

BRUNSWICK TOWN COUNCIL

MINUTES

July 6, 1999

MUNICIPAL MEETING FACILITY

7:00 p.m.

Councilor Wilson moved, Councilor Lowe seconded, that the Town Council enter Executive Session to consider poverty property tax abatement requests. The motion carried with seven yeas. Councilor Dotts joined the session later.

7:30 p.m.

Chair McCausland called the meeting to order and asked for the pledge to the flag.

Councilors Present: Chair Stephen McCausland, Eleanor Swanson, Robert Galloupe, Timothy Dotts, Clement Wilson, Vice-Chair Faith Moll, Forrest Lowe and David Gleason.

Councilors Absent: Michael Feldman

Others Present: Donald Gerrish, Town Manager; Melissa Smith, Deputy Town Clerk; Philip Carey, Town Planner; Dan Devereaux, Marine Warden; Shelagh Catlin, Deputy Marine Warden; and citizens, members the press and TV Video Crew.

Minutes of Meetings:

Councilor Wilson moved, Councilor Lowe seconded, to approve the minutes of June 21, 1999 as distributed. The motion carried with eight yeas.

Councilor Wilson moved, Councilor Moll seconded, to approve the minutes of June 28, 1999 as distributed. The motion carried with five yeas. Councilors Lowe, Dotts, and Gleason abstained because they did not attend the 6/28/99 meeting.

Correspondence:

Manager Gerrish stated he had received a letter of appreciation from the Town of Topsham for the assistance of our Code Enforcement Officers, Thomas Wakefield and Jeffrey Hutchinson. Mr. Gerrish believes this letter reflects cooperation between communities. (Attachment to permanent minutes)

Manager's Report:

- 1. Update on the Proposed Agreement with the Bath-Brunswick Child Care Services at 44 Water Street.**

Manager Gerrish stated he had continued discussions with Lee Parker, Executive Director of Bath-Brunswick Child Care Services, concerning the property at 44 Water Street. The Day Care is receiving a grant of approximately \$1.2 million from Rural Development to construct a new facility. The Council had authorized him to work with Ms. Parker on a proposal for the Day Care to utilize the Town owned property at 44 Water Street which would include renovating the building on the site. The Town would be looking either at leasing the property or selling the property to the Day Care.

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Mr. Gerrish proposed selling the property to the Day Care with the Town having a reverter clause or a right of first refusal if it were to be sold in the future. The lease option does not meet the requirements that Rural Development has stipulated for this grant.

Mr. Gerrish will be working with Ms. Parker and the Rural Development representative to draft the appropriate documents for Council review and approval. The proposal would be to renovate the existing house and build a new building that would be connected to the house. He believed this option would meet the needs of the Day Care and the Town.

2. Update on Grant from Maine Criminal Justice Academy.

Manager Gerrish stated the Police Department had received funding from the Maine Criminal Justice Academy (\$2,443.26) to be utilized to fund the Smokeless Saturdays program (a program for first time tobacco possession offenders as an alternative to a court fine). The grant is for a one year period (no match) and will be used to pay for officers salary to present the 6 hour class and for purchase of supplies and materials. The grant does not need to be accepted or endorsed by the Council.

Mr. Gerrish congratulated Commander Annese for his work on applying for and receiving this Grant.

Adjustments to the Agenda:

Manager Gerrish requested that agenda items number 131 and 132 be added.

#131. The Town Council will consider approving a request from New England Tel & Tel Co. for conduit permit location on Everett St, Noble St, Park St, Potter St, Page St, McKeen St, Boody St, and Belmont St.

#132. The Town Council will consider setting a Public Hearing on July 19, 1999 for the purposes of amending the Personnel Ordinance, Section 12-73 regarding contribution to the 457 Deferred Compensation Plan and adding Section 12-71(e) regarding participation in a Medical Reimbursement Program.

There was no objection by Council.

