

**BRUNSWICK TOWN COUNCIL MINUTES
SEPTEMBER 20, 1999
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 McCausland, Michael Feldman, Robert Galloupe, Clement Wilson, Forrest Lowe, and David Gleason.

Councilors Absent: Faith Moll, Eleanor Swanson, and Timothy Dotts

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Alan Houston, Natural Resources Director; Tom Farrell, Director of Parks and Recreation; several citizens, members of the press and TV video crew.

Minutes of Previous Meeting: Councilor Lowe moved, Councilor Wilson seconded, to accept the minutes of September 7, 1999, as distributed. The motion carried with six (6) yeas.

Correspondence: None

Manager's Report:

Y-2K Update - Manager Gerrish explained that the Town has taken several steps in preparation for the year 2000. Much focus has been placed on the Police and Fire Department Services. Communications systems equipment and traffic systems have been tested and certified. The municipal computers have been updated. The School Department is very comfortable with their ability to handle any issues that may arise with their computers. Mr. Gerrish felt the Town was prepared with all the things they have control over. CMP is confident that there will be no disruption in electricity.

Frank McVey, Superintendent of the Sewer District, stated that 40 hardware unit processors, which might be time sensitive, have been identified. Manufacturers of these products have assured that they are Y2K compliant. There has been a 100 percent changeover of software and hardware, which allows them to do billing. He was not aware of anything that troubles the District as they face this change. The District is well prepared with reserve power, via generators, to keep running for indefinite periods of time. The largest concern is to keep fuels coming for the generators and trucks.

Alan Fraser, District Engineer for the Water District, stated that their hardware and software (billing and accounting) packages were up-graded a year and a half ago. The Water District, like the Sewer District, is reliant on electric power, but has stand-by power facilities. He expected that the Water District would be in good shape.

2. Update on Tree Grant - Parks and Recreation Director Tom Farrell introduced two new employees, Peter Baecher, Parks and Facilities Manager and Donald Brewer, Assistant Director of Parks and Recreation.

Mr. Farrell announced that the town's tree committee worked with staff to apply for ice storm recovery grant funds. Brunswick was approved for \$176,610 to continue to deal with hazards that remain from the ice storm. Markings on trees will allow bidders to see what actually has to be done. It will be mid-November, at the earliest, before any pruning will begin. Approximately 900 trees will be pruned, approximately 248 trees will be removed and 100 new trees will be planted within the community.

Chair McCausland announced that the Library will open October 1st at 5:30 P.M.

Adjustments to the Agenda: NONE

Items 162 and 163 were considered together.

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

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

FULL-TIME MALT, SPIRITUOUS AND VINOUS:

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

Requests for Alcoholic Beverage Licenses and Special Amusement Licenses for Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant were tabled from the last meeting. A non-smoking ban will become effective September 18, 1999. These 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.

John Hall of MacMillan & Co. - apologized for not being at the previous meeting and respected the Council's decision to table these items until additional information was received. He explained that the recent no-smoking law created an unequal playing field for his business by separating the different classes of businesses into smoking and non-smoking. The only way to allow smoking in the downstairs bar of his restaurant is to change the class of the liquor license. He felt forced to allow smoking in the downstairs bar in order to compete with other restaurants. He understood that the initial intent of the law was to ban smoking where minors were present and to protect restaurant employees. He was in favor of banning smoking in all restaurants, but this would not allow smoking in their bar, which is separate from their restaurant.

Thomas Siatras of Joshua's Tavern - stated that his restaurant's situation is very similar to MacMillan's. He reviewed which market (smokers or non-smokers) his restaurant was serving more and determined that the smokers were a larger market than under 21 years old. Mr. Siatras hoped to find a better alternative in the future. He anticipated that the restaurant portion of his business would be non-smoking when he reopened in the spring.

Vern Warren - is a customer of Richards. Richard Gnauck, owner of Richard's Restaurant, was out of town. Mr. Warren explained that Richard's restaurant has a non-smoking dining room and a small bar that he would like to continue as a smoking area. Mr. Warren is a smoker and enjoys being able to eat and smoke when he goes out to eat.

Ed Rogers from MacMillan's - stated that he was forced to go in this direction. Initially, his legislators told him that MacMillan's Restaurant would be able to continue as they were. Therefore, when the new law was proposed, he supported it.

Councilor Wilson moved, Councilor Gleason seconded, to approve the Alcoholic Beverage Licenses and Special Amusement Licenses for Joshua's Restaurant & Tavern, MacMillan & Co., and Richard's Restaurant. The motion carried with six (6) yeas.

Items 171 and 172 were considered together.

171. The Town Council will hear public comments for the proposed Thomas Point Beach Conservation Closure, beginning September 21, 1999 through July 15, 2000. (Manager)

172. The Town Council will hear public comments for the proposed Long Reach Conservation Closure, September 21, 1999 through July 15, 2000 (Manager)

The Public Hearing opened at 8:26 p.m.

