

# BRUNSWICK TOWN COUNCIL MINUTES

MAY 3, 1999

## MUNICIPAL MEETING FACILITY

**7:00 P.M. Councilor Moll moved, Councilor Dotts seconded, to enter Executive Session to discuss union negotiations and possible acquisition of property. The motion carried with nine (9) yeas.**

7:37 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, Timothy Dotts, Clement Wilson, Faith Moll, Forrest Lowe, and David Gleason.

**Others Present:** Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Theo Holtwijk, Director of Planning and Development; several citizens, members of the press and TV video crew.

**Correspondence:** Manager Gerrish explained that a resignation was received from Harry Hopcroft who served on the Cable T.V. Committee. A letter of appreciation will be sent to Mr. Hopcroft and the position will be advertised.

### Minutes of Previous Meetings:

**Councilor Lowe moved, Councilor Wilson seconded, to approve the April 20, 1999 Town Council minutes as presented. The motion carried with seven (7) yeas and two (2) abstentions - Councilors Moll and Galloupe were not present at the 4/20/99 Town Council meeting.**

### Manager's Report:

**1. 1998 - 99 Budget Update** - Manager Gerrish stated that we are currently through 10 months of the 1998-99 fiscal Budget. Both revenues and expenditures are in good shape. Excise tax collected (\$192,000.00) for the month of April, 1999 was the highest in history. He believed excise tax collection for the year would exceed the anticipated amount by \$110,000 to \$115,000. Manager Gerrish felt revenues would exceed the anticipated amount by around \$300,000.00 at the end of the fiscal year.

**2. 1999 - 2000 Proposed Budget** - Mr. Gerrish presented the 1999-2000 Manager's Budget to the Council. The total appropriation for Town and School operations is \$36,123,999, which is a gross increase of \$1,976,644 or a 5.79% increase. The local tax appropriation for School and Town, including an allocation for abatements and deferred property taxes is \$20,476,800. Our estimated Town valuation is \$948,000,000. This would require a tax rate of \$21.60. This represents a \$.70 increase in the tax rate, which is an increase of 3.35%. This is the lowest percentage of increase in the ten years that Mr. Gerrish has presented initial budgets.

County Tax has decreased from \$810,206 to \$770,698; this is a decrease of \$39,508 or a 4.86% decrease.

**Municipal Revenues:**

Municipal Revenues, including State Revenue Sharing, are estimated at \$5,793,066 or an increase of \$468,000 or an 8.79% increase.

He recommended that \$200,000 be appropriated from the Town's Undesignated Fund Balance to assist in reducing property taxes. This is \$100,000 more than appropriated last year.

The Town's valuation is estimated at \$948,000,000 which is an increase of \$13,655,600 or a 1.46% increase.

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**Personnel Consideration:**

Recommended in this budget are seven new municipal positions and one shared position with the School Department. Two laborer positions are recommended to be established in the Public Works Department and one maintenance worker be added to the Parks and Recreation Department. In the Police Department an additional Communications Officer is being requested. In the Fire Department three additional firefighters are being budgeted. Also budgeted is 40% of the cost for a Facilities Manager to be shared with the School Department, which is budgeting 60% of the cost for this position. Several additional part time positions are also being requested. These requests for positions will be discussed with the Council during budget deliberations but are being proposed to maintain the level of service presently being provided to our citizens.

The Town is currently in negotiations with all 5 of the municipal unions and funds have been included in the budget to adjust it when negotiations have been concluded.

**General Town Budget:**

The following list shows some of the significant increases in the Town Operating Budget compared to last year.

Library Operations	\$148,000
Debt Service	\$105,000
New Personnel	\$180,000
Public Works Projects	<u>65,000</u>
	\$498,000

The proposed budget addresses needs in certain departments to continue to provide quality service to our citizens. In the Fire Department, new personnel are being requested to insure manpower is available to respond to our expected 2,000 fire and ambulance calls for 1999-2000. In Parks and Recreation and Public Works, new personnel address the need to maintain our growing facilities.

The CIP budget will be presented to the Council which addresses the Town's long term needs. This budget is a continuation of last year's planning process.

Mr. Gerrish was pleased with the proposed budget as he believes it continues to fund our services at a level that makes Brunswick the community we are proud to live in. He was looking forward to working with the Council and the community as they reviewed the budget.

**3. BAACA Grant** - The Brunswick Area Arts & Cultural Alliance is requesting that the Town of Brunswick act as the fiscal agent for a grant request to the Maine Community Foundation for \$5,000. There is no cash match required by the Town, therefore, it was recommend that the Town support the Brunswick Area Arts & Cultural Alliance. The Council agreed to act as the fiscal agent for the grant request to the Maine Community Foundation.