124. The Town Council will hear public comments to consider repealing the Thomas Point Beach Conservation Closure.

Deputy Marine Warden Shelagh Catlin stated that the Marine Resources Committee voted unanimously to repeal the Thomas Point Beach Conservation Closure due to the enormous growth of clams in this area. Spot sampling by the Marine Resources' staff had confirmed that this area was ready for digging. She had received written notification from the State of Maine Department of Marine Resources approving the proposal to open this area. (Attachment to permanent minutes) Ms. Catlin also noted that this proposal to open the Thomas Point Beach Conservation Closure does not include a closure that was previously in effect, this closure protects one of the most valuable feed areas at Thomas Point Beach. The Marine Resources Committee requested the opening of this area to be one minute past midnight on July 20th.

The public hearing opened at 7:50 p.m. The public hearing closed at 7:53 p.m.

Councilor Gleason moved, Councilor Wilson seconded, to repeal the Thomas Point Beach Conservation Closure effective July 20, 1999. The motion carried with eight yeas.

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125. **The Town Council will hear public comments to consider amending, on a regular and emergency basis, Chapter 11 Marine Activities, Structures and Ways, Section 11-140 Limitation on Numbers of Licenses and Section 11-165 Sunday Shellfish Harvesting Prohibited to allow Sunday harvesting in June, July, and August of each year.**

Deputy Marine Warden Shelagh Catlin stated this proposal would permit Sunday harvesting during the months of June, July and August of each year. The committee felt that the 13 additional summer days would benefit both the recreational and commercial harvesters. The commercial licensing numbers are determined by a formula, which limits harvesting days to 245 per year. Thirteen days must be added to the original 60 day winter closure. She had received written notification from the State of Maine Department of Marine Resources approving this proposal to amend the ordinance. (Attachment to permanent minutes)

The public hearing opened at 7:54 p.m. The public hearing closed at 8:03 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to amend the Chapter 11 Marine Activities, Structures and Ways, Section 11-41 and Section 11-165 as advertised on a regular and emergency basis, under Section 212 of the Charter. The motion carried with eight yeas.

126. **The Town Council will hear public comments to consider amending the Brunswick Zoning Ordinance by adding Section 305.9 regarding Building Footprint Exceptions.**

Town Planner Philip Carey explained the proposed addition of Section 305.9 to the Zoning Ordinance. (Attachment to permanent minutes)

The public hearing opened at 8:05 p.m. The public hearing closed at 8:05 p.m.

Councilor Moll moved, Councilor Wilson seconded, to amend the Brunswick Zoning Ordinance by adding Section 305.9 regarding Building Footprint Exceptions.

Councilor Galloupe felt this change was discriminatory because only the Boarding Care Facilities and Day Care Centers would be given special status.

The motion carried with six yeas and two nays -- Councilors Galloupe and Dotts opposed.

127. **The Town Council will consider setting a Public Hearing on July 19, 1999 for the purpose of considering an Ordinance Amendment amending the Town's three bond ordinances for the library project, landfill project, and the 1998 CIP project, previously adopted on June 11, 1996, August 4, 1997, and June 29, 1998, respectively, to extend the time in which the notes or bonds authorized thereby may be issued by the Town.**

Councilor Lowe moved, Councilor Dotts seconded, to set a Public Hearing on July 19, 1999 for the purpose of considering an Ordinance Amendment amending the Town's three bond ordinances for the library project, landfill project, and the 1998 CIP project, previously adopted on June 11, 1996, August 4, 1997, and June 29, 1998, respectively, to extend the time in which the notes or bonds authorized thereby may be issued by the Town. The motion carried with eight yeas.

128. **The Town Council will consider the following request for Sellers of Prepared Food on a Public Way License for:**

New
MacMillan & Co. LLC
Sidewalk in front of 94 Maine Street

Ed Rogers and John Hall

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Manager Gerrish stated that MacMillan & Co. LLC was proposing the same format as the business formerly known as the Barking Spider. The Council had approved this footprint on June 3, 1996. (Attachment to permanent minutes.) At that time the Council approved the license with a serving period to end at dusk.

Mr. Ed Rogers, representing MacMillan & Co. LLC, stated that the original proposal was for 10 feet and he was only asking for 8 feet out from the restaurant (with the sidewalk being 20 feet) and 17 feet 4 inches in length. This would give them five tables with two to four people at each table with a maximum of 20 people in the area. He also stated this area would be part of the restaurant, so they would like to be able to serve food during business hours, which were 11 a.m. to 9 p.m. Basically, when the food service shuts down, the tables and chairs would be brought inside.

