

BRUNSWICK TOWN COUNCIL

MINUTES

OCTOBER 5, 1998

7:30 P.M.

MUNICIPAL MEETING FACILITY

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, Timothy Dotts, Clement Wilson, Faith Moll, Ervin Snyder and David Gleason

**OTHERS PRESENT:** Donald Gerrish, Town Manager; Bonnie Gardner, Admin. Assistant; Mary Reindl, Human Services Director; Phil Carey, Planner; two citizens, member of the press and TV Video crew.

**Correspondence:**

A letter of resignation from Roger Deveau, member of the Planning Board, was received. A letter of appreciation will be sent and the opening will be advertised. Councilor McCausland noted Mr. Deveau had also served a number of years on the Zoning Board of Appeals prior to serving on the Planning Board.

A letter of resignation from Robert Rolling, Jr., member of the Marine Resources Committee, was received. A letter of appreciation will be sent and the opening will be advertised.

**Minutes of Previous Meetings:**

Councilor Wilson moved, Councilor Feldman seconded, to approve the minutes of September 8, 1998 as presented. The motion carried with nine (9) yeas.

Councilor Dotts moved, Councilor Feldman seconded, to approve the minutes of September 21, 1998 as presented. The motion carried with seven (7) yeas. (Swanson and Moll were absent).

**Manager's Report:**

1. Budget Update.

Manager Gerrish stated that we are three months through this fiscal year. So far expenditure and revenue accounts look good. He noted that State Revenue Sharing in July was the largest amount ever received; however in September, we received the lowest amount ever. Overall the total amount to date averages out to where the Town should be.

2. Berean Baptist Church payment in lieu of taxes.

Manager Gerrish announced that the Town received its annual check from the Berean Baptist Church. The payment in lieu of taxes is \$500.00. Mr. Gerrish expressed appreciation to the Church for their continuing payment toward municipal services.

3. Brunswick Area Arts and Cultural Alliance.

Manager Gerrish noted that the Council has received a report from the Brunswick Area Arts and Cultural Alliance. Brunswick has taken on this project to recognize the arts and culture in this area. The Council appropriated funds to help match a State grant the Arts Council received. The BAACA sponsored activities on the Mall that were very successful. This group is bringing recognition to the

arts and cultural activities that take place in our community. The Town will apply for another grant for the BAACA for one more year. There will be no matching funds from the Town. The maximum award is \$4,000.

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## 4. Bike Path Grand Opening.

Manager Gerrish announced that the official Grand Opening for the Bike Path will be held on Saturday, October 17, 1998 from 12:30 p.m. to 4:30 p.m.. Activities include a bike parade beginning at Cooks Corner. The Commissioner of the Department of Transportation will be present as well as representatives from Bath, Topsham and Lewiston. Entertainment by Randy Junkins and Rick Charette is scheduled. This is an exciting event that has taken almost six years to bring to conclusion. Interested people should watch for an insert in the Times Record which will list an itinerary of events. Cable 13 will also list activities and times.

## 5. Spring Street Railroad Bridge Meeting.

Manager Gerrish stated that a meeting was held last week with Maine Department of Transportation representatives and neighbors concerning the Spring Street Railroad Bridge. It is confirmed that the bridge will be replaced as is. One decision the Council will need to make at some point in the future is the style of railings to be put on the bridge. There are 3 choices. Completion date will be some time in the year 2000.

***Adjustments to the Agenda:***

Manager Gerrish stated he had two items to be added to the Agenda:

#192. The Town Council will consider adopting the Resolution Authorizing the Issuance of \$1,500,000 of Landfill Construction Bond Anticipation Notes of the Town and Sale Thereof.

#193. The Town Council will consider adopting the Resolution Authorizing the Issuance of \$3,500,000 of Library Construction Bond Anticipation Notes of the Town and Sale Thereof.

With no objections, Items 192 and 193 were added to the Agenda.

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

Full-time Malt, Spirituous and Vinous:

Clare's Dolphin Restaurant, Inc.

d/b/a Benzoni's Brick-Oven Pizza John Siatras and

11 Town Hall Place T.J. Siatras

The President & Trustees of Bowdoin College

d/b/a Wentworth Hall

1 College Street Mary M. Kennedy

Richard's Restaurant

d/b/a Richard's Restaurant

115 Maine Street Richard A. Gnauck

Andrew V. Atripaldi

d/b/a Vincenzo's Restaurant

15 Cushing Street Andrew V. Atripaldi

Full-time Malt and Vinous:

Bombay Mahal, Inc.

d/b/a Bombay Mahal

99 Maine Street Raj Kumar Sharma

Hong Kong Express

d/b/a Hong Kong Express

164 Pleasant Street Chun C. Kau

The public hearing opened at 7:41 p.m. The public hearing closed at 7:41 p.m.

