

**Approved**  
**BRUNSWICK TOWN COUNCIL MINUTES**  
**December 16, 2003 7:30 p.m.**  
**Municipal Meeting Facility**

**(Meeting postponed from December 15, 2003 due to inclement weather.)**

**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, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

**Councilors Absent:** None.

**Others Present:** Donald H. Gerrish, Town Manager; Elin M. Gould, Deputy Town Clerk; Theo Holtwijk, Director of Planning and Development; Mat Eddy, Economic Development Director; John Foster, Public Works Director; Rick Desjardins, Police Commander; several citizens, members of the press and TV video crew.

**Minutes of Previous Meeting:** December 1, 2003  
December 8, 2003

Hearing no objection from the Council, Chair Priest declared the minutes of December 1, 2003, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of December 15, accepted as written.

**Correspondence:** none.

**Public Comment:**

Pem Schaeffer, 90 Crestview Lane, spoke about the reuse of the old high school and the purchase of the NAPA building by the Town.

**Manager's Report:**

Manager Gerrish thanked the third grade of Longfellow School for their visit last week to Town Hall and the Police Dept.

**1) Financial Update (taken last)**

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Manager Gerrish reported that five months into the fiscal year the budget is in good shape. Auto excise continues to be ahead of last year, approximately \$50,000 above projection, and revenue sharing is right on target.

### **2) Report on Possible CDBG Housing Grant Application**

Mat Eddy, Economic Development Director, said that the Town has received a \$500,000 grant for work on the NAPA building, improvements to Center St. and its sidewalks, and the creation of additional parking. The Town has six months to put the grant into play.

Mr. Eddy talked about a \$400,000 Community Development Block Grant that is available for housing rehabilitation.

*(A copy of a memo from Mat Eddy will be attached to the official minutes.)*

Chair Priest asked if the NAPA grant money would still be available for the rest of the improvements should the Council decide not to go forward with the NAPA building itself.

Mr. Eddy responded that the money would be available but would take some negotiation and reworking. The grant is a one to one dollar match, and the town has already budgeted \$500,000 for the NAPA building, so the amount that the town could actually take advantage of, without the NAPA building, might be significantly less.

Manager Gerrish said he recommends a Council workshop in January regarding the NAPA building and the old high school.

John Foster, Public Works Director, explained the trash and recycling schedules for Christmas and New Year's weeks.

### **3) Report on New Meadows River Watershed Grant**

Theo Holtwijk requested authorization to accept funds in the amount of \$1750 (one thousand seven hundred fifty dollars) from the Partnership for Environmental Technology Education to develop a three dimensional GIS based model of the New Meadows river to be used for educational purposes. Mr. Holtwijk said this is a first, as there is no watershed in Maine that uses this type of technology for educational purposes.

**Councilor Watson moved, Councilor Rice seconded, to accept and expend the New Meadows River Watershed Grant in the amount of \$1750 (one thousand seven hundred fifty dollars). The motion carried with nine yeas.**

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

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**4) Report on ADA Audit**

Manager Gerrish explained that one community in each state has been chosen to work with the Department of Justice on an Americans with Disabilities Act compliance review, and this year Brunswick has been selected. It is anticipated that by July, there will be a compliance agreement with the Department of Justice.

**5) Final Report from Brunswick Housing Coalition**

John Hodge, Director of the Brunswick Housing Authority and Chairman of the Brunswick Community Housing Coalition spoke about the two year process. Over \$20,000 (twenty thousand dollars) was solicited in private donations, along with contributions by the Town of Brunswick and the Brunswick Housing Authority, to pay for a consultant.

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

Councilor Rice said he hoped the Council would eventually adopt the plan. He recommended a workshop in February with the Housing Coalition Committee.

Mr. Hodge reminded the Council that the CDBG grant before them in February asks whether or not there is a housing needs assessment. He said this report would be that assessment, so that an earlier workshop would be better.

Councilor Sartoris asked about possible disincentives for affordable housing not focused on in the report.

Mr. Hodge said that private developers found barriers to housing development in general, not just affordable housing. He would like to work with the Town to review existing ordinances.

