

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
TUESDAY, SEPTEMBER 4, 2001
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 McCausland, Michael Feldman, Jacqueline Sartoris, Robert Galloupe, Charles Priest, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None.

Others Present: Don Gerrish, Town Manager; Fran Smith, Town Clerk; Geoff Hole, Town Attorney; John Eldridge, Finance Director; Phil Carey, Town Planner; Representative Stan Gerzofsky; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: August 6, 2001
August 23, 2001

Councilor Priest moved, Councilor Feldman seconded, to approve the minutes of August 6, 2001. The motion carried with six (6) yeas. Councilors Sartoris and Lowe abstained since they were not present at the August 6 meeting.

Councilor Sartoris moved, Councilor Lowe seconded, to approve the minutes of August 23, 2001. The motion carried with five (5) yeas. Councilors Priest, Gleason and McCausland abstained since they were not present at the August 23 meeting.

Correspondence: None

Manager's Report:

1) Vehicle Registration By Mail (Added at the Meeting)

John Eldridge discussed the new process of registering vehicles through the mail, starting in September. He hopes to get up to fifty percent (50%) of registrations done this way in combination with Rapid Renewal.

(A copy of the notice that is being mailed will be attached to the official minutes.)

2) Financial Update

Mr. Gerrish said in August the town collected the highest amount of excise tax (\$251,000) ever for a one month period.

3) Update on wording for the ballot question regarding Coastal Protection Zone Amendments

Town Clerk Fran Smith read the proposed language for the ballot question on Coastal Protection. It will appear on the November 6, 2001 ballot.

(A copy of the ballot question will be attached to the official minutes.)

4) Special Provision: Construction Area Permission - MDOT Project

Councilor Priest moved, Councilor Galloupe seconded, to approve the Construction Area Permission for the MDOT Project. The motion carried with eight (8) yeas.

(A copy of the notice and agreement will be attached to the official minutes.)

5) Update on Municipal Election

Ms. Smith gave an update on the municipal election and what nomination papers have not been returned.

Adjustments to the Agenda: To Table Item 135

129. The Town Council will hear public comments on the following request for an Alcoholic Beverage License and will take any appropriate action.

Full Time Malt and Vinous:

Papa Gino's, Inc. d/b/a Papa Gino's
147 Bath Road, Merrymeeting Plaza

Christine McCarthy

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll moved, Councilor Priest seconded, to approve the Alcoholic Beverages License for Papa Gino's. The motion carried with eight (8) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

130. The Town Council will hear public comments on the following request for a Victualer License and will take any appropriate action.

Murray Clarke d/b/a Waterfront Flea Market Snack Bar
14 Maine Street

Murray Clarke

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll moved, Councilor Priest seconded, to approve a Victualer's License for the Waterfront Flea Market Snack Bar. The motion carried with eight (8) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

131. The Town Council will hear public comments on the activities and programs of Respite Care, an agency in Brunswick providing social services to individuals with Alzheimer's or Parkinson's disease.

Mr. Gerrish said as part of the Phase II portion of the CDBG grant, which will provide funds to the Respite Care Program in Brunswick, the Council needs to hold a public hearing on the activities of the program, to hear anyone's comments or concerns.

Chair McCausland opened the public hearing.

Roy Ingram from Hospice discussed the grant and how it assists his group. It is a one year grant for an amount of fifty thousand dollars (\$50,000) and allows them to explore options for the future.

(A copy of the public hearing notice will be attached to the official minutes.)

132. The Town Council will hear comments on the proposed amendment to the Personnel Ordinance regarding the deferred compensation plan and will take any appropriate action.

Mr. Gerrish said this amendment to the Personnel Ordinance will establish the new town contribution levels to the deferred compensation plan, as arranged with bargaining units during the latest contract negotiations. It is in line with what other communities are doing.

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll moved, Councilor Lowe seconded, to amend the Personnel Ordinance, Section 12-73, Deferred Compensation Plans, Paragraph 2, as proposed on an emergency and regular basis. The motion carried with eight (8) yeas.

(A copy of the public hearing notice and proposed changes will be attached to the official minutes.)

133. The Town Council will hear comments on the proposed amendments to the Zoning Ordinance and will take any appropriate action.

Phil Carey indicated that the Council should table the NRPZ Setback Exception (Section 2.11) of the amendments.

Chair McCausland opened the public hearing; hearing on comments, he closed the public hearing.

Councilor Moll moved, Councilor Sartoris seconded, to amend the Zoning Ordinance: Special Resource Protection and 304.6D Permits; Special Permit Time Extensions; Minor Modifications to Special Permits; Congregate Living, Assisted Living and Nursing Homes; Portable Signs; Review of Single Project on Multiple Lots; Expiration of Village Review Certificate of Appropriateness; and Non-residential Density, as proposed. The motion carried with eight (8) yeas.

(A copy of the public hearing notice and memo from the Town Planner will be attached to the official minutes.)

