permit application was considered, the Council was assured by the Barking Spider that there would be no problems. Conditions are now agreed upon and in writing, and he expected that they would be adhered to. He hoped that the Council would never have to talk about this issue again.

Councilor Gleason moved, Councilor Wilson seconded, to accept the Special Entertainment Permit Conditions for the Spider Corporation as presented. The motion carried with eight (8) yeas.

187. The Town Council will hear public comments on the proposed opening of the New Meadows River Conservation Area #VI as recommended by the Marine Resources Committee and as advertised.

The Public Hearing opened at 8:20 p.m.

Natural Resources Planner, Alan Houston, explained that this area has been closed by the State of Maine for over 15 years. Pollution problems have been located and corrected. He pointed out an area on a map that will be opened seasonally from October 16 through May 14 of each year. A copy of the map will be attached to the official minutes.

The Public Hearing closed at 8:25 p.m.

Councilor Gleason moved, Councilor Feldman seconded, to open the New Meadows River Conservation Area #VI as recommended by the Marine Resources Committee. The motion carried with eight (8) yeas.

188. The Town Council will hold a public hearing for October 6, 1997 to consider accepting funds in the amount of \$20,000 from the Community Development Block Grant/Regional Assistance Fund, said funds to be used to hire consultants to plan the development of an 85 acres +/- business park at Naval Air Station, Brunswick. (Manager)

The Public Hearing opened at 8:28 p.m.

Greg Mitchell of the MidCoast Council for Business Development stated that this item is the Town of Brunswick's support to be the "pass-through" for a \$20,000 grant from the Community Development Block Grant/Regional Assistance Fund. The funds will come to the Town and then be given to the Mid Coast Council for Business Development. The funds, combined with \$40,000 of federal money, will be used to hire consultants to assist with the potential development of an 85 acre +/- business park. This property (located off the Bath Road, adjacent to Fitch Avenue) is a very strategic parcel of land in the community. Mr. Mitchell was excited about this potential of multi-community cost and revenue sharing arrangements among Bath, Brunswick, and Topsham. He felt this was a "precedent setting" opportunity for our area.

Councilor Swanson wanted it clarified that this project was not to establish another retail area.

Mr. Mitchell stated that the direction of his organization's efforts in studying this project will not include retail.

It was discussed that it can be challenging to work with the Federal Government, because they can whimsically make a decision to stop or go ahead on any given project, without consideration of other parties who may be involved. However, Mr. Mitchell felt this project was worth the risk.

Councilor Wilson was in favor of business development but asked if local land regulations could be applied to federal property.

Mr. Mitchell stated that part of the work of the study will be to address the issues of local land use control.

Councilor Feldman, Chair of the Cooks Corner Master Planning Committee, supported the project. However, he expressed traffic concerns and wanted to register a strong objection to retail on the other side of Route 24.

The hearing closed at 8:45 p.m.

Councilor Snyder moved, Councilor Wilson seconded, to accept the \$20,000 State grant and to serve as the "pass through" agent to Mid Coast Business Development. The motion carried with eight (8) yeas.

189. The Town Council will discuss "paper streets" and take any appropriate action. (Manager)

Attorney Hole presented a recommendation pertaining to the paper streets. He urged the Council to approve the proposed policy this evening because he hoped to record it tomorrow at the Registry of Deeds. It was recommended that the Council vote to have these paper streets continue to exist for 20 more years, and allow the Planning Board to review the streets on an incremental basis and make recommendations to the Town Council. A copy of the policy and the list of paper streets will be attached to the official minutes.

Councilor Gleason moved, Councilor Feldman seconded, to approve the Order of Notice to extend the deadline of automatic vacation of "Paper Streets." The motion carried with eight (8) yeas.

190. The Town Council will set a public hearing for October 6, 1997 to consider amending the Town Parking Ordinance relative to "no-parking areas" as it relates to Basswood Road.

Commander Annese explained that this item pertains to parking problems that have occurred during recreational activities at the field located in the Wildwood Subdivision near Basswood Road.

Councilor Wilson moved, Councilor Laffely seconded, to set a public hearing for October 6, 1997 to consider amending the Town Parking Ordinance relative to "no parking areas" as it relates to Basswood Road. The motion carried with eight (8) yeas.

191. The Town Council will vote for 1997-98 Slate of Officers, and voting delegates for the MMA Executive Committee and Advisory Committee. (Manager)

Councilor Feldman moved, Councilor Wilson seconded, to approve the Slate of MMA Officers and to appoint Donald Gerrish as the voting delegate for the Town of Brunswick to the Maine Municipal Association's Annual Business Meeting. The motion carried with eight (8) yeas.

192. The Town Council will consider renewing the one year lease with the Merrymeeting Rowing Club, and take any appropriate action. (Manager)

Councilor Snyder moved, Councilor Swanson seconded, to renew the one year lease with the Merrymeeting Rowing Club. The motion carried with eight (8) yeas.

193. The Town Council will consider adopting a Resolution for an Emergency Appropriation of \$25,000 from Unappropriated Available General Fund Revenues to fund the cost of an option on property known as the Maine Street Station property. (Manager)

This item is a Resolution to fund the option to purchase the Maine Street Station property. The sum of \$25,000 would be appropriated from Unappropriated Available General Fund revenues. A copy of the Resolution will be attached to the official minutes.

Councilor Snyder thought this was wise and prudent, and a worthwhile way to improve the property.

Councilor Wilson felt the Council was being "pro-active" rather than "re-active" by looking to the future.

Senator Harriman commented Brunswick is in a good position to decide what is best for its citizens and felt this was a good, intelligent decision.

Campbell Clegg spoke against purchasing this property. He questioned if the town would recover from the preliminary studies and costs involved. Mr. Clegg suggested placing this property in the Village Review Zone if there was concern to maintain the downtown character.

Councilor Laffely moved, Councilor Feldman seconded, to adopt a Resolution for an Emergency Appropriation of \$25,000 from Unappropriated Available General Fund Revenues to fund the cost of an Option on property known as the Maine Street Station property. The motion carried with eight (8) yeas.

Councilor Laffely moved, Councilor Wilson seconded, to adjourn the meeting. The motion carried with eight (8) yeas. The meeting will adjourn at 9:03 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.

Date of Approval

Deborah S. Cabana
Town Clerk
September 30, 1997

Council Chair