

**BRUNSWICK TOWN COUNCIL MINUTES**  
**SEPTEMBER 7, 1999**  
**MUNICIPAL MEETING FACILITY**

**7:00 P.M.** Councilor Wilson moved, Councilor Lowe seconded, to enter into Executive Session to consider 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; Alan Houston, Natural Resources Director; Commander Annese; Police Chief Hinton; Joel Bruce, new Police Officer; several citizens, members of the press and TV video crew.

**Minutes of Previous Meeting:** Councilor Wilson moved, Councilor Swanson seconded, to accept the minutes of August 16, 1999. The motion carried with eight (8) yeas and one (1) abstention – Councilor Gleason was not present at the 8/16/99 Town Council meeting

**Correspondence:** Manager Gerrish explained that a resignation was received from W. Bruce MacKenzie who served on the Village Review Board. A letter of appreciation will be sent to Mr. MacKenzie and the position will be advertised.

Councilor Feldman –had been approached by constituents who are hunters. They were concerned with the use of rifles, in this area that is being rapidly developed, (the triangle that borders Route 24, Route One, and the New Meadows River). He had discussed with the Police Department the possibility of making this area a shotgun/black powder/bow and arrow hunting area only. The Police Department felt it was a good idea to prohibit the use of rifles in this residential area. The Council agreed to discuss this at their next meeting for Public Hearing consideration at the October 4<sup>th</sup> meeting.

**Manager's Report:**

**1. Recycling Committee Update** - Councilor Swanson introduced Susan Blair of the Recycling Committee. Ms Blair introduced Kathleen Laurence and Michelle Bozeman. The Solid Waste Advisory Committee sponsors the Marlins (a Brunswick youth soccer league) and these two girls are members of the team. They were wearing green shirts with the SWAC logo. Ms. Blair (along with the nine Councilors and Town Manager) was wearing the white shirt with the otter design. The shirts have been designed in support of the Solid Waste Advisory Committee's plan to educate the public. The shirts will be available for sale to the general public in the near future.

**2. Financial Update** - We are only two months into the fiscal 1999-2000 Budget. Excise Tax collected in the last two months were each higher than any other recorded month. State revenue sharing is higher than last year and the building permits are ahead of last year. Mr. Gerrish felt this was an indication of a strong economy.

**3. Copsmore Grant** - Commander Annese explained that this is a Copsmore 98 grant that was submitted about a year ago. The Council needs to accept this grant. Funds from this grant are "ear-marked" for equipment and supplies in the area of crime analysis and GIS mapping. Some of the package will go to the Public Works Department to purchase a plotter printer to assist with the mapping of the Town. The total grant is \$46,339 (Federal Share is \$34,754 with a match from the Town of \$11,585). The Town Council was in agreement to accept the grant.

4. **Harpwell Animal Control Issue** - Another request had been received from the Town of Harpswell for temporary assistance from the Brunswick Animal Control Officer in dealing with emergency animal control situations. We provided these same services earlier this spring to Harpswell while they were recruiting an Animal Control Officer. All expenses for our services will be reimbursed. The Council had no objection to providing this service.
5. **Police Chief Hinton introduced a new police officer, Joel Bruce** - Officer Bruce is a native of Brunswick. He was a police officer for the City of Bath for six years and attended Police Academy while employed at Bath. He is also a certified accident reconstructionist.
6. **Downtown Mall Management Plan** - Manager Gerrish informed the Council that a consultant has been hired and staff has been meeting. Major issues of the downtown mall are being addressed. There will be three public hearings to allow citizens input. He anticipated that the Council would receive a report by the end of January.
7. **Update on the Cooks Corner MasterPlan** - The Council has already approved the Cooks Corner Master Plan. The next step is to hire a consultant.
8. **Downtown Livability Committee** - Chair McCausland noted that the Council had voted to appoint this 11-person committee on September 20<sup>th</sup>. Only five applications have been received, to date. Therefore, the Council agreed to extend the deadline in order to receive more applications, and make appointments on October 18<sup>th</sup>.

**Adjustments to the Agenda: NONE**

**161. The Town Council will hear public comments on the following requests for Victualer licenses and take any appropriate action: (Manager)**

NEW:

Henry Baribeau d/b/a Pleasant St Coffee House  
185 Pleasant St

Henry Baribeau

Wayne Alexander d/b/a Ye Olde English Fish & Chip Shoppe  
17 Bow Street

Wayne Alexander

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

*Henry Baribeau* – said this was the nearest to owning his own candy store. He hoped to open this coffee house and ice-cream shop at the end of this month.

The Public Hearing Closed at 7:51 p.m.

