

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
August 4, 2003
7:30 p.m.
Municipal Meeting Facility

7:30 P.M. Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Joanne T. King, and Stephen H. McCausland.

Councilors Absent: Forrest Lowe.

Others Present: Donald H. Gerrish, Town Manager; Patricia Harrington, Assistant Town Manager; Elin Gould, Deputy Town Clerk; Steve Walker, Natural Resource Planner; Tom Farrell, Parks and Recreation Director; Dan Devereaux, Marine Warden; Jerry Hinton, Police Chief; many citizens, member of the press, and TV video crew.

Minutes of Previous Meetings: July 21, 2003

Hearing no objection from the Council, Chair Priest declared the minutes of July 21, 2003 approved as written.

Manager's Report:

1) Financial Update

Manager Gerrish said that one month into the fiscal year, the town is in great fiscal shape.

Correspondence:

Manager Gerrish reported that he had received a letter from Orville Ranger, Chairman of the Brunswick-Topsham Memorial Day Committee, thanking the town for its participation and support of the Memorial Day parade and commemoration service.

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

On behalf of the Council, Chair Priest thanked the members of the Memorial Day Committee for putting on an outstanding parade.

Councilor Randolph said that the Brunswick Downtown Association met earlier in the day, having invited the Council to speak with them about the Association's concerns regarding the site for the public safety building in the downtown portion of Pleasant Street. She is now requesting procedural information regarding a vote to reconsider. Councilor Randolph said by these comments she is making notice to the Brunswick

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Downtown Association that she will work to bring a motion to reconsider before the Council.

Chair Priest said that he will be glad to meet with Councilor Randolph after the meeting or at some other time.

Adjustments to Agenda: None

131. The Town Council will hear public comments on the following requests for renewals of alcoholic beverage licenses and will take any appropriate action.

**Full-time Vinous and Malt
Bowdoin College, Magee's Pub and Grill
3725 College Station**

Barry Mills

**Full-time Spirituous, Vinous, and Malt
Applebee's Northeast, Inc. d/b/a Gourmet Systems of Maine, Inc.
Applebee's Neighborhood Grill and Bar
11 Gurnet Road**

Carin Lee Stutz

**Full-time Malt
Columbus Bowl, Inc.
7 Dunlap Street**

Tony Coulombe

Chair Priest opened the public hearing.

Manager Gerrish said that an e-mail was received from Michael Longley of Longfellow Ave, expressing his concerns regarding late night disturbances in his neighborhood. Each of the Councilors have received a copy.

(A copy of Mr. Longley's letter will be attached to the official minutes.)

Chair Priest closed the public hearing.

Manager Gerrish recommended approval of the licenses.

At Councilor Randolph's request, Manager Gerrish read Mr. Longley's letter.

Councilor Sartoris, addressing the Town Manager's recommendation, said it was her understanding that the Brunswick Police have met with Bowdoin College regarding the noise issue at a certain hour on the weekends, and have implemented some steps to address the problem.

Chief Hinton said they have been working directly with Bowdoin Security and the area neighbors on the noise issues. He doesn't believe there is any direct correlation with the licensing of Magee's Pub and the late night disturbances, as Magee's Pub closes very early on Thursday, Friday and Saturday because of lack of patrons who are at other

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events and parties. He said that may be the source of the late night noise. The police have not been called to Magee's Pub over the past year.

Councilor Sartoris moved, Councilor Watson seconded, to approve requests for alcoholic beverage licenses from Bowdoin College (Magee's Pub and Grill), Applebee's Neighborhood Grill and Bar, and Columbus Bowl, Inc.

Councilor Randolph raised a point of order, questioning the conflict of interest rules as they might apply to Councilor Sartoris' family.

Councilor Sartoris responded that her husband is a tenured faculty member at Bowdoin College and nothing that she does with respect to Bowdoin College will have an effect on his income or position. She feels there is no conflict of interest either legally or ethically.

Councilor Rice said that his wife has worked at Bowdoin College for 28 years and that he, too, feels there is no conflict of interest.

The motion carried with eight (8) yeas.

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

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

**Sunnybrook Village
340 Bath Road**

Rick Emery

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

Manager Gerrish recommended approval.