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Moved by Councilor Moll, seconded by Councilor Wilson, to approve the alcoholic beverage licenses for Benzoni's Brick Oven Pizza, Wentworth Hall, Richard's Restaurant, Vincenzo's Restaurant, Bombay Mahal, and Hong Kong Express. The motion carried with nine (9) yeas.

184. The Town Council will hear public comments on the following request for new and renewal Special Amusement licenses for:

New:

MacMillan & Co. LLC

d/b/a MacMillan & Co.

94 Maine Street John Hall

Renewals:

Clare's Dolphin Restaurant, Inc.

d/b/a Benzoni's Brick Oven Pizza

11 Town Hall Place Thomas Siatras

Richard's Restaurant, Inc.

d/b/a Richard's Restaurant

115 Maine Street Richard A. Gnauck

The public hearing opened at 7:42 p.m. The public hearing closed at 7:42 p.m.

Moved by Councilor Dotts, seconded by Councilor Swanson, to approve the special amusement licenses for MacMillan & Co., Benzoni's Brick Oven Pizza and Richard's Restaurant. The motion carried with nine (9) yeas.

185. The Town Council will hear public comments on the proposal to adopt the new Appendixes for the General Assistance Ordinance, on both a regular and emergency basis, and take any appropriate action.

Mary Reindl, Human Services Director, gave a brief overview. This is a yearly process. This year it is more formalized with passage by the Council. The new appendixes are inserted into the Ordinance. They comply with federal guidelines. This also increases the maximum allowed for families. A new manual for the Ordinance will be presented at the MMA Convention in Augusta next week. The appendixes are effective October 1<sup>st</sup> so that the Council should approve the appendixes on both a regular and emergency basis.

The public hearing opened at 7:46 p.m. The public hearing closed at 7:46 p.m.

Moved by Councilor Feldman, seconded by Councilor Dotts, to approve the Appendixes for the General Assistance Ordinance on a regular and emergency basis. The motion carried with nine (9) yeas.

186. The Town Council will receive the recommendation from the Planning Board on the William Watterson Zoning Map amendment request, and take any appropriate action. (Manager)

This item went to the Planning Board for their recommendation. Phil Carey, Planner, explained that the recommendation from the Planning Board would allow Mr. Watterson to eventually sell his property so that it can be used for college office use. The Planning Board reviewed the request at a workshop session on September 1st and held a public hearing on September 22nd. The planning goals for the district were examined. The Watterson property is the only property on this section of Bath Road not owned by the college. The Planning Board considered this request to be consistent with the Comprehensive Plan. They recommend the Zoning Map be amended to place the Watterson property in the TR 6 District.

Moved by Councilor Moll, seconded by Councilor Feldman, to set a public hearing for October 19, 1998 to consider amending the Zoning Ordinance Map relative to the William Watterson request.

The motion carried with nine (9) yeas.

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187. The Town Council will receive the recommendation from the Planning Board on proposed amendments to the Zoning Ordinance relative to Sign Ordinance Waiver Provisions, and take any appropriate action. (Manager)

Phil Carey, Planner, explained that the Council received the Planning Board's recommendations regarding changes to the Sign Ordinance. The recommendations were sent to public hearing with the exception of the provisions regarding waivers. The provisions on waivers were sent back to the Planning Board for another look at them. They did so and held a held workshop and public hearing. The Board determined that they would like to retain a waiver provision but consolidated it into one section to eliminate some vague and difficult language. *Refer to the Proposed Amendments to the Sign Ordinance Waiver Provisions dated 9/23/98.*

Moved by Councilor Feldman, seconded by Councilor Moll, to set a public hearing for October 19, 1998 to consider amending the Zoning Ordinance relative to Sign Ordinance Waiver Provisions.

Councilor Snyder stated that he feels the retention of this provision is worthwhile. He is concerned that it does not address one of the major areas that business owners had spoken to the Zoning Ordinance Task Force about. The area involves those situations where very modest changes in existing signage were being proposed and still had to go through the entire process. He suggested an amendment that would prevent this from happening - add to page 2 of the 9/23/98 document: *C. The granting of a waiver for a minor change in existing signage which will not violate the spirit and intent of this chapter.*

Councilor Snyder moved, seconded by Councilor Wilson to amend the motion as follows: (changes in italics) Under Section 608.2 Waivers: The Planning Board or Village Review Board (for signs in the Village Review Zone) may waive the standards of Section 603 of this Ordinance provided one of the ~~two~~ **three** following circumstances are found to apply: **C. The granting of a waiver for a minor change in existing signage which will not violate the spirit and intent of this chapter.**

Councilor Gleason asked for clarification on what constitutes minor changes. Councilor Snyder responded that changes in wording, color changes, and a modest size change would be a few examples.

