

**-Approved-**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**June 6, 2011**  
**Executive Session: 6:45 P.M.**  
**Regular Meeting: 7:00 P.M.**  
**Municipal Meeting Room**  
**Maine Street Station**  
**16 Station Avenue**

**Councilors Present:** Chair Joanne T. King, W. David Watson, Suzan Wilson, John M. Perreault, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, and Deborah R. Atwood

**Councilors Absent:** Benjamin J. Tucker

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Debra Blum, Administrative Assistant; John Eldridge, Finance Director; Tom Farrell, Director of Parks and Recreation; Richard Rizzo, Police Chief; Marc Hagan, Police Commander; Russ Wrede, Police Officer; Dan Devereaux, Marine Resource Officer; Anna Breinich, Director of Planning and Development; Kris Hultgren, Town Planner; John Foster, Public Works Director; Ken Brilliant, Fire Chief; Don Koslosky, Deputy Fire Chief; Brian Dancause, Economic Development Specialist; Denise Clavette, Special Projects Assistant; and TV video crew.

Chair King called the meeting of June 6, 2011, to order and asked the Clerk for Roll Call.

**Executive Session: Labor Negotiations per 1 M.R.S.A. §405(6)(D)**

**Councilor Favreau moved, Councilor Knight seconded, to go into executive session per 1 M.R.S.A. §405(6)(D) to discuss Labor Negotiations. The motion carried with eight (8) yeas.**

Chair King resumed the meeting at 7:00 pm and asked for the Pledge of Allegiance.

**Public Comment:** None

**Correspondence:**

Chair King advised there would be a workshop and public sessions on the train depot issue.

Councilor Atwood and Councilor Perreault asked questions about the ambulance service and emergency transport, which Manager Brown answered.

Councilor Favreau commented on the Memorial Day Parade, recent events at the base, and a group wanting to preserve the Naval Museum.

Councilor Wilson commented on the Council's summer schedule.

**Adjustments to the Agenda:**

To add setting a public hearing for the Community for Maine's Futures Grant application.

**MANAGER'S REPORT:**

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**(a) Council Committee Updates**

Reports were given on the Elementary School Building Committee and the Website Design Committee.

**(b) BDA use of parking lot for Outdoor Arts Festival**

Manager Brown spoke about this issue.

**(c) Election reminder**

Manager Brown reminded all about the school budget vote Tuesday, June 7, at Brunswick Junior High.

**(d) Discussion of CIP schedule**

The Council discussed a CIP schedule.

**(e) Authorization to apply for a technical assistance grant through the Rivers, Trails and Conservation Assistance program (*Action Required*)**

Manager Brown spoke about this item.

**Councilor Atwood moved, Councilor Pols seconded, to authorize an application for a technical assistance grant through the Rivers, Trails and Conservation Assistance program. The motion carried with eight (8) yeas.**

**(f) (ADDED) LD 69 UPDATE**

LD 69 reported out of committee 11-2 Ought Not to Pass, and will be taken up in the House Tuesday, June 7.

**PUBLIC HEARINGS**

**50. The Town Council will hear public comments on the following Special Amusement Licenses, and will take any appropriate action.**

**Special Amusement**

**American Restaurant Association, LLC  
D/B/A: O'Shea's Irish Restaurant & Cantina  
94 Maine Street**

**Joseph Cyr**

**Clare's Dolphin Restaurant, Inc.  
D/B/A: Joshua's Restaurant & Tavern  
123 Maine Street**

**T.J. Siatras**

**Giri Brunswick LLC  
D/B/A: Parkwood Inn  
71 Gurnet Road**

**Sagar Malavia**

**Verreault Tourism Properties  
D/B/A: Captain Daniel Stone Inn  
10 Water Street**

**John Verreault**

Chair King opened the public hearing.

Manager Brown explained Special Amusement licenses in response to a question from the audience.

**George Glover**, 65 Willow Grove Road, commented about O'Shea's, its noise level, and activities he had witnessed.

Councilor Atwood asked questions, to which Chief Brillant responded.