**Adjustments to Agenda:** none.

**205. The Town Council will hear public comments on the following requests for renewal of Alcoholic Beverage Licenses and will take any appropriate action.**

**Full Time Spirituous, Vinous and Malt**  
**Brunswick BPO Elks #2043**  
**179 Park Row**

**Michael Hory**

**Hospitality Concepts d/b/a Pedro O'Hara's**  
**One Center Street**

**Peter Therriault**  
**J. Scott Leahy**  
**Michael Levenbusky**

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**Full Time Vinous and Malt**

**Capital Pizza Huts, Inc. d/b/a Pizza Hut  
238 Bath Road**

**Kenneth Wagon  
Sharol B. Rasberry**

**Shere Punjab Inc. d/b/a Shere Punjab  
46 Maine Street**

**Karnail Singh**

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

Manager Gerrish recommended approval for all the licenses.

**Councilor Watson moved, Councilor Sartoris seconded, to approve the renewal requests for Alcoholic Beverage Licenses for the Brunswick Elks Club, Pedro O'Hara's, Pizza Hut, and Shere Punjab. The motion carried with nine (9) yeas.**

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

**206. The Town Council will hear public comments on proposed amendments to Chapter 14: Streets, Sidewalks and Other Public Places, regarding noise, and will take any appropriate action.**

Councilor Randolph said that comments were solicited from ten (10) or eleven (11) area companies that use large trucks, regarding engine braking. She said she will be asking to limit engine braking to outside the hours of 10 p.m. to 6:00 a.m. In addition, Councilor Randolph asked that the Council not vote on the amendment this evening, to allow more citizen input.

Chair Priest opened the public hearing.

**Richard Fisco**, 2 Lincoln St, said that the committee has not addressed the problem that brought about the amendment, which was late night noise in the vicinity of Bowdoin College and disturbances downtown outside local bars in the 1:00 a.m. to 2:00 a.m. timeframe. The Northwest Brunswick Neighborhood Association has been making complaints for years about drunken people yelling between 1:00 a.m. and 2:00 a.m. on residential streets. They have asked the Police Department about a pedestrian police officer downtown at that time, however, they were told that no personnel or funds for additional personnel were available. This amendment has become a traffic safety amendment. The real needs have not been effectively addressed. Mr. Fisco said that better management of the existing police force and more effective utilization of existing assets would be the prudent response to the complaints. He suggested tabling the amendment.

Councilor Randolph read a section of the proposed amendment.

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**John Gerard** spoke both as a member of the Board of Directors of the Brunswick Downtown Association and as a downtown resident. He said it was clear the Police Department felt a better ordinance was needed and the committee was nearly unanimous on what was brought forward. He agreed that there is a considerable amount of noise in the residential areas immediately surrounding Maine St. and he said the Downtown Association voted unanimously to support this noise ordinance. Mr. Gerard said the best thing that could be done to address the problem is to give the Police the tools they need to eliminate the worst abusers, and he strongly encouraged the Council to support the amendment.

**Mercie Normand**, 165 Park Row, said she was unclear as to whether or not she could call regarding a noise if she's not on the public right of way.

Police Commander Desjardins responded that those affected by the noise can apply this ordinance.

**Doris Gnauck**, 1 Center St., and a member of the noise committee, said she expects a lot of noise living on the main drag, but that any ordinance that could stop some of the worst sounds would be helpful.

**Michael Longley**, 26 Longfellow Ave, expressed support for the amendment.

Chair Priest closed the public hearing.

Councilor Randolph read a portion of a letter from Harry C. Crooker and Sons, regarding engine noise.

Manager Gerrish said that an e-mail had been received from the Powers', residents of Hacker Rd, regarding this issue.

Councilor Galloupe questioned the information in the letter on emergency stopping.

**Councilor Randolph moved, Councilor Galloupe seconded, to table the proposed ordinance amendment to Chapter 14: Streets, Sidewalks and Other Public Places regarding noise until the second Council meeting in January 2004. The motion carried with nine (9) yeas.**

Councilor Sartoris would also like to have information on noise emanating from a private residence.