Councilor Randolph moved, Councilor Watson seconded, to approve the request for a Victualer license from Sunnybrook Village. The motion carried with eight (8) yeas.

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

133. The Town Council will hear public comments on proposed amendments to the Parking Ordinance regarding parking on School Street and Federal Street and will take any appropriate action.

Chief Hinton explained that the change would affect fourteen (14) spaces on the north side of School Street, changing them from two hour to three parking. This had been a request from some downtown businesses through the Brunswick Downtown Association in order to allow for shopping and attendance at the Eveningstar Cinema during the day.

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

Councilor Watson moved, Councilor Randolph seconded, to adopt the proposed amendments to the Parking Ordinance regarding allowing three (3) hour parking on School Street. The motion carried with eight (8) yeas.

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

134. The Town Council will hear public comments on the submission of a Community Development Block Grant seeking \$50,000 in grant assistance to create a Homeless Prevention Program to be administered by the Tedford Shelter, and will take any appropriate action.

Manager Gerrish explained that the town was approached by the Tedford Shelter to make an application on their behalf to assist with their homeless prevention program. They have been tentatively approved. This public hearing is part of the requirement of the grant acceptance process.

Don Kniseley, Executive Director of the Tedford Shelter, explained that the money would be used to hire a full-time homeless prevention coordinator. The funds would cover the first year, after which, they will have to look elsewhere for funds to sustain the program.

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

Councilor Watson moved, Councilor Randolph seconded, to approve a Community Development Block Grant application for the Homeless Prevention Program/Tedford Shelter in the amount of \$50,000 and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the Municipal Officers to accept said grant funds, to make such assurances, assume such responsibilities and exercise such authority as are necessary and reasonable to implement such programs. The motion carried with eight (8) yeas.

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

135. The Town Council will hear public comments on proposed amendments to the Brunswick Zoning Ordinance regarding rules governing Public Boat Launch facilities and will take any appropriate action.

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Chair Priest asked for a show of hands as to how many people would like to testify. Seeing about sixty (60), he went on to explain the rules that would be followed for the public hearing.

(A copy of Chair Priest's comments regarding the conduct of the public hearing will be attached to the official minutes.)

Steve Walker, Natural Resources Planner, gave a brief overview of the proposed ordinance amendment. He said the amendment would change the current zoning requirements to 30% impervious cover or the existing allowance in that particular zone, whatever is more and that it precludes any moorings or septic systems on the facility. Specifically, for CP1 you would be looking at the 30% requirement.

Councilor Randolph questioned how far out the prohibition on moorings would cover. Mr. Walker responded that there is the ability to go to the town line, but he has no specifics yet because there is no site. Upon further questioning, he responded that the town line would be the middle of Middle Bay if talking about this specific launch.

Councilor Rice reminded everyone that fuel storage would be prohibited also, and questioned whether entities such as the police department would also be prohibited from having a mooring. Mr. Walker responded that a mooring for safety purposes would be allowed.

Chair Priest opened the public hearing at 8:00 p.m.

Anne Hayden, 6 Bowker St. – spoke in favor of the ordinance change. Ms. Hayden said she is a master environmental scientist with 20 years experience and she chaired the Zoning Ordinance Development Task Force. She said the amendment would be strengthening CP1 with regard to its impact on nutrient pollution as it eliminates the possibility of septic systems on the site.

Bob Morrison, 20 McKeen St. – read a letter reflecting the opinion of the Conservation Commission, which supports the public launch on Mere Point and the corresponding ordinance.

Don Peterson, Larrabee Farm Rd. – believes the amendment has a positive effect and he wholeheartedly supports it.

Dave Pecci, Bath – Chair of the Maine Marine Recreational Advisory Council and spokesman for recreational anglers to the Department of Marine Resources. He said that there are 3,500 miles of coastline and very few public launches and we should take every opportunity to make the public waters and resources of our state available to the people of Maine to recreate.

Tom Augat, 9 Pleasant St. – said the issue is what impacts the most people. He said this will open up the recreational possibilities in this area. He said the issue of a zigzag road

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through a residential area does not need to be worried about, as he has seen and used the launch at Fiddler's Reach in Phippsburg and it has not been an issue there. He also said he has never seen 24 hour monitoring elsewhere.

