

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
August 18, 2008
7:00 p.m.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Hallie Daughtry, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, and David C. Webb.

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Clark Labbe, Fire Chief; Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer; Mat Eddy, Director of Economic Development; and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment: None

Correspondence: Letter from Gary Sagris

Manager Gerrish said Winners OTB wants to move their location to Farley Road instead of Pleasant Street.

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

Councilor Webb announced he will not be running for office again due to family obligations and his work schedule. He said it has been an honor to serve.

Councilor Klatt announced she is going to be at the Bohemian Coffee Shop from 10 am to noon on Saturday, August 23, 2008, to meet with constituents.

Councilor Knight said the outdoor art festival was a great community event. She thanked those who worked on it.

Adjustments to the Agenda:

The executive session was moved to the end of the meeting.

Manager's Report:

The items were not done in order under the Manager's Report.

(a) Financial Update

Manager Gerrish said excise tax collection is up \$5,000 from the same time last year and state revenue sharing is up \$375,000.

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(b) Council Committee Updates

Councilor Webb said the Economic Feasibility Committee met for the last time and he thanked the two citizen members for their participation. There will be a public meeting with the consultant to go over numbers in September. He went over the estimates for various parts of the project, a total cost of seven to nine million dollars plus layout.

Councilor Knight said the Maine Street Station Oversight Committee did not meet this month. Commissioner John Richardson presented a \$350,000 grant to help with infrastructure work there.

Councilor Daughtry said the Facilities Subcommittee decided to focus on Hawthorne School for municipal uses, and PDT Architect will see if this will work. The Elementary School Building Committee has approved a schematic design for the new school.

Councilor Watson said the Old High School Farewell Committee has several events planned, starting on September 27, with a barbeque, tours, photo opportunity and a sock hop. There will also be a memory night on November 29, basketball game on January 3 with current teams, and a possible alumni game with Morse.

(c) Update on Mere Point Boat Launch

Manager Gerrish said the boat launch opened today. He thanked all those who helped work on it.

Councilor Tucker and Councilor Favreau thanked all those who worked on the project.

(d) Update on flooded roads

Manager Gerrish updated the Council on flooded roads. Raymond, Pleasant Hill, and Bunganuc Roads have been repaired at a cost of between \$40,000 and \$50,000. It is believed there is enough damage in Cumberland County to get federal funds to help with the cost. He thanked Public Works for all their work.

(e) MACTEC Modification 6

Manager Gerrish said these modifications for \$25,000 provide for additional engineering and remediation support services. It is for roads and sidewalks, with bids due back in August.

Councilor Klatt asked if this was in the JDA and will cost \$25,000 to put to bid. Manager Gerrish said that is standard and it is the town's responsibility to do it.

Councilor Knight moved, Councilor Favreau seconded, to accept MACTEC's Modification #6 proposal for remediation and infrastructure construction on the Maine Street Station project, bringing the total revised contract total to \$880,455. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

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

(f) CERT Grant

Clark Labbe, Fire Chief, said the Maine Emergency Management Agency has approved a grant for \$2,150.00 for the Community Emergency Response Team. This grant will provide ID vests and upgrades to the response kits for the Fire Department.

Councilor Watson moved, Councilor Tucker seconded, to accept and expend the CERT (Community Emergency Response Team) grant in the amount of \$2,150.00 to provide ID vests and upgrades to response kits for the Fire Department. The motion carried with nine (9) yeas.

(A copy of information on this grant will be attached to the official minutes.)

(g) MDOT Evaluation of Topsham Interchange area

Manager Gerrish said the Town of Topsham is asking for the Council's support on this project. They are looking for the support so MDOT can do an evaluation. In his opinion the Council should support it.

Councilor Daughtry moved, Councilor Favreau seconded, to send a letter of support of the Topsham Interchange area. The motion carried with nine (9) yeas.

(A copy of information from Topsham is attached to the official minutes.)

(h) (ADDED) Update on Zip Cars

Manager Gerrish said these cars are available for use at Bowdoin College for a \$25 application fee and a \$7 per hour use fee.

(i) (ADDED) Nomination Papers

Fran Smith, Town Clerk, gave an update on nomination papers for Council and School Board. They are due on September 5.

(j) (ADDED) Update on Maine Street Station

Mat Eddy, Director of Economic Development, said the final application was sent in for an \$850,000 grant from the Economic Development Administration, and they will see how this works with other grant money. They met with Amtrak staff to discuss the work from Portland to Brunswick. The funding is in place and they are waiting for formal

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approval. There was a discussion on the train platform, with MDOT going out to contract to build the platform and then turning it over to the town. All permits are in place except the building permit. They hope to have the foundation in by November 1. Responding to Councilor Tucker's question on who is building it, Mr. Eddy responded Ouellet Associates will be the general contractor.

Councilor Tucker added that Mr. Ouellet was on the Maine Street Station Committee and is on the BEDC.