*(A copy of the letter from Crooker's and the Powers' e-mail will be attached to the official minutes.)*

**207. The Town Council will receive a report from the Planning Board on proposed changes in the Brunswick Zoning Map and Ordinance for rezoning**

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**a portion of the New Meadows Motel property into the I3 Zone and to change the Motel from Special Permit to Permitted Use in the I3 Zone. The Council will take any appropriate action.**

Theo Holtwijk, Director of Planning and Development, said the Planning Board reviewed a request from Walter Reil of the New Meadows Motel, which is currently in the Farm and Forest 3 Zone. Motels are not an allowed use in the zone; therefore, the motel is non-conforming. The Planning Board made a two (2) part recommendation, to rezone a portion of the property, effectively putting it in the Industrial 3 Zone, and to change Motels from a Special Permit to a permitted use in the I3 zone.

**Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for the second Council meeting in January 2004 on proposed amendments to the Zoning Map and Ordinance regarding rezoning and usage in the I3 zone. The motion carried with nine (9) yeas.**

*(A copy of two memos from Phil Carey will be attached to the official minutes.)*

**208. The Town Council will receive a recommendation from the Planning Board for various Zoning Ordinance Amendments and will take any appropriate action.**

Theo Holtwijk said the Planning Board looked at issues that have cropped up and how the zoning ordinance can be improved.

**Councilor Sartoris moved, Councilor Rice seconded, to set a public hearing for the second Council meeting in January 2004 on the various proposed amendments to the Zoning Ordinance.**

At Chair Priest's request, Mr. Holtwijk gave a synopsis of the proposed amendments.

Responding to Chair Priest, Mr. Holtwijk said unregistered motor vehicles referred to on page 6, would apply to farms.

Councilor Galloupe said that farm vehicles are motor vehicles, but in certain cases don't have to be registered. He suggested adding a line excluding vehicles that are not required to be registered and inspected for highway operation.

Councilor Watson agreed with Councilor Galloupe.

Councilor Rice added that certain antique and classic vehicles may also be exempt from some motor vehicle inspection requirements, as well as vehicles from certain other states.

Manager Gerrish said the issue will be looked into, and since the change would be less restrictive, the proposed amendments can still be set for public hearing.

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Councilor Randolph questioned whether or not the proposal requires that every subdivision creator submit by GIS.

Mr. Holtwijk said that most subdivisions are already created in that manner, but that something that is not, would not be required to be submitted by GIS.

Councilor Rice asked about aquifer protection zones, item number eleven (11), Definitions, and its impact on athletic fields.

Manager Gerrish said that these are administrative changes only. There is work being done on the issue of pesticides and fertilizers in the Aquifer Protection Zone that affects fields at both Bowdoin College and Edwards Field. This issue will be back before the Council in the near future.

**Restated motion: Councilor Sartoris moved, Councilor Rice seconded, to set a public hearing for the second Council meeting in January 2004 on the various proposed amendments to the Zoning Ordinance. The motion carried with nine (9) yeas.**

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

**209. The Town Council will consider a proposal to amend the Zoning Ordinance to allow for affordable housing and will take any appropriate action.**

Councilor Sartoris talked about the proposal for affordable housing that has recently been in front of the Planning Board, where numerous waivers of the existing ordinance were requested. The Board split three (3) to three (3) on the issue. She said that the problem is not with the Planning Board, or with the development itself, but with the Zoning Ordinance, that puts the Planning Board and the Brunswick Housing Authority in an awkward position. Councilor Sartoris is asking to request the Planning Board to work with staff to come back with a proposal to amend the Zoning Ordinance to address the issue of the four waivers that have been requested so that the Zoning Ordinance supports not just the development of any affordable housing that may be proposed in the future, but also so that it would support a reasonable kind of development.

Chair Priest asked whether or not Councilor Sartoris would also like waivers of impact fees looked at, as well.

Councilor Sartoris said she would be happy to have them look at that.

**Councilor Sartoris moved, Councilor Rice seconded, to request the Planning Board to work with town staff and come back to the Council with a proposal amending the Zoning Ordinance to address the issue of the four waivers that have been requested, as well as the waiver of impact fees.**

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Councilor Rice would like a legal opinion on the ability to waive the impact fees.