Dave Chaplin, 92 Raymond Rd. – said that access to water was the main reason he came to Brunswick. He is concerned for the affordability of living on the water and is distressed with the data that has been developed comparing other launches.

John Blood, 116 Woodside Rd. – said he is a member of the Mere Pt. Boat Launch Advisory Committee. He said only 25 boats were launched on the 4th of July at the launch in Falmouth. He is a licensed captain who sells moorings for boat owners and thinks we should seize the opportunity and insure the State can build the boat launch. Casco Bay is Brunswick's greatest natural asset and this needs to be done to insure future generations have access to the bay.

James MacLeod, 149 Jordan Ave. – said that all that needed to be said had already been said and urged a vote of support for the launch. The science is there and the traffic and other studies have already been done and a citizen's advisory committee is in place.

Ralph Keyes, 85 Old Pennellville Rd. – said he is the Chair of the Brunswick Marine Resources Committee. He spoke in support of the ordinance changes saying this has been a long standing need of the shellfish harvesters for all tide, all season access to the water.

Ron Swanson, 808 Mere Pt. Rd. – said he would like to share the coast. He and his wife have worked for 26 years to get a launch site in this community. This is a golden opportunity and will be a great asset to the community. He is concerned with the misinformation regarding the numbers; 500 vehicles a day is ridiculous. New Meadows access requires one hour to get to open ocean. The State will build it and all we have to do is maintain it at a cost of \$2,000 to \$3,000 per year.

Raymond Labbe, 421 Durham Rd. – said the rules shouldn't be so black and white. Systems designed today are night and day, if they are properly maintained there is no problem. The launch would be an asset to the community.

John Lemont, 21 Maple St. – said he is a member of the Marine Resources Committee and the Mere Point Boat Launch Advisory Committee. There is no problem enlarging the impervious zone for this boat launch, the science is there to back it up. The big reason for the restriction on the impervious surface is so every landowner down there can't put in a parking lot and a boat launch.

Harry Hopcroft, 21 Potter St. – said he supports the concept of access. He is opposed to the ordinance change because of the scale of the project and he has seen no study that addresses the environmental hazards caused by the pier such as dredging, erosion and silting. He said it doesn't make sense to throw out the rules because this is a public

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project. The runoff issue is huge; this is spot zoning for a specific facility and it would be unsafe for small boats. He thought a scaled down facility would be acceptable to most.

Sue Hartman, Cumberland – said to respect the opinion of voters in the recent referendum, no zoning change should be made. The Planning Board is advisory to the Council and they made no recommendation as is required by Chapter 12.2-5. The use of impervious surface restrictions is a superior measure of gauging the impact of new development. A public entity should not be treated more favorably than a private developer. The Council shouldn't act when the Planning Board expressly indicated there is insufficient case to support a change in zoning. This project has no place in a small lot or a residential neighborhood.

David Treadwell, 7 Blueberry Ln. – read a rhyming verse in opposition to the project, which outlined the background of the process to date, and concluded with a request to come up with a plan that makes sense for all of the town's residents, to turn down the gift horse from the State and take no action which might later be lamented.

Jim Dodd, 39 Windemere Rd. – said the deep water is 40 ft. deep at most in the middle of the small bay. You have to go over 200 ft. of clam flats, this is not deep water. Changing the zoning ordinance to allow an unsuitable large facility in this zone would be ridiculous and he urged the Council to consider the change very carefully.

Edward Lane-Reticker, Boston, MA (61 West Marginal Rd.) – said on the positive side would be all tide access to Casco Bay and have the State pay for it, and a benefit for Maine residents and non-residents whose license fees help to fund the Department of Inland Fisheries and Wildlife. Arguments against are traffic congestion and environmental damage. Unknowns are policing and maintenance costs. The Planning Board could not agree on a recommendation and the Advisory Committee has only met once and has made no recommendations. This meeting is not a preliminary step; it may be the town's last opportunity to influence the design and operation of the boat ramp in any decisive way. The Council should wait until it has the report of the citizen advisory committee and until it is convinced it has the commitment from the Department of Inland Fisheries & Wildlife.