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**Adjustments to the Agenda:**The public hearings for items 71, 72, 73, and 74 would be considered together as they all pertain to the same business (Harriet Beecher Stowe House & Inn LLC)

**71. The Town Council will hear public comments on the following requests for Victualer license:**

**72. The Town Council will hear public comments on the following requests for Alcoholic Beverage License:**

**73. The Town Council will hear public comments on the following requests for Special Amusement License:**

**74. The Town Council will hear public comments on the following requests for an Innkeepers License:**

Harriet Beecher Stowe House & Inn LLC

d/b/a Harriet Beecher Stowe House & Inn

63 Federal Street

George D. Elwell

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

*Tracy Eastman, general manager for the Harriet Beecher Stowe House & Inn LLC, explained that they proposed piano or guitar music for the dinner hour. There is a meeting room upstairs which they intend to rent for various meetings and events. The noise would be kept to a minimal because the rooms in the inn would be rented. Also, there is no dance floor in the upstairs room. The official opening of the restaurant is planned before the end of May. She further explained that a manager would be on duty at all times to ensure the noise did not get out of control. If noise could be heard in the suites of the house, it would be considered too loud. The restaurant itself will close at 9:00 p.m.*

Councilor Wilson suggested the owners consider purchasing a decibel meter.

*Ms. Eastman* thought the owners would not object to purchasing the decibel meter.

Councilor Moll asked what would be the late night hour.

*Ms. Eastman* answered midnight.

*Tom Parnell of 69 Federal Street* - felt before decibel levels are addressed, there were other issues he suggested be considered. He asked if the four licenses differ from what the previous owner had.

Manager Gerrish answered they were all the same licenses with the exception of the Special Amusement Permit.

*Mr. Parnell* - Noise was an important issue but not the only concern of Mr. Parnell. The Stowe House is a historic building in a historic residential neighborhood. He felt that the amusement/entertainment portion of the business is not something one would want in a neighborhood. He suggested that parking could also be an issue.

*Warren Dwyer of 74 Federal Street* - was concerned that live music on a continuing basis would affect other neighbors. Three of the neighboring houses have ill people who are confined to their homes who should be considered.

*Ms. Eastman* stated that piano music would be heard in the bar but not in the front of the house. The owners are willing to do whatever is needed to be done to satisfy the public. She pointed out that years ago the business did have entertainment.

*Austin Treworgy* - stated his home is sandwiched between the Elks and the Stowe House. He complimented the new owners of the Stowe House for doing a nice job of cleaning the area. However, it was his experience with the Elks Club that they become noisy with warm weather when windows and doors are opened. He would feel more comfortable with a closing curfew of 11:00 p.m. instead of midnight.

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*Ms. Eastman* - stated that the upstairs room is fully air conditioned and she did not anticipate that the windows or doors would be open.

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

Councilor Moll stated that she would not easily give Special Amusement Permits as she had done in the past. She wanted assurance of neighbor's tranquility in their homes, when Special Amusement Permits are requested within residential areas. There is the issue of amplification. She further wanted clarification that this is not an expansion of an already maximized non-conforming use. Furthermore, the previous owners lived at the Stowe House, thus they were on the premises at all times. The new owners live out of town with a management staff, which isn't the same.

Councilor Swanson felt this application should not be granted in this residential district. Also, older people had been regular customers at the Stowe House. She thought they would be driven away with loud music.

Councilor Galloupe thought the Council was overreacting.

Councilor Feldman agreed with Councilor Galloupe. It was his opinion that piano playing could be enjoyable for the customers and the neighbors.

Councilor Wilson suggested allowing this permit with conditions.

**Councilor Moll moved, Councilor Swanson seconded, based upon the residential character, that the Special Amusement Permit be granted with the following restrictions; no amplification of live music or of such like and that the entertainment cease at 11:00 p.m.**

Councilor Gleason wanted to balance the interest of the business, giving them as much flexibility as possible, while considering the neighbors. If amplification was allowed, he suggested it cease as early as 8:00 p.m. or 9:00 p.m.

Manager Gerrish informed the Council that there are provisions in the ordinance to suspend or revoke a Special Entertainment Permit.

Councilor Galloupe was concerned that "no amplification" was too restrictive. He suggested granting the license and then if there was trouble in the neighborhood, the license could be revoked.

Chair McCausland felt "no amplification" might be too restrictive. The managers of the Stowe House have heard the neighbors concerns. There are restrictions that could be applied if there was a problem. This type of entertainment is not foreign to this neighborhood, i.e. the Elks Club and the college Alumni House. He was concerned with restricting the Stowe House at the starting gate before they even open, bearing in mind that the Council can always reconsider this license with restrictions.

Councilor Wilson agreed with Chair McCausland.

Councilor Moll did not feel the burden should be on the citizens to come back and ask to have a permit revoked. The burden is on the Council to give direction. She was happy to see the managers of the establishment but asked, "Where were the owners?" She has no assurances from the owners that policies will not change tomorrow. She suggested that if the restrictions were too harsh, then the owners (after conferring with the neighbors) could return and ask that the Council reconsider the restrictions.

*Tom Parnell* - felt the owners should make an appearance to define their specific plans. He knows it would be a lot harder for the neighbors to get the Council to shut down the business once the approval is given.



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Councilor Wilson suggested that this item be tabled and the owners be asked to return with their plans.