Vote on amendment: The motion carried with nine (9) yeas.

Vote on amended motion: The motion carried with nine (9) yeas.

188. The Town Council will consider signing the Agreement with Maine Department of Transportation concerning the Bath Road/Federal Street/Sills Drive intersection project as it relates to transporting construction equipment that exceeds legal limits, and the possible requirement of a Contractor's Bond for any damage sustained to the roads. (Manager)

Manager Gerrish stated that this is a typical agreement for a State project. He would recommend the Council sign the Agreement.

Moved by Councilor Wilson, seconded by Councilor Gleason, to sign the agreement with Maine Department of Transportation to permit construction equipment that exceed legal limits and provide the option of

requiring a Contractor's bond if necessary. The motion carried with nine (9) yeas.

189. The Town Council will consider amendments to the Town's Banner Guidelines and take any appropriate action. (Manager)

Manager Gerrish stated that the Town has a location on Maine Street where banners are permitted to be displayed. Guidelines have been in effect for years but have not been updated. Over the years the guidelines have taken a new direction by adding information on how banners are to be installed, the

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amount of insurance required, Council approval, ban on commercial advertising on the banners, that vehicle and pedestrian traffic not be impeded, etc. The changes should be included in the guidelines and the Manager is asking the Council to endorse the changes.

Moved by Councilor Snyder, seconded by Councilor Gleason, to approve the changes to the Town's Banner Guidelines. The motion carried with nine (9) yeas.

190. The Town Council will consider an action to waive foreclosure of a tax lien certificate for Map 25, Lot 16, Type 55. (Manager)

This tax lien is on a 1972 mobile home. The owner is deceased. Manager Gerrish stated that under State Law, taxes are due on a certain date. If the taxes are not paid the Town places a lien on the property. State Law also provides for the Municipality to waive foreclosure of a lien if it is in the best interest of the Town to not let it foreclose. We are recommending waiver of foreclosure on this property because, after review, there is no value to the Town and it will cost the Town much more than what we would potentially collect in taxes. This would still allow someone to pay the taxes and move the trailer.

Moved by Councilor Wilson, seconded by Councilor Moll, to waive the foreclosure of the tax lien certificates for Map 25, Lot 16, Type 55, for tax years 1996-97 and 1997-98. The motion carried with nine (9) yeas.

191. The Town Council will consider making appointments to the following board/committee:

Village Review Bd. 1 Builder - Bal. of 3 yr. Term to expire 10/20/00;

Architect - 3 yr. Term to expire 10/20/01;

2 Assoc. Members - 1 yr. Terms to expire 10/20/99

Councilor Feldman nominated Emily Swan as an Associate member.

Councilor Wilson moved, Councilor Snyder seconded, to close nominations and have the Chair cast one vote for approval of the nomination of Emily Swan for Associate Membership to the Village Review Board. The motion carried with nine (9) yeas.

192. The Town Council will consider adopting the Resolution Authorizing the Issuance of \$1,500,000 of Landfill Construction Bond Anticipation Notes of the Town and Sale Thereof.

Manager Gerrish explained that authorization is needed to issue \$1.5 million dollars in bond anticipation notes. The Ordinance to borrow up to \$3 million has already been approved by the Council.

Moved by Councilor Snyder, seconded by Councilor Moll, to adopt the Resolution Authorizing the Issuance of \$1,500,000 of Landfill Construction Bond Anticipation Notes of the Town and Sale Thereof. The motion carried with nine (9) yeas.

193. The Town Council will consider adopting the Resolution Authorizing the Issuance of \$3,500,000 of Library Construction Bond Anticipation Notes of the Town and Sale Thereof.

Manager Gerrish explained that this item requires authorization by the Council to issue \$3.5 million dollars in library construction bond anticipation notes. This also has been approved through referendum.

Moved by Councilor Snyder, seconded by Councilor Wilson, to adopt the Resolution Authorizing the Issuance of \$3,500,000 of Library Construction Bond Anticipation Notes of the Town and Sale Thereof. The motion carried with nine (9) yeas

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The next meeting is scheduled for October 19, 1998.

Chair McCausland adjourned the meeting at 8:15 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.*

Bonnie L. Gardner

Administrative Assistant

October 7, 1998

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Date of Approval

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Council Chair

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