Phyllis Austin, 845 Mere Pt. Rd. – said the zoning change is inappropriate. The Council and State are invested in one plan only, even if it is a mistake. Brunswick's reputation for serious commitment to the natural environment is being sacrificed. No one is against public access.

Pamela Holland, 15 Birch Island Rd. – said this facility does not fit, it is too large. Most would welcome something that benefits the citizens of the town and fits on the land that is available. As an abutter, she thinks her property value would decrease significantly.

Deborah Price, 825 Mere Pt. Rd. – said the CP1 zone change is all about size. Reduction of something that is too large is not necessarily a good thing. Plan size is the major

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problem, even more so than the location. The larger the size, the greater the cumulative impact on the environment, the neighborhood, the traffic and the pocketbook.

Alice Bean Andrenyak, 17 Webb Field Rd. – said her family business is within the CP1 zone and cannot grow sales due to zoning restrictions. This is spot zoning. Mere Point Road is posted for heavy vehicles and points up the need for upgrading the road.

Ann Dellenbaugh, 845 Mere Pt. Rd. – said we are actually discussing a particular site. We are changing town ordinances to accommodate a state project. There are already two sites on Mere Point Road, one marina and one boatyard that already have an impact on the bay. It is impossible to say how the neighborhood will be affected. As a kayaker, she would not be welcome in sites this large and couldn't use this launch as proposed.

Chris Dwinal, Topsham – said he is an environmental engineer. He calculated the nitrogen generated with the boat launch would be ½ of the nitrogen the site with two homes would contribute. Boat launches in residential areas are not a new thing and can be built and operated successfully. He passed around a set of photos for the Council's viewing. Access is needed and this may be a once in a lifetime opportunity.

Ben Ford, 324 Simpson Pt. Rd. – said there is no parking at the launch site on Simpson Pt. Cars park fifteen to twenty deep on Simpson Pt. Rd. In general, his experience has been a good one. Mr. Ford said this might help those who already border launches.

Colin Fay, 21 Thompson St. – questioned whether or not we should change the ordinance to accommodate a big parking lot, and what justification would be necessary to do this. We all use something in other people's neighborhoods. He said the public interest is there.

David Brooks, 2 Meredith Dr. – said he is a member of the Conservation Commission. He said the intent of the CP1 zone was to protect the bay from nutrient loading, the primary source of which is primarily system leach fields and fertilizer from lawns. Impervious surface contributes a much smaller amount. He referred to the state's storm water management plan, which backs up the science. Quantity of storm water is not a problem as we are not going to flood the ocean and quality will exceed state standard. He urged passage of the CP1 zone change.

Tony Yuodsnukis, 276 Bunganuc Rd. – said he was a proponent of the CP1 zone but would not have backed it if he realized it would restrict public access. This is for the public good with a demonstrated public need and the ordinance needs to be adjusted.

Charlie Wallace, 501 Mere Pt. Rd. – said he is a licensed professional environmental engineer and is a member of the Mere Point Boat Launch Citizen Advisory Board. Should a zone be changed to accommodate public access? A private facility with a lot density coverage factor of 50 % received approval under the marina portion of CP1, involving two new access roads with 50,000 sq. of impervious surface and is not causing any major adverse environmental impact. Another private facility has a lot density of

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impervious surface of 90%. He questioned the logic of disallowing 30%. He would like some of his taxes to go in the direction of a public access facility.

Bob Healing, 41 Marginal Rd. and Wilton, CT – asked why make a controversial zoning change now? He questioned public vs. private discrimination. Some private entities would like the same consideration. Making a decision based upon the possibility of a referendum in November is not the best reason for making a decision now. Take the time to fully consider all of the issues and implications and possibly avoid a referendum. He said he believes strongly in public access and would accept a smaller scale project. He thinks it would be difficult to control this large facility.

Mark Snow, Yarmouth (Birch Island) – said he had negotiated with the IF&W regarding the Birch Island access road and found the state to be resistant. He sees the current zoning ordinance as the only defense to a rogue developer. Petroleum, boat paint, and solvent runoff, and boats' septic systems are the concerns. He is a member of the Mere Point Boat Launch Citizens Advisory Committee and said that they have no idea what the costs will be. Keep the options open, put off the vote and learn more about the alternatives, such as a town facility.