134. The Town Council will hear comments on the proposed amendments to the Sign Ordinance and will take any appropriate action.

Chair McCausland opened the public hearing.

Molly Pitcher, Chair of Democratic Party, spoke in favor of the basic changes such as the length of time residents can put out political campaign signs; headquarter signs being allowed to cover the windows; and allowing for additional time to remove signs after elections.

Carol Graves, Chair of Republican Party, spoke in support of what the Planning Board proposed.

Geoff Hole, Town Attorney, said that he believed that it was permissible under the United States Constitution to limit the time political campaign signs can be placed on private property. He also recommended the following language be added to the Off-Premise Advertising section for clarity purposes so that off premise signs do not refer to political signs:

“This section shall not be interpreted to prohibit political campaign signs on private property that are regulated by and conform to Section 604.8.”

The Council discussed whether the sixty (60) day provision for signs on private property was appropriate or not. Councilors Gleason, Moll and Priest would support that provision. Councilors Feldman and Lowe did not support the sixty (60) day period. They felt there should not be a restriction on private property.

Councilor Galloupe moved, Councilor Gleason seconded, to amend the Zoning Ordinance: Real Estate Sign; Special Events or Notice Signs; Farm Stand Signs; Political Campaign Sign; and Off Premise Advertising, as proposed on an emergency and regular basis. The motion carried with six (6) yeas. Opposed were Councilors Feldman and Lowe.

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(A copy of the public hearing notice and memo from the Town Planner will be attached to the official minutes.)

- 135. The Town Council will hear a proposal to amend the Planning Board Ordinance to abolish the associate member status on the Planning Board and increase the number of voting members to seven and take any appropriate action.**

Councilor Moll moved, Councilor Lowe seconded, to table this item until the Planning Board members could be present. The motion carried with eight (8) yeas.

- 136. The Town Council will consider ratifying a new contract with the Town Office Employee bargaining unit (AFSCME) and will take any appropriate action.**

Mr. Gerrish said this is a two year contract which is similar to other contracts passed by the Council.

Councilor Moll moved, Councilor Lowe seconded, to ratify a new two-year contract between the Town of Brunswick and the members of the AFSCME collective bargaining unit (Town Office Employees). The motion carried with eight (8) yeas.

(A copy of the signed contract will be attached to the official minutes.)

- 137. The Town Council will consider the Fair Housing Resolution from the Maine Community Development Block Grant Program and will take any appropriate action.**

Mr. Gerrish discussed the standard resolution.

Councilor Sartoris expressed her disappointment that the resolution did not include a provision to prohibit discrimination based on sexual orientation. She would like to see that added to the resolution.

Councilor Priest moved, Councilor Moll seconded, to adopt the Fair Housing Resolution with additional language to prohibit discrimination based on sexual orientation. The motion carried with eight (8) yeas.

(A copy of the proposed resolution will be attached to the official minutes. It does not include the added language.)

- 138. The Town Council will consider the Standards of Conduct statement from the Maine Community Development Block Grant Program, regarding the administration of grants, and will take any appropriate action.**

Councilor Priest moved, Councilor Moll seconded, to adopt the Standards of Conduct for Maine Community Development Block Grant Recipients. The motion carried with eight (8) yeas.

(A copy of the proposed Standards of Conduct will be attached to the official minutes.)

139. The Town Council will consider making appointments to the following Boards:

Cable Television Committee

1 Citizen Member – balance of a three year term to expire 9/6/2003

Solid Waste Management Advisory Committee

2 Full Members – Balance of three year terms to expire 1/1/2003

Water District Board of Trustees

1 Full Member – Three year term to expire 9/13/2004

Welfare Appeals Board

1 Full Member – Balance of two-year term to expire 1/28/2002

1 Associate Member – Two year term to expire 1/28/2003

2 Full Members – Two year terms to expire 1/28/2003

Councilor Moll moved, Councilor Lowe seconded, to nominate Raymond Kuhl to serve on the Cable TV Committee for a balance of a three year term to expire on 9/6/03 and further moved that nominations cease and the Chair cast one ballot for the applicant. The motion carried with eight (8) yeas.

No nominations were provided for the Solid Waste Management Advisory Committee.

Councilor Moll moved, Councilor Sartoris seconded, to nominate Claude Phillipon for reappointment to the Water District Board of Trustees for a three year term to expire on 9/13/04 and further moved that nominations cease and the Chair cast one ballot for the applicant. The motion carried with eight (8) yeas.

Councilor Moll moved, Councilor Sartoris seconded, to nominate Michael Hughes to serve on the Welfare Appeals Board for a balance of a two year term to expire on 1/28/03 and further moved that nominations cease and the Chair cast one ballot for the applicant. The motion carried with eight (8) 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.

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Frances M. Smith
Town Clerk
September 10, 2001

September 17, 2001

Date of Approval

Stephen H. McCausland

Council Chair