125. The Town Council will hear public comments on the following Special Amusement Licenses, and will take any appropriate action. (Manager)

Special Amusement

Sweet Leaves, L.L.C.

D/B/A: Sweet Leaves Teahouse

22 Pleasant Street

Ms. Jessica Gorton

Bowl New England

D/B/A: Yankee Lanes

276 Bath Road

David Frye

Manager Gerrish said this item is to consider approval for the Special Amusement Licenses for Sweet Leaves, LLC on Pleasant Street and Bowl New England D/B/A: Yankee Lanes on Bath Road.

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Watson moved, Councilor Daughtry seconded, to approve the Special Amusement Licenses for Sweet Leaves, LLC D/B/A: Sweet Leaves Teahouse on Pleasant Street and Bowl New England D/B/A: Yankee Lanes on Bath Road. The motion carried with nine (9) yeas.

126. The Town Council will consider Ordinance amendments to Chapter 5-52 (Building Construction) to incorporate the 2003 IBC Code requirements for swimming pools to be enacted on an emergency basis, and will take any appropriate action.

Manager Gerrish said this item is to amend the Building Ordinance on an emergency basis to incorporate section 3109 of the 2003 IBC requirements regarding swimming pools. The Council will have to set a public hearing for September 2, 2008, in order for it to be enacted on a permanent basis.

Councilor Klatt moved, Councilor Tucker seconded, to adopt amendments to Chapter 5-52 of the Municipal Code of Ordinances on an emergency basis to incorporate Section 3109 of the IBC Code requirements into the existing 1990 BOCA Code regarding swimming pools. The motion carried with nine (9) yeas.

Councilor Watson moved, Councilor Daughtry seconded, to set a public hearing for September 2, 2008, to adopt amendments to Chapter 5-52 of the Municipal Code of Ordinances to incorporate Section 3109 of the IBC Code requirements into the existing 1990 BOCA Code regarding swimming pools. The motion carried with nine (9) yeas.

(A copy of the adopted language will be attached to the official minutes.)

127. The Town Council will consider setting a public hearing regarding No Parking on Merryman Lane, and will take any other appropriate action.

Manager Gerrish said this item is to consider setting a public hearing for September 2, 2008, regarding No Parking on Merryman Lane. This was part of the settlement agreement which all parties agreed to.

Cathy Eastman, owner of property at 29 Merryman Lane, said this is a forgone conclusion and there is a contract that has been signed which says this needs to be done.

Councilor Klatt asked, since it part of an agreed upon agreement, why the Council has to do this. Manager Gerrish explained that the Council needs to make this official ordinance change at the request of the Town Attorney.

Councilor Tucker moved, Councilor Watson seconded, to set a public hearing for September 2, 2008, to eliminate parking on Merryman Lane. The motion carried with nine (9) yeas.

128. The Town Council will consider providing a statutory notice of discontinuance of a portion of Merryman Lane, and will take any appropriate action.

Manager Gerrish said this item is to provide a statutory notice of discontinuance of a portion of Merryman Lane to Victor and Cathy Eastman and the Planning Board. This is part of the settlement agreement. Final approval of the discontinuance will be at the September 2, 2008 meeting, when the Council will sign the Discontinuance Order.

Councilor Augur moved, Councilor Webb seconded, to provide a statutory notice of discontinuance regarding a portion of Merryman Lane to Victor and Cathy Eastman and the Planning Board. The motion carried with nine (9) yeas.

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- 129. The Town Council will consider setting a public hearing regarding changes to the Weapons target practice areas, Chapter 17-1, of the Municipal Code of Ordinances, and will take any appropriate action.**

Councilor Watson said Chapter 17-1 of the Code of Ordinances discusses target practice areas. Under the current Ordinance the license holder would need to acquire a one-year permit along with an inspection of the target practice site. He is proposing an amendment to the Ordinance to change this to a three-year permit. If there are any changes to the ownership or changes to the range, it would require an inspection. There are between five and seven ranges in Brunswick.

Councilor Daughtry said if the town goes from one to three years, she would like some language added to allow neighbors to have a part in the renewal process, and it would not be extended if there were problems with neighbors. With a target range on it, one person enjoying their property can affect others who do not want a range close.

Councilor Watson said he does not have a problem with having a complaint and review process. He inquired if this would make this amendment more stringent. Manager Gerrish said yes, and this language would need to work through with the Town Attorney.

Councilor Watson and Councilor Daughtry agreed to work on this language with the Town Attorney.

Councilor Watson moved, Councilor Daughtry seconded, to table this item until the concerns listed had been worked through with the Town Attorney. The motion carried with nine (9) yeas.

- 130. The Town Council will consider setting a public hearing to amend Section 604 of the Town of Brunswick's Zoning Ordinance to extend the time to display temporary special events signs, and will take any appropriate action.**

Manager Gerrish said this item is to consider setting a public hearing for September 2, 2008, regarding amending Section 604 of the Town of Brunswick's Zoning Ordinance to allow for a greater length of time for displaying temporary special events signs.