Jane Hogan, Keyesville, VA (35 E. Marginal Rd.) – said she agrees with almost all the previous speaker said. She said the State seeks to accommodate sport fishing. Plant studies have been superficial. A smaller site would have lower impact and will give the town individual control.

Brad Johanson, York (E. Marginal Rd.) – said this process should be treated with the respect, the transparency, and the process that have been established and protected since this town was incorporated. This is an exception to the vision we established two years ago. Washington and Augusta don't care about our local concerns. The only reason to rush this step tonight is to bypass the citizens of Brunswick. He urged the Council not to amend the ordinance tonight.

Prentice Weiss, 895 Mere Pt. Rd. – said this is an ill conceived, misplaced force fed facility, at the end of a narrow dead end road in the middle of a residential area. She suggested changing the vision to a park with a launch for small boats.

Susan Logan, Vero Beach, FL (16 Sandpiper Ln.) – said there were seven conditions laid out by the town in the letter of support for this project and little has been done to address these concerns. The Town of Harpswell turned down the launch when they could not come to an understanding with the State. She suggested building something fitting for Brunswick people.

Kimberly Murphy, Lincolntown (Birch Island) – said the majority are opposed to this public boat launch. It is too huge, too commercial for the Mere Point site. She pointed out that the Birch Island lot and Paul's Marina are gravel, not paved impervious surfaces. She hopes that Town Council will listen to the valid concerns of the majority of the public and not vote the CP1 zone change.

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Stoddard Smith, 31 W. Marginal Rd. – said the decision shouldn't be rushed. It is too large a project for too small a parcel. Petroleum, not nitrogen runoff, should be the focus. As a lawyer, he thinks there are problems with real estate right of way issues. The town will lose leverage with the State if the zone is changed tonight.

Kate Deignan, Colorado Springs, CO (32 E. Marginal Rd.) – said she is in support of the opponents she has heard tonight. She asked that more details be found out and the process be slowed down.

Stephen Loebs, 25 Monument Ln. and Columbus, OH - said that he had three points to make, regarding the public trust, the cost to the taxpayers, and unfinished business. 55% of the voters voted the ordinance and that shouldn't be rejected tonight. He also cited the Council minutes of July 21, 2003, where it said the Planning Board voted to make no recommendation, and then the Town Attorney made the judgment that the vote of no recommendation was, in fact, a recommendation, and the Council could act. The Council has a responsibility to explain the costs and how they will impact property taxes.

Bill Paschke, 1133 Mere Pt. Rd. – said he agreed with the previous speaker regarding the public trust. He also said that the Planning Board did make a recommendation by their action, that they did not support this ordinance change. Devaluation of property will be a factor. This facility is too large; a reasonable application for a boat launch at this site would be fine. Slow down, let due process work, and put it out to public referendum.

Tim Keiter, Portland, representing Concerned Citizens for the Bay Environment – referred to the notebook of information that he had already presented to the Council. He said he was here to talk about responsibility, making responsible decisions, keeping an open mind until all the facts are in, and knowing all the facts, not jumping into something because of some promises made in the past. You need to look at what's right for the citizens of Brunswick. As an example, why 30% impervious surface, possibly just because that's what makes this project work since there is no science. He questioned the effect on the tax base and cited a traffic study commissioned by the group he represents estimating at least 580 additional car trips per day, possibly up to 1160, down Mere Point Road. The road will be unsafe for bicyclists and pedestrians unless the road is widened at a cost of one to two million dollars. The Council needs to talk to the Planning Board, slow down, and think about what's really right for the Town of Brunswick. As far as managing the facility, he cited a court decision that prevented the town from regulating the use, in this case, by a jet ski.

Stan Gerzofsky, State Representative District 50 – said he has been a proponent of the boat launch since he first heard the State was going to get involved. He has a 100 % voting record supporting the environment. The zoning ordinance can be changed for the public good. A public boat launch is needed and has been wanted for thirty years. He is speaking for the residents of District 50, who have a right to go out and enjoy the water and we should be thankful the State is willing to do this.