Chair King closed the public hearing.

**Councilor Knight moved, Councilor Perreault seconded, to approve a Special Amusement license for Clare's Dolphin Restaurant, Inc., D/B/A: Joshua's Restaurant & Tavern, 123 Maine Street. The motion carried with eight (8) yeas.**

**Councilor Wilson moved, Councilor Atwood seconded, to approve a Special Amusement license for Verreault Tourism Properties, D/B/A: Captain Daniel Stone Inn, 10 Water Street. The motion carried with eight (8) yeas.**

**Councilor Watson moved, Councilor Perreault seconded, to approve a Special Amusement license for Giri Brunswick LLC, D/B/A: Parkwood Inn, 71 Gurnet Road. The motion carried with eight (8) yeas.**

Councilor Pols and Councilor Favreau asked questions of Mr. Glover, who answered them.

Councilor Perreault also responded to questions.

Chair King asked a question, to which Manager Brown responded.

Councilor Knight and Councilor Watson told about complaints they have received about O'Shea's from their constituents.

Councilor Wilson commented on this item.

Commander Hagan spoke on this item.

Councilor Pols asked a question, to which Commander Hagan responded.

**Councilor Favreau moved, Councilor Atwood seconded, to deny a Special Amusement license for American Restaurant Association, LLC, D/B/A: O'Shea's Irish Restaurant & Cantina, 94 Maine Street.**

Joe Cyr, manager of O'Shea's, and Ryan Foley, his partner, spoke about complaints and the measures they have taken to keep in compliance with different issues.

Councilor Perreault spoke on this item.

Councilor Watson asked a question.

Councilor Atwood, Councilor Favreau, and Councilor Knight commented on this item.

**AMENDMENT TO MOTION**

**to add language "to allow it would be detrimental to the health, safety, or general welfare of the public." It was supported by Councilor Favreau and Councilor Atwood as the motion makers.**

Councilor Perreault, Councilor Atwood, Councilor Wilson, and Chair King all spoke on this item.

**Councilor Favreau moved, Councilor Atwood seconded, to deny a Special Amusement license to American Restaurant Association, LLC, D/B/A: O'Shea's Irish Restaurant & Cantina, 94 Maine Street because to allow it would be detrimental to the health, safety, or general welfare of the public. The motion carried with seven (7) yeas. Councilor Perreault was opposed.**

51. The Town Council will hear public comments on the following Alcohol License, and will take any appropriate action.

**Full-Time Spirituous, Vinous & Malt**

**Maine & Noble, LLC**

**D/B/A: Inn at Brunswick**

**4 Noble Street**

**J. Hilary Rockett, Jr.**

Chair King opened the public hearing.

Mike Lyne, representing JHR Development, and Rick Martin, general manager of Olympia Hotel Management, spoke about the Inn and tavern.

Marji Greenhut, 10 Noble Street, spoke on this item and the lack of parking the facility affords.

Chair King closed the public hearing.

Councilor Atwood asked a question, to which Councilor Favreau and Manager Brown responded.

**Councilor Perreault moved, Councilor Watson seconded, to approve a new alcohol license for Maine & Noble, LLC, D/B/A: Inn at Brunswick located at 4 Noble Street. The motion carried with eight (8) yeas.**

52. **The Town Council will hear public comments on a Zoning Ordinance amendment to add the use “parking facility” to the MU2, MU3, MU4, and MU6 districts, and will take any appropriate action.**

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

Councilor Perreault and Councilor Watson commented and asked questions, to which Kris Hultgren responded.

Chair King, Councilor Pols, Councilor Favreau, Councilor Wilson, and Manager Brown commented on this item.

**Councilor Wilson moved, Councilor Favreau seconded, to adopt Zoning Ordinance amendments to add the use “parking facility” to the MU2, MU3, MU4, and MU6 districts. The motion carried with seven (7) yeas. Councilor Perreault was opposed.**

#### **TABLED ITEMS**

43. **The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating and alcohol sales within the seating area for O’Shea’s Irish Restaurant & Cantina at 94 Maine Street, and will take any appropriate action.**

Chair King opened the public hearing.