Anna Breinich, Director of Planning and Development, said the town's current Zoning Ordinance allows 90 days within a calendar year for special events signs to be displayed. On July 22, 2008, the Planning Board voted unanimously to recommend to the Town Council that the Ordinance be amended to allow 180 days per calendar year for display of special event signs. This will be done by adding a new section 604A and remove 604.4.

(A copy of the proposed amendment along with a memo from Town Planner Jim Fortune will be attached to the official minutes.)

Virginia Caruso added her support for this ordinance and said it shows people the town is business friendly. There have been locations that have signs up over 90 days and with this change it will make it easier to enforce in the future.

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Manager Gerrish said there will be a notice provided to the Brunswick Downtown Association and other business groups about this change.

Councilor Watson moved, Councilor Webb seconded, to set a public hearing for September 2, 2008, to amend Section 604 of the Town of Brunswick's Zoning Ordinance to allow special events signs to be displayed for a total of 180 days within a calendar year. The motion carried with nine (9) yeas.

131. The Town Council will consider setting a public hearing to prohibit commercial vehicles from using Union Street from Weymouth Street to McKeen Street, and will take any appropriate action.

Councilor Knight said Union Street is posted to not allow any right turns from Hannaford, but trucks still are going up to McKeen Street. Hannaford supports this amendment since it is easier for them to let trucks know. Now this will become an ordinance. It will prohibit commercial vehicles from using Union Street from Weymouth Street to McKeen Street, except for service or access to properties on or adjacent to those streets.

Councilor Augur said the safer route for trucks is not going up to McKeen Street and this reinforces safe behavior for all.

Sarah Brayman, 10 McKeen Street, said she came to the Council in November 2006, the signage was put there and it has helped with some trucks. She has been calling the companies the trucks come from, and people are polite, but she spends time doing this. By having restrictions on the books, that would help with national companies and should be done prior to construction of Maine Street Station, which can create more traffic.

John Donovan, 11 McKeen Street, has lived there for 30 years and has seen the increase of traffic. The public hearing will provide additional reasons to make this change. Union Street is 24 feet wide and McKeen is 28 feet, 8 inches. The state allows the wheel base of a Mack truck at 8 feet and this determines turning radius, which would be around 20 feet to get out. It is issues like this that need to come out. He does not want to limit delivery vans - just the Mack trucks. This is a safety issue.

Cathy Eastman said she hopes the Council will do something. She has had experiences with 18- wheel trucks on a narrow road and it is difficult.

Manager Gerrish said, responding to Councilor Watson's question, this ordinance would still allow for town plows, but others would have to follow the ordinance, like construction vehicles at Maine Street Station.

Councilor Knight moved, Councilor Favreau seconded, to set a public hearing for September 2, 2008, to prohibit commercial vehicles from using Union Street from Weymouth Street to McKeen Street, except for service or access to properties on or adjacent to those streets. The motion carried with nine (9) yeas.

132. **The Town Council will consider sending a request to the Planning Board to change the sign ordinance relating to directional signs, and will take any appropriate action.**

Councilor Favreau said this item is to consider sending a request to the Planning Board to amend the sign Ordinance relating to directional signs. He has been researching this with other towns, like Freeport, and would like to change the current ordinance regarding directional signs.

Manager Gerrish said this is asking the Planning Board to look at this to see if they support redefining it to allow more signs. It would come back to the Council at a later date.

(A copy of a memo on this subject will be attached to the official minutes.)

Councilor Watson moved, Councilor Daughtry seconded, to send a request to the Planning Board to amend the sign ordinance relating to directional signs. The motion carried with nine (9) yeas.

CONSENT AGENDA:

- (a) **Quit Claim deed to revert property located at tax map U33 Lot 23, and U25, lot 10 back to the owner.**
- (b) **Accept a portion of Tamarack Drive as a town way**
- (c) **Accept Walnut Lane as a town way**
- (d) **Easements on Paul Street**
- (e) **Minutes of May 19, 2008 meeting**
Minutes of June 02, 2008 meeting
Minutes of June 16, 2008 meeting
Minutes of July 28, 2008 meeting
- (f) **Utility Location Permit – Brunswick Sewer District**

June 16th minutes were removed since a page was missing.

Councilor Augur moved, Councilor Knight seconded, to approve the Consent Agenda except for the June 16 meeting minutes, which were taken off the Consent Agenda. The motion carried with nine (9) yeas.

Executive Session: Acquisition of real property as per 1 M.R.S.A. § 405(6)(C)

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Councilor Augur moved, Councilor Knight seconded, to go into Executive Session on acquisition of real property as per 1 M.R.S.A. § 405(6)(C). The motion carried with nine (9) yeas.

Councilor Knight moved, Councilor Favreau seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 9:00 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
December 1, 2008*

December 15, 2008

Date of Approval

Council Chair