**Councilor Wilson moved, Councilor Dotts seconded, to approve the Victualer licenses for Pleasant Street Coffee House and Ye Old English Fish & Chip Shoppe based upon final inspection approvals. The motion carried with nine (9) yeas.**

**162. The Town Council will hear public comments on the following requests for an Alcoholic Beverage License and take any appropriate action: (Manager)**

**RENEWAL :**

**FULL-TIME MALT:**

Sam's Italian Foods, Inc. d/b/a Sam's Italian Sandwich Shoppe  
Rt. 24, Cook's Corner

Phillip Libby

**FULL-TIME MALT, SPIRITUOUS AND VINOUS:**

The Great Impasta Incorporated d/b/a The Great Impasta  
42 Maine Street

Alisa Baker Coffin

**NEW :**

Clare's Dolphin Restaurant, Inc. d/b/a Joshua's Restaurant & Tavern  
121A Maine Street

Thomas Siatras

MacMillan & Co., LLC d/b/a MacMillan & Co.  
94 Maine Street

John Hall

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

Richard A. Gnauck

The Public Hearing opened at 7:52 p.m. The Public Hearing Closed at 7:52 p.m.

Sam's Italian Sandwich Shoppe and the Great Impasta are renewal applications. Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant must be considered as ***new*** applications. The new non-smoking ban becomes effective September 18, 1999. The last three restaurants are changing the class of their restaurants to a Class A Lounge so that smoking may be allowed. The major difference is that minors (under 21 years of age) will not be allowed in the restaurant unless accompanied by their parents or legal guardians.

Councilor Swanson stated she would not be voting to approve the licenses for Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant because, she felt changing their status was a way to circumvent the no smoking ban.

Councilor Lowe wished the restaurant owners were present to answer questions.

Councilor Moll stated she would not be voting to change the status from a restaurant to a lounge. She was concerned because all three of these restaurants are downtown.

Councilor Wilson did not feel the Council could take away the restaurant owner's right to make a living. The state law has made a provision for them to allow smoking. He, therefore, would not vote out their choice.

Councilor Dotts wished the restaurant owners were present, as well. He was not in favor of them changing their license.

Councilor Feldman thought this was a classic case of public good versus private rights. He was uncomfortable about changing three major establishments downtown to places where teenagers are not allowed to go. He also felt the least these businessmen could do, would be to have a representative to explain their proposals. With some reservations, he would be voting "no" tonight.

Councilor Galloupe thought they were getting down to voting philosophy and private rights. It was his opinion that the Council was treading on private rights that are a little bit out of their domain.

**Councilor Galloupe moved, Councilor Wilson seconded, to approve the Alcoholic Beverage licenses for Sam's Italian Sandwich Shoppe and The Great Impasta. The motion carried with nine (9) yeas.**

Councilor Gleason pointed out that 99 percent of the alcoholic beverage applicants assume that if their applications meet all the requirements, that they are not expected to be present at the meeting.

**Chair McCausland moved, Councilor Dotts seconded, to table the requests for alcoholic beverage licenses for Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant until the next Council meeting. The motion carried with six (6) yeas and three (3) nays – Councilors Swanson, Moll, and Gleason.**

**163. The Town Council will hear public comments on the following request for a Special Amusement License and take any appropriate action: (Manager)**

**NEW:**

Claire's Dolphin Restaurant, Inc. d/b/a Joshua's Restaurant & Tavern  
121A Maine Street

Thomas Siatras

MacMillan & Co., LLC d/b/a MacMillan & Co.  
94 Maine Street

Fred Pierre

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

Richard Gnauck

**RENEWAL:**

Bowl New England, Inc. d/b/a Yankee Lanes  
276 Bath Road

Michael Corl

The Public Hearing opened at 8:10 p.m. The Public Hearing Closed at 8:10 p.m.

**Councilor Wilson moved, Councilor Dotts seconded, to approve the Special Amusement License for Yankee Lanes. The motion carried with nine (9) yeas.**

**Councilor Wilson moved, Councilor Feldman seconded, to table the Special Amusement License requests for Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant. The motion carried with nine (9) yeas.**

**164. The Town Council will hear public comments to consider amending Section IV (Definitions), Subsection 1 (Residual) of the Sludge and Residual Free Zone Ordinance and take any appropriate action. (Manager) (Swanson)**

Manager Gerrish pointed out that Councilor Swanson had requested that this item be placed on the agenda, and asked that the agenda and the minutes be changed to reflect the correction.

Councilor Swanson commented that during the discussions of the Sludge Ordinance, initially there were concerns with E. coli, heavy metals, and high nitrogen content materials. Historically, pure wood ash has been used because of its high energy content. She supported this amendment.