Dan Devereaux, Marine Resources Warden – explained that these closures have been approved by State Marine Resources. He felt if these conservation closures were approved, there would be a prolific harvest when opened next year, as the areas have a heavy juvenile clam population.

The Public Hearing closed at 8:29 p.m.

Councilor Feldman moved, Councilor Lowe seconded, to approve the proposed Thomas Point Beach Conservation Closure and the Long Reach Conservation Closure, September 21, 1999 through July 15, 2000 as advertised. The motion carried with six (6) yeas.

173. The Town Council will hear public comments for an Ordinance Authorizing the Making of Contracts for Certain Capital Improvements in the Downtown Master Development Plan and the Issuance of Bonds and Notes in an Aggregate Principal Amount not to Exceed \$1,000,000 Plus 3% for Cost of Issuance to Finance the Costs of Such Improvements. (Manager)

The Public Hearing opened at 8:31 p.m. The Public Hearing closed at 8:31 p.m.

This item will authorize the approval to borrow the estimated 1.2 million dollars for the Maine Street Master Plan. Private pledges have reached the \$230,000 mark to allow us to go forward with the total package.

Councilor Wilson moved, Councilor Feldman seconded, to approve an Ordinance Authorizing the making of Contracts for Certain Capital Improvements in the Downtown Master Development Plan and the Issuance of Bonds and Notes in an Aggregate Principal amount not to exceed \$1,000,000 plus 3% for cost of issuance to Finance the Costs of Such Improvements. The motion carried with six (6) yeas.

174. The Town Council will consider setting a public hearing on October 4, 1999 for the purposes of creating a shot gun and black powder hunting area on the triangle of land bordered by Route 24, Route One and the New Meadows River and take any appropriate action. (Feldman)

Councilor Feldman had been approached by some of his constituents who were concerned about the use of rifles in the triangle of land bordered by Route 24, Route One, and the New Meadows River (approximately 250 acres). This area is rapidly being developed both privately and commercially. In the near future, Midcoast Hospital will begin construction of a new facility there.

Councilor Feldman moved, Councilor Wilson seconded, to set a public hearing on October 4, 1999 to consider amending Section 17-3 (Discharge of firearms prohibited) of the Weapons Ordinance for the purpose of creating a shotgun and black powder hunting area on the triangle of land bordered by Route 24, Route One, and the New Meadows River. The motion carried with six (6) yeas.

175. The Town Council will consider the purchase of property adjacent to Sawyer Park and take any appropriate action. (Manager)

Manager Gerrish stated that the Town has a right of first refusal on the 6½-acre parcel adjacent to Sawyer Park (see attached map). The owner of the property has received an offer of \$225,000 for the property. Manager Gerrish recommended that the Town match the offer and purchase the property. Money will come from the unappropriated fund balance.

Councilor Wilson moved, Councilor Feldman seconded, to authorize the Town Manager to purchase property adjacent to Sawyer Park for the price of \$225,000, when he and the Town Attorney are satisfied with the title review, the property descriptions, the easements for access, and any issues that arise during the process. The motion carried with six (6) yeas.

176 The Town Council will meet with the Marine Resources Committee to discuss Marine Resources Issues and take any appropriate action. (Manager)

Eric Butler, Chair of the Marine Resources Committee – stated that the Committee is recommending several changes to the Marine Resources Ordinance. He introduced Dana Wallace and Ralph Keyes (members of the Marine Resources Committee), Geoff Hole (Town Attorney), Alan Houston (Natural Resources Planner), and Dan Devereaux (Marine Resources Warden) who were instrumental in preparing the proposed amendments to the Ordinance.

Town Attorney Geoff Hole – presented some of the proposed changes to the Marine Resources Ordinance. These changes reflect the most recent changes in state law with respect to harvesting shellfish. A copy of the draft Ordinance will be attached to the official minutes. The Committee has since decided not to make changes at this time to Section 11-138, as there has been no litigation with respect to the broad reference of search powers. The draft ordinance for public hearing will not have changes to this section.

There was considerable concern with the proposed changes to Section 11-161, which would give the Marine Resources Committee authority to open and close coastal waters. The Council has always held public hearings, which are televised, to inform the harvesters of closures. They would prefer to keep this section as it is.

Attorney Hole suggested that if the Council is going to keep this function, then an emergency section for closures needs to be implemented.

There was also concern with the proposed amendment to the Marine Resources Committee makeup (Section 11-96). Council agreed with the concept but was uncomfortable with the procedure. It was decided that the Committee would review this amendment and return with a more definitive proposal.

Three of the shellfish harvesters present (Raymond Trombley, Dana Ginnett, and Kenneth Lund, Jr.) stated they would like to see the authority to close the flats remain with the Council instead of the Marine Resources Committee. They were also concerned with the formula used to establish the number of licenses available each year for commercial harvesting. They were encouraged to go back to the Marine Resources Committee with their concerns. At this time, the Committee is not proposing an amendment to this section (Section 11-140 (2)).

The meeting adjourned at 9:35 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

Date of approval

Council Chair