Councilor Dotts understood that they would also be serving alcohol.

Mr. Rogers responded "yes".

There was considerable discussion as to whether this area should be smoking or non-smoking, clarification of the word "dusk", and other issues such as lighting.

Mr. Rogers stated he would talk to his manager and have non-smoking enforced. He agreed that since the outdoor space would be part of the non-smoking restaurant it should be non-smoking as well. He also stated that the awning had lights inside and down to the ground and the awning extended about 7 feet. If this was not sufficient lighting, he would make sure to put more lights in this area.

Councilor Gleason moved, Councilor Lowe seconded, to approve the Seller of Prepared Food on Public Way license for MacMillan & Co. LLC, with limitations of the serving period to be from 11:30 am until 9:00 pm, the serving space to be a maximum distance of 8 feet out from the wall of the restaurant with a maximum length of 17 feet four inches, and the proposed space be designated as non-smoking. The motion carried with eight yeas.

129. The Town Council will take action on the request for poverty property tax abatements.

Councilor McCausland moved, Councilor Wilson seconded, to deny the Poverty Tax Abatement for item #1. The motion carried with eight yeas.

Councilor McCausland moved, Councilor Wilson seconded, to deny the Poverty Tax Abatement for item #2. The motion carried with eight yeas.

130. The Town Council will consider making appointments to the following boards/committees:

BRUNSWICK BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

2 COMMUNITY MEMBERS from the general public

Councilor Galloupe nominated Catherine (Keisha) Payson and Patricia E. Ryan.

Councilor Wilson moved, Councilor Lowe seconded, nominations cease and that the Chair cast a single ballot for both. The motion carried with eight yeas.

Catherine (Keisha) Payson and Patricia E. Ryan were appointed to the Brunswick Bicycle and Pedestrian Advisory Committee.

CONSERVATION COMMISSION

1 FULL MEMBER - Balance of a three year term to expire 05/01/01

1 FULL MEMBER - Balance of three year term to expire 05/01/00

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Manager Gerrish noted that Walter G. Rosen was appointed to the Conservation Commission at the June 7, 1999 Council Meeting for the balance of a term to expire 05/01/01. Mr. Rosen had requested that he only be appointed for the balance of a term to expire 05/01/00. He has requested that his term be changed to expire 05/01/00. Colleen T. McKenna agreed to the balance of the term to expire 05/01/01. Therefore, the CONSERVATION COMMISSION will have 1 FULL MEMBER - Balance of a three year term to expire 05/01/01 to be advertised.

Councilor Moll nominated Walter G. Rosen for the balance of a three year term to expire 05/01/00 and Colleen T. McKenna for the balance of a three year term to expire 05/01/01.

Councilor Moll moved, Councilor Wilson seconded, nominations cease and that the Chair cast a single ballot for both. The motion carried with eight yeas.

Walter G. Rosen was appointed as a full member on the Conservation Commission for the balance of a three year term to expire 05/01/00.

Colleen T. McKenna was appointed as a full member on the Conservation Commission for the balance of a three year term to expire 05/01/01.

131. The Town Council will consider approving a request from New England Tel & Tel Co. for a Conduit permit for locations on Everett St, Noble St, Park St, Potter St, Page St, McKeen St, Boody St, and Belmont St.

Councilor Moll moved, Councilor Dotts seconded, to approve the Conduit Permit application from New England Telephone and Telegraph Co. to be located on Everett St, Noble St, Park St, Potter St, Page St, McKeen St, Boody St, and Belmont St. The motion carried with eight yeas. (Attachment to permanent minutes.)

132. The Town Council will consider setting a Public Hearing on July 19, 1999 for the purposes of amending the Personnel Ordinance, Section 12-73 regarding contribution to the 457 Deferred Compensation Plan and adding Section 12-71(e) regarding participation in a Medical Reimbursement Program.

Councilor Lowe moved, Councilor Dotts seconded, to set a Public Hearing on July 19, 1999 for the purposes of amending the Personnel Ordinance, Section 12-73 regarding contribution to the 457 Deferred Compensation Plan and adding Section 12-71(e) regarding participation in a Medical Reimbursement Program. The motion carried with eight 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.

Melissa L. Smith
Deputy Town Clerk
07/09/99

Date of Approval

Council Chair