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Walter Ash, State Representative Belfast, Isleboro and Northport and Belfast City Councilor – said the committee he serves on at the State level is Marine Resources. Belfast is in favor of public access to the water. Their launching ramp serves far beyond Belfast. He said he is not familiar with this area and cannot speak to the appropriateness of the ramp there, but access is important, and should be kept for the good of the community as a whole, forever.

Louie Maietta, Jr., South Portland – offered the name of Tom Myers, Director of Waterfront in South Portland, as a reference for information regarding marinas and submitted four letters from the Harbormaster, State Representative, Mayor, and City Manager of Belfast.

(The letters will be attached to the official minutes.)

Don McCrillis, 15 Birch Island Rd. – said changing the ordinance may cost the environment dearly and questioned how much money will be added to the tax base.

Marshall Gott, 4 Grove St. – said traffic downtown is bad enough without either the boat launch or the fire station project and must be addressed. As for water retention and the CP1, retention ponds are not working.

Elizabeth Butler, 18 Phippany Way – requested the Council reserve judgment on the ordinance this evening. She said a letter of agreement protecting the taxpayers of this town should be concluded before voting on this. Ultimately, she requests the Council oppose any ordinance changes on both environmental and planning policy grounds. There is no scientific basis for the 30% figure. You are moving from a special exception to a permitted use, the current ordinance structure is right. She asked that the Council view this as a matter of local control.

Kathy Conway, Medford, MA (42 Blackstone Club Rd.) – said true public access should be for all the public, not just the boaters. There are already three boating facilities within ½ mile and she does not support a fourth.

Terrence Reed, Florida (102 Central Ave.) – said the Council will lose leverage if they amend the ordinance and make this a permitted use. He is not opposed to a facility there, but does not like the scope of it.

(A copy of a letter from Mr. Reed will be attached to the official minutes.)

Al Griffith, Florida (50 E. Marginal Rd.) – said the Planning Board did an outstanding job of paying attention. Councilor Randolph was wise in asking to meet with the Planning Board. He is concerned that in trying to meet a longstanding goal, a decision may be made that will come back to haunt you.

Bob Zockoff, Dover, MA (Birch Island) – is primarily opposed to the scale of this project. He said this would be effectively rezoning all of Mere Point. The Open Space

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Task Force had 332 responses, of which 62% were satisfied with the facilities, the supply and the condition of the ramps, only 12% were dissatisfied. The Water Access sub-committee recommended staffing the gate house at Sawyer, and he questioned where that cost shows in this proposal. Any boat launch serves the greater Maine coast, not just Brunswick residents. The scale of the project would insert 700 gallons a day of unburned oil and fuel into the ocean. He urged the Council to slow down and study more on this project.

Peter Terkow, Lebanon, ME – said the State is committed to providing access and it is up to Councilors to protect the resources we have. Other property would work just as well and he questioned how much we really need the ramp at all. He thought it was not a good use of the taxpayers' money.

Eric Butler, 8 Bunganuc Landing Rd. – said he was concerned about the ultimate decision being made tonight, that you need to control your own leverage, not give it away. Don't make a divisive opinion within this town. He said we can work this out if you proceed at a pace and don't jump at it tonight.

Michael Austin, 57 McKeen St. – said he is an assessor and an appraiser. He has never seen property devalued by this type of boat launch facility, in fact, it often makes it more desirable to locate there.

Mark Latti, 33 Hemlock Rd., employee of State of Maine Department of Inland Fisheries and Wildlife – said they take seriously providing access. They worked hard with many agencies to make this project fit. They also are committed to protecting wildlife resources, and take it even more seriously than providing access.

Bob Williams, Manchester, ME, employee of State of Maine Department of Inland Fisheries and Wildlife – reaffirmed the previous speaker's comments and stated that they would not build this site if the Town Council doesn't want it.

Public hearing closed at 10:55 p.m.

Councilor McCausland said that Mere Point is a part of Brunswick and all of the citizens have a right to access to Casco Bay. In order to fulfill a longtime goal of the Town Council and achieve a dream of a lifetime for many Brunswick residents, he moved the amendment to the zoning ordinance that would allow this facility to be built.