**George Glover**, 65 Willow Grove Road, commented on this item.

Chair King closed the public hearing.

Councilor Atwood asked a question, to which Manager Brown responded.

Councilor Knight and Councilor Perreault commented on this item.

Councilor King and Councilor Atwood asked questions, to which Manager Brown and Mr. Glover responded.

Councilor Atwood commented on this item.

Chair King asked a question, to which Manager Brown responded.

**Councilor Perreault moved, Councilor Watson seconded, to approve a license for Sellers of Prepared Food on Public Ways on a Sidewalk, not to exceed six feet from the front of the building, for O’Shea’s Irish Restaurant & Cantina at 94 Maine Street, and to allow alcohol sales within this area, only while food is being served or no later than 10:00 pm, and for chairs and tables to be secured while not in use, so as not to provide a loitering spot. The motion carried with eight (8) yeas.**

**NEW BUSINESS**

53. The Town Council will consider setting a public hearing for June 20, 2011, to amend the Code of Ordinances to prohibit parking on sections of Old Bath Road and Bath Road near the New Meadows Lake, and will take any appropriate action.

Councilor Watson commented on this item.

**Councilor Watson moved, Councilor Wilson seconded, to set a public hearing for June 20, 2011, to amend the Code of Ordinances Chapter 15 to prohibit parking on sections of Old Bath Road and Bath Road near New Meadows Lake. The motion carried with eight (8) yeas.**

54. The Town Council will consider setting a public hearing for June 20, 2011, to amend the Code of Ordinances to prohibit boat storage overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so, and will take any appropriate action.

**Councilor Favreau moved, Councilor Knight seconded, to set a public hearing for June 20, 2011, to amend the Code of Ordinances Chapter 11 to prohibit boat storage overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. The motion carried with eight (8) yeas.**

55. The Town Council will consider adopting a Resolution authoring the submission of an application and acceptance of the award for Kestrel's \$300,000 CDBG Development Fund in order to complete the Phase II package, and will take any appropriate action.

Manager Brown explained this item.

**Councilor Watson moved, Councilor Wilson seconded, to adopt a Resolution authoring the submission of the application and acceptance of the award for Kestrel's \$300,000 CDBG Development Fund award in order to complete the Phase II package. The motion carried with eight (8) yeas.**

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

56. The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating for Polar Bear Express at 206 Maine Street, and will take any appropriate action.

**Councilor Favreau moved, Councilor Knight seconded, to approve a request for Sellers of Prepared Food on Public Ways for outdoor seating for Polar Bear Express located at 206 Maine Street. The motion carried with eight (8) yeas.**

57. The Town Council will consider adopting the 2011 Cumberland County Hazard Mitigation Plan, and will take any appropriate action.

**Councilor Watson moved, Councilor Favreau seconded, to adopt a Resolution of Adoption for the 2011 Cumberland County Hazard Mitigation Plan. The motion carried with eight (8) yeas.**

*(A copy of the 2011 Cumberland County Hazard Mitigation Plan will be attached to the official minutes.)*

- 58. The Town Council will consider appointments to the Midcoast Economic Development District General Assembly, and will take any appropriate action.**

Manager Brown explained this item and recommendation.

Councilor Pols asked a question, to which Manager Brown responded.

**Councilor Watson moved, Councilor Knight seconded, to appoint to the Midcoast Economic Development District General Assembly Denise Clavette and Gary Brown, and to allow MRRA to fill the third slot with a Brunswick resident. The motion carried with eight (8) yeas.**

- 59. The Town Council will consider adopting the “Resolution Authorizing the Expenditure of up to \$160,000 from Unexpended Funds to Fund the Reconstruction of Lincoln Street,” and will take any appropriate action.**

Councilor Perreault asked a question, to which Manager Brown responded.

John Foster answered questions from Councilor Knight and Councilor Watson.

Councilor Wilson commented on this item.

Councilor Favreau commented on this item.