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

*Jamie Eckerd of Simpson's Point Road* – has a farm of twenty acres. He and his wife intend to return the farm to an agriculture use. They would like to use wood ash to lime the soil to bring it to its proper PH level. An amendment to the ordinance would allow them to do this.

Natural Resources Director Alan Houston stated that the Conservation Commission fully supports this amendment.

The Public Hearing Closed at 8:17 p.m.

**Councilor Swanson moved, Councilor Wilson seconded, to amend Section IV (Definitions), Subsection 1 (Residual) of the Sludge and Residual Free Zone Ordinance, as advertised. The motion carried with nine (9) yeas.**

**165. The Town Council will consider setting a public hearing on September 20, 1999 for the proposed Thomas Point Beach Conservation Closure and take any appropriate action. (Manager)**

**166. The Town Council will consider setting a public hearing on September 20, 1999 for the proposed Long Reach Conservation Closure and take any appropriate action. (Manager)**

Natural Resources Director Alan Houston stated that shellfish harvesting this year has been very successful. The Marine Resource Committee is making the recommendation that both closures be approved, beginning September 21, 1999 through July 15, 2000. The surveys for these areas show that next year's harvesting should be very good, also.

**Councilor Feldman moved, Councilor Lowe seconded, to set public hearings on September 20, 1999 to consider the proposed Long Reach Conservation Closure and the Thomas Point Beach Conservation Closure. The motion carried with nine (9) yeas.**

**167. The Town Council will consider setting a public hearing on September 20, 1999 for the purposes of bonding for the completion of the Downtown Master Plan and take any appropriate action. (Manager)**

Manager Gerrish stated that originally the Downtown Master Plan was a proposed eight-year project. The Brunswick Intown Group would raise 20 percent of the project and the Town would pay 80 percent of the project. Since the Brunswick Intown Group has reached their goal of \$230,000, and borrowing is favorable at this time, he recommended that the Council go forward with the total package. This item will authorize a public hearing on the approval to borrow an estimated 1.2 million dollars for the Maine Street Master Plan.

**Councilor Moll moved, Councilor Lowe seconded, to set a public hearing on September 20, 1999 to consider the proposed bonding for the completion of the Downtown Master Plan. The motion carried with nine (9) yeas.**

**168. The Town Council will consider amendments to Covenants at the Industrial Park and take any appropriate action. (Manager)**

The Council adopted covenants for our existing Industrial Park. One of the covenants is that there can be no parking on all roads or future roads. Manager Gerrish proposed that the Council change the covenants to take out the words "future roads." There currently exists a "future road" that would be used for parking to allow Envisionet to expand into the building on Lot 48.

**Councilor Feldman moved, Councilor Dotts seconded, to approve the amendments to Covenants of Section 3 (C) at the Industrial Park, as proposed. The motion carried with nine (9) yeas.**

**169. The Town Council will vote for 1999-2000 Slate of Officers for the MMA Executive Committee and Advisory Committee, and voting delegates for the annual Business Meeting and take any appropriate action. (Manager)**

**Councilor Lowe moved, Councilor Feldman seconded, to endorse the Slate of Officers for the MMA Executive Committee and Advisory Committee as specifically nominated by the committee and to appoint Clement Wilson as the voting delegate to the Maine Municipal Association's Annual Business Meeting and Donald Gerrish as the alternate voting member. The motion carried with nine (9) yeas.**

**170. The Town Council will consider making appointments to the following boards/committees and take any appropriate action:**

**CONSERVATION COMMISSION**

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

**Councilor Dotts moved, Councilor Wilson seconded, to nominate Laura Moon to the Conservation Commission and that nominations cease and the Chair cast one ballot for Laura Moon. The motion carried with nine (9) yeas.**

Laura Moon was appointed to the Conservation Commission as a full member for the balance of a three-year term to expire 05/01/01.

**SEWER DISTRICT TRUSTEES**

1 FULL MEMBER - Balance of a three -year term to expire 04/01/02

Councilor Moll nominated Edward P. Laine  
Councilor Dotts nominated Leon Laffely

**Councilor Feldman moved, Councilor Lowe seconded, that nominations cease. The motion carried with nine (9) yeas.**

**Edward P. Laine was appointed to the Sewer District Trustee as a full member for the balance of a three-year term to expire 04/01/02 with five (5) votes – Councilors Gleason, Lowe, Moll, Swanson, and Feldman.**

Leon Laffely received four (4) votes – Councilors Wilson, Dotts, Galloupe, and McCausland.

The meeting adjourned at 8:30 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 19, 2011

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Date of approval

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Council Chair