Councilor Gleason stated he would support the motion because there was not a Special Amusement License at this location before. Therefore, this is not something the Council would be taking away. He hoped that if the owners wanted to come forward after conversing with the neighbors, having agreed with a plan, Councilor Gleason would be more flexible.

Councilor Feldman agreed with Councilor Gleason. He wished the owners had initially taken the time to talk with the neighborhood.

**The motion was voted on and carried with eight (8) yeas - and one (1) nay - Councilor Dotts.**

**Councilor Moll moved, Councilor Wilson seconded, to approve the Victualer license request, Alcoholic Beverage License request, and the Innkeepers license request for the Harriet Beecher Stowe House & Inn LLC. The motion carried with nine (9) yeas.**

**75. The Town Council will consider a request from the Town of Harpswell to provide emergency Animal Control Services to Harpswell for an interim period and take any appropriate action.**

A letter was received from Harpswell requesting assistance from our Animal Control Officer. Manager Gerrish had reviewed this with the Police Chief. They believe we should assist Harpswell for an interim period (60 days). Brunswick will be reimbursed for our costs.

**Councilor Gleason moved, Councilor Wilson seconded, to approve the request from the Town of Harpswell to provide emergency Animal Control Services to Harpswell for an interim period of 60 days and costs for such services to be reimbursed to the Town of Brunswick. The motion carried with nine (9) yeas.**

**76. The Town Council will receive a recommendation from the Planning Board concerning amendments to the Natural Resource Protection Zone and take any appropriate action.**

Theo Holtwijk, Director of Planning and Development, explained the Planning Board is recommending the proposed amendments to the Natural Resources Protection Zone provisions of the Brunswick Zoning Ordinance (Section 211) and the Zoning Map. The proposed amendments relate to the construction of buildings within 250 feet of certain salt water marshes and meadows rated "high" or "moderate" value by the Department of Inland Fisheries and Wildlife.

Construction in these areas is currently prohibited. The proposed amendments would allow construction to occur under certain circumstances with a Special Resource Protection Permit issued by the Planning Board. The proposed amendments reflect language from the State of Maine Guidelines for Municipal Shoreland Ordinances. The Planning Board recommends that these amendments be adopted on an emergency and regular basis.

*Janet Brand* - asked for clarification regarding the Town Charter, Section 211, public notification hearing.

Chair McCausland explained that no action had been taken this evening, except setting the public hearing.

**Councilor Moll moved, Councilor Feldman seconded, to schedule a Public Hearing for May 17, 1999 to consider amendments to the Natural Resource Protection Zone ordinance and Zoning Map on an emergency and regular basis. The motion carried with nine (9) yeas.**



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

**CONSERVATION COMMISSION**

2 FULL MEMBERS - Three year terms to expire 05/01/02

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

**Councilor Feldman moved, Councilor Wilson seconded, to appoint William Ferdinand, Jr. as a full member for a three year term to expire 05/01/02 and that nominations cease and the Chair cast one vote for Mr. Ferdinand. The motion carried with nine (9) yeas.**

**MARINE RESOURCE COMMITTEE**

3 TOWN LICENSED RESIDENT COMMERCIAL SHELLFISH HARVESTERS

1 - One year term to expire 05/01/00

1 - Two year term to expire 05/01/01

1 - Three year term to expire 05/01/02

Councilor Swanson nominated Cecil D. Rodgers for the two year term and Scott A. Hawkes for the three year term.

**Councilor Wilson moved, Councilor Dotts seconded, that nominations cease and the Chair cast one vote for Mr. Rodgers and Mr. Hawkes as suggested by Councilor Swanson. The motion carried with nine (9) yeas.**

3 RESIDENTS WHO DO NOT POSSESS A TOWN OR STATE COMMERCIAL SHELLFISH LICENSE

1 - One year term to expire 05/01/00

1 - Two year term to expire 05/01/01

1 - Three year term to expire 05/01/02

Councilor Swanson nominated Ralph F. Keyes for the one year term, Dana E. Wallace for the two year term, and Robert Wixted for the three year term.

**Councilor Wilson moved, Councilor Dotts seconded, that nominations cease and the Chair cast one vote for Mr. Keyes, Mr. Wallace, and Mr. Wixted as suggested by Councilor Swanson. The motion carried with nine (9) yeas.**

1 TOWN LICENSED RESIDENT RECREATIONAL SHELLFISH HARVESTER

1 - Three year term to expire 05/01/02

**Councilor Swanson moved, Councilor Wilson seconded, to nominate Edward Eric Butler, that nominations cease and that the Chair cast one vote for Mr. Butler. The motion carried with nine (9) yeas.**

**TRUST INVESTMENT ADVISORY COMMITTEE**

1 FULL MEMBER - Three year term to expire 05/10/02

**Councilor Feldman moved, Councilor Dotts seconded, to nominate Kurt Stinson, that nominations cease and that the Chair cast one vote for Mr. Stinson. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:05 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

May 13, 1999

Date of approval

Council Chair

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