Councilor McCausland moved, Councilor Rice seconded, to adopt the proposed amendment to the Brunswick Zoning Ordinance regarding rules governing Public Boat Launch Facilities.

Councilor Randolph stated she did not want to vote tonight. She felt she didn't have all the information and questioned whether the Council can legally act because the Planning Board failed to make a recommendation. She thought the people don't feel listened to.

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Councilor Sartoris said there is a difference between listening and agreeing, she has listened, is well informed and disagrees. Things don't feel fair for all in most decisions, but she believes the majority of residents in District 2 support public access and this is as an appropriate a site as we will find in Brunswick. Under building will not serve the neighborhood at all. She is confident that the 30% impervious surface will both accommodate an adequately sized boat launch without allowing for future expansion, and, with the proper storm water controls, will be protective of the environment. What was voted on in November 2001 has nothing to do with the issue before us today. The impervious surface limitation was increased somewhat for smaller lots, and this lot is at the break even point for that change. This corrects a mistake the town made back in 1991 by not providing for coastal access in the coastal protection zone that was established in 1991. As to the loss of leverage, the State agreed that they would not build a boat launch in this town without a signed memorandum of agreement and she would not vote for it if she thought otherwise. Councilor Sartoris said that continued discussion would not change minds. A town resident only launch would be difficult and costly to police and is an act of desperation. Her primary reason for voting for this tonight is to end the denial. Voting this down clearly would not be in the public interest.

Chair Priest read an e-mail from Councilor Lowe who was unable to be present at the meeting tonight. Councilor Lowe stated that he was in support of the zoning change and, in addition, in support of making the decision this evening.

(A copy of Councilor Lowe's letter will be attached to the official minutes.)

Councilor Galloupe said a year and a half ago the issue was essentially CP2, not CP1. He has listened to the experts and heard from his constituents and he wanted to vote tonight and get it behind us.

Councilor King said she was not ready to cast a vote tonight after only six weeks experience, she has not had the luxury of studying this issue for a couple of years.

Councilor Rice appreciates the neighbors concerns. Coastal access is important, as is minimizing the impact on the people who live in that district. The science is there and he is comfortable moving ahead and getting to the next stage.

Councilor Watson said the people he has spoken with are in favor of the project. He will be voting in favor of the amendment.

Chair Priest looked over the information presented to him and was not convinced. He corrected a quote that had been attributed to him that said that he would never change his mind. What he actually said was that he didn't think the Council would change its position on wanting a boat launch. He said they will try, to the extent possible, to mitigate the effects on the people of Mere Point, however, it is very important to have a public boat launch down there. He is convinced we now have enough information to make a decision and we should do so. Chair Priest agrees with the Town Attorney regarding the ability of the Council to act in this instance.

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Councilor Randolph said she is voting against this because we need to go slower, not because she is against a boat ramp or access.

Councilor Watson feels this is not a rush to judgment; it is just a modification to the CPZ. His objective is that residents of Mere Point not be injured in the process. He will try to put it on hold if he feels there is serious impact to the residents of Mere Point, but we do need this public launch.

Restated motion and vote on the motion.

Councilor McCausland moved, Councilor Rice seconded, to adopt the proposed amendment to the Brunswick Zoning Ordinance regarding rules governing Public Boat Launch Facilities. The motion carried with six (6) yeas. Opposed: Randolph, King.

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

136. The Town Council will consider disposal of Tax Acquired Property and will take any appropriate action.

Manager Gerrish said six proposals were received by last Friday. They are as follows:

Habitat for Humanity	\$13,765.55
Steven Geer	\$22,100.00
Steven Warren	\$24,520.00
Ray Labbe & Sons	\$25,501.00
Kitt Scarponi/Linnco, Inc.	\$25,100.00
Charles and Belinda Washington	\$51,102.00

Councilor Sartoris asked that a Habitat for Humanity representative be allowed to speak

Brett Farpstein, Executive Director of Habitat for Humanity for the Bath Brunswick area- said that Habitat is trying to provide affordable housing for families who are working in town but can't afford to live here. He hoped the Council would think hard about how the town could partner with Habitat to provide affordable housing.