Manager Gerrish recommended giving the opportunity for the Planning Board to talk and come back with a time frame.

Councilor McCausland said it was the Brunswick Housing Authority that rehabilitated the area known as Moodyville into something to be proud of, and now they would like to expand that with this affordable housing. He hopes the Planning Board moves this important project forward.

**Vote on the motion: The motion carried with nine (9) yeas.**

*(A copy of a memo from Theo Holtwijk will be attached to the official minutes.)*

**210. The Town Council will review their goals for 2003 and will take any appropriate action.**

Chair Priest reviewed the 2003 goals:

With regard to goal number one (1), working to develop a new business park and encouraging economic development in Brunswick, an Economic Development Director has been hired and there has been a small addendum to the current business park.

Goal number two (2), finalizing a site for the new Fire Station and implementing a process to complete the project, had been accomplished, however, due to the defeat of the referendum in November, this is continuing to be worked on.

Goal number three (3), continuing work on updating the Comprehensive Plan. The Committee is meeting and progress is being made in that area.

Goal number four (4), continuing work on the Mere Point Boat Launch facility, is being accomplished. The permitting process is proceeding and a committee was formed and is being chaired by Councilor Sartoris, helping to determine how the launch area will be operated.

Goal number five (5) was to prioritize the Open Space Plan's issues. A report has been received and the committee will be back before the Council within the next three to four months.

Goal number six (6), to continue discussion of the Spring Street site (old high school), has not been dealt with yet. It will be discussed at a Council meeting in January, along with the NAPA building and other items.

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Manager Gerrish said that looking at infrastructure and building needs, the old high school is the key component. He will ask the Council to set a workshop for Monday, January 12, 2004.

Councilor Sartoris said she wanted to make sure the public has an opportunity in the near future to have input regarding the old high school.

Manager Gerrish said he thought it best for the Council to talk first, to go over the process and decisions up to this point, so that there is better consensus among the Council before setting up a process for going forward. Staff has started putting together a packet, from 1937 when the high school was built, to the present, which will include studies that have been done, recommendations that have been made, decisions that were made and information on costs, so that everyone has the same information and are better able to see where additional information may be needed.

Councilor Randolph said she thought that nothing had been done in the past year on prioritizing the Open Space Plan, goal number five (5).

Manager Gerrish said the Committee talked to the Council about key elements of the plan. The Council set some priorities regarding the process for land for Brunswick's future and studying Brunswick's cemeteries.

Councilor Sartoris said the Committee and town staff have begun to work on developing the priorities that would go into the fund, which is a substantial piece of scientific analysis. The draft will be coming to the Council within the next couple of months.

Manager Gerrish reminded everyone of the dates of the public safety meetings to be held in January. He said a flyer will go into the Times Record, which will consist of a notice and opportunity for input. There will also be ads in the newspaper and the information will appear on Cable TV.

*(A copy of the 2003 Council goals will be attached to the official minutes.)*

**211. The Town Council will consider appointments to various Boards and Committees and will take any appropriate action.**

**Councilor Sartoris nominated William J. Locke for reappointment to the Personnel Board as a full member for a term to expire 1/12/2007, Charles L. Updegraph, Jr. for reappointment to the Personnel Board as an alternate member for a term to expire 1/12/2005, and James M. Doherty for reappointment to the Recycling Committee for a term to expire 1/1/2007, asked that nominations cease and that the Chair cast one vote each for Mr. Locke, Mr. Updegraph and Mr. Doherty. The Council voted nine (9) yeas in favor of these appointments.**

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Councilor Sartoris said that recommendations for changes to the appointment process will be coming to the Council in January.

Chair Priest expressed his thanks for the privilege of being Council Chair.

Chair Priest invited outgoing Councilor Randolph to the Inaugural meeting on January 5, 2004.

Manager Gerrish wished everyone Happy Holidays and thanked public works employees for their hard work dealing with the two major snow storms already this season.

**Councilor Galloupe moved, Councilor Sartoris seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:21 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.**

*Elin M. Gould  
Acting Town Clerk  
December 22, 2003*

January 20, 2004

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*Date of Approval*

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*Council Chair*