**Councilor Favreau moved, Councilor Knight seconded, to adopt the “Resolution Authorizing the Expenditure of up to \$160,000 from Unexpended Funds to Fund the Reconstruction of Lincoln Street.” The motion carried with seven (7) yeas. Councilor Perreault was opposed.**

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

- 60. The Town Council will consider adopting the “Resolution Authorizing an Emergency Appropriation of up to \$459,000 From Landfill Impact Fees for the Purpose of Funding the Cover of Phase 3-A of the Graham Road Landfill,” and will take any appropriate action.**

Manager Brown spoke about this item.

Councilor Pols asked a question, which Manager Brown answered.

Councilor Perreault asked questions, which John Eldridge answered.

Councilor Watson asked a question, which Chair King answered.

Councilor Pols asked a question, which John Eldridge answered.

Councilor Perreault asked a question, which Manager Brown and John Eldridge answered.

**Councilor Watson moved, Councilor Atwood seconded, to adopt the “Resolution Authorizing an Emergency Appropriation of up to \$459,000 From Landfill Impact Fees for the Purpose of Funding the Cover of Phase 3-A of the Graham Road Landfill.” The motion carried with eight (8) yeas.**

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

61. **The Town Council will consider setting a public hearing on June 20, 2011, for an “An Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances, to Advance Funds to Several Projects, and, As Necessary, to Ratify Actions Already Taken Under the Ordinances being Amended” and will take any appropriate action.**

John Eldridge addressed the Council on this item.

**Councilor Favreau moved, Councilor Wilson seconded to set a public hearing on June 20, 2011, on an “An Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances, to Advance Funds to Several Projects, and, As Necessary, to Ratify Actions Already Taken Under the Ordinances being Amended”. The motion carried with eight (8) yeas.**

62. **The Town Council will consider not exercising their repurchase authority on Lot 6 in the Brunswick Industrial Park, and will take any appropriate action.**

Manager Brown spoke on this item.

Councilor Favreau asked a question, to which Manager Brown and Councilor Pols responded.

**Councilor Watson moved, Councilor Wilson seconded, to not exercise the Town of Brunswick’s repurchase authority on Lot 6 in the Brunswick Industrial Park. The motion carried with eight (8) yeas.**

63. **The Town Council will consider approving the Teamster Local 340 (Public Works) Union Contract for 2010-13, and will take any appropriate action.**

Manager Brown explained the contract.

**Councilor Atwood moved, Councilor Pols seconded, to approve the Union Contract for 2010-2013 between the Town of Brunswick and the Teamsters Local 340 Union (Public Works). The motion carried with eight (8) yeas.**

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

64. **(ADDED) The Town Council will consider setting a public hearing on June 20, 2011 for Maine’s Futures Grant and will take any appropriate action.**

**Councilor Knight moved, Councilor Watson seconded, to set a public hearing on June 20, 2011, for the Maine’s Futures Grant. The motion carried with eight (8) yeas.**

**CONSENT AGENDA**

- (a) Approval of the Minutes of May 16, 2011
- (b) Approval of the Minutes of May 26, 2011
- (c) Approval of Games of Chance, Card Games, and Bingo License for the Brunswick Lodge of Elks, B.P.O. Elks #2043, 179 Park Row
- (d) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Bath and Bridle Roads
- (e) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Union and Page Streets
- (f) Approval of Quit Claim Deed for properties located at Map 048 Lot 010 Sub 000 Typ 000

Councilor Watson commented on item (f).

**Councilor Watson moved, Councilor Perreault seconded, to approve the Consent Agenda. The motion passed with eight (8) yeas.**

*(Copies of materials for items d, e and f will be attached to the official minutes.)*

**Councilor Watson moved, Councilor Perreault seconded, to adjourn the meeting. The motion passed with eight (8) yeas.**

The meeting adjourned at 8:45 pm.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.**

*Debra L. Blum  
Executive Administrative Assistant  
June 6, 2011*

June 20, 2011

*Date of Approval*

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*Council Chair*