Judith Long, 14 Baxter Ln. – said she is one of the five incorporators of the local affiliate of Habitat for Humanity and a past president, as well. She knows that from a business point of view, the decision is a no brainer. However, Habitat for Humanity and the town share a concern for affordable housing for people who work in this town. She pointed out that Habitat for Humanity will pay back taxes, rehabilitate the house, retain it as affordable housing, and sell it for no interest and no profit to a low income family that works in Brunswick. This would be a win-win situation for the town and the family.

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Councilor McCausland said that Habitat for Humanity is a great organization and he has supported their efforts before the Council in the past, but because of the \$38,000 difference in bids, he would move the high bid be accepted.

Councilor McCausland moved, Councilor King seconded, to accept the high bid with the condition that the property remain a one family residence.

Councilor Randolph questioned if the one family restriction would be made a covenant in the deed.

Manager Gerrish said that would be how it would be done.

Councilor Rice is and has been a supporter of affordable housing, but there is a big difference in bids, and it is important to go with the high bid in this day.

Councilor Galloupe stated he will be voting against this and asked if this happens again that the money be used for something we normally would not finance. He is not comfortable making this kind of money off of someone because they couldn't pay their taxes.

Councilor Watson questioned what will happen to the surplus money.

Manager Gerrish answered that the money would go to pay the taxes and the excess would be revenue and will go to the fund balance.

Councilor Watson asked if the Council could allocate a certain portion of the proceeds to Habitat in support of their programs.

Manager Gerrish said that at some time the Council could make that decision. It would be in the form of a special appropriation since it is not in the budget.

Chair Priest said Habitat is a terrific organization; however, we are talking about a large sum of money. During budget deliberations, it was decided to keep all the social services funded the same as in the previous budget and he is reluctant to give this excess to Habitat for Humanity. He would consider allocating a portion of the funds, which Councilor Watson clarified, was what he meant.

Manager Gerrish and Chair Priest said this can be put on a future agenda.

Councilor Sartoris said she knows we have an affordable housing problem and she will vote against the high bidder in this case, knowing it will go to them, and from a business standpoint it is the wisest course of action.

Restated motion and vote on the motion.

Councilor McCausland moved, Councilor King seconded, to accept the high bid with the condition that the property remain a one family residence. The motion carried with five (5) yeas. Opposed: Watson, Sartoris, Galloupe.

137. The Town Council will consider approving a contract with AFSCME Local 2011, Council #93/Municipal Employees, and will take any appropriate action.

Manager Gerrish explained the union contract which provides a 2% salary increase in each of the two years of the contract. There are also minor changes in longevity. The estimated cost is \$75,000 per year and funds are available in the budget. Manager Gerrish recommended approval.

Councilor Sartoris moved, Councilor Galloupe seconded, to approve the two year contract between the Town of Brunswick and Local 2011, Council #93 AFSCME. The motion carried with eight (8) yeas.

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

138. The Town Council will consider acceptance of Mountain Ash Ave, Balsam Ave, and Black Cherry Drive [Wildwood Subdivision, Phase V] and will take any appropriate action.

Manager Gerrish and the Town Engineer, John Foster, recommend approval of this final section of the Wildwood subdivision. He said these roads were through the Planning Board process before the study was done on the new road acceptance program.

Councilor Rice moved, Councilor Sartoris seconded, to accept Mountain Ash Avenue, Balsam Avenue and Black Cherry Drive as town roads. The motion carried with eight (8) yeas.

(A copy of Mr. Foster's memo will be attached to the official minutes.)

139. The Town Council will consider a request from the National Kidney Foundation to hang a banner over Maine Street from September 19 through September 29 and will take any appropriate action.

Councilor Randolph moved, Councilor Watson seconded, to approve the request from the National Kidney Foundation to hang a banner over Maine Street from September 19 through September 29, 2003. The motion carried with 8 yeas.

Councilor Watson moved, Councilor King seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 11:50 p.m.

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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.

Elin M. Gould

Deputy Town Clerk

August 11, 2003

September 2, 2003

Date of Approval

Council Chair