

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
January 10, 2005
6:45 p.m.
Municipal Meeting Facility

6:45 P.M. Chair Lowe called the meeting to order.

Councilors Present: Chair Forrest Lowe, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Louise V. Ansari, Barbara A. Desmarais, Ralph L. Tucker, and Joanne T. King.

Councilors Absent: None

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Mathew Eddy, Director of Economic Development; Steve Walker, Natural Resource Planner; James Ashe, Superintendent of Schools; John Eldridge, Finance Director; Tom Farrell, Director of Parks and Recreation; and the TV video crew.

EXECUTIVE SESSION: 6:45 P.M. Acquisition of Property

Councilor Desmarais moved, Councilor Watson seconded, to go into executive session to discuss acquisition of property. The motion carried with nine (9) yeas.

MEETING CONTINUES: 7:00 P.M.

Chair Lowe asked for the Pledge to the Flag.

Approval of Minutes: **December 6, 2004**
 December 20, 2004
 January 3, 2005

Hearing no objection from the Council, Chair Lowe declared the minutes of December 6, 2004, December 20, 2004, and January 3, 2005, accepted as written.

Public Comment: None

Correspondence:

Councilor Desmarais said, as a point of information, an environmental class from Bowdoin may be contacting people about their thoughts on environmental issues.

Councilor Sartoris requested, at the inquiries of residents, an update on the railroad track crossing on Maine Street and asked if the Water District had responded to having their meetings televised. (Manager Gerrish said he had no response from the Water District.)

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Manager's Report:

a) Financial Update

Manager Gerrish said the town is through six (6) months of the year. Revenues remain in good shape. Excise tax is in line where the town projected it would – having collected fifty one percent (51%) of the estimated amount. State revenue sharing is at fifty four percent (54%) of the projected amount. On the expenditure side, the town is in good shape, but the town will have to monitor the winter works budget now that winter is here. One area that is above fifty percent (50%) is legal fees. Much of this is due to the boat launch legal fees.

Councilor King asked if legal fees are tracked by category. (Manager Gerrish responded they are tracked in special areas and there is a general category.)

b) Update on Legislative Property Tax Reform

Manager Gerrish said since the Legislature is still in session, Representative Gerzofsky and Representative Lerman from Augusta will not be at the meeting tonight. They hope to make it another night, along with Senator Edmonds and Representative Richardson. The tax reform is a fluid issue that the Legislature continues to work on. He hopes to have more to report soon.

c) Update on CIP Process

Manager Gerrish gave this update. He would like to have an additional Council member to be a part of the Committee, with the Council Chair and Vice Chair.

Chair Lowe felt with the importance of this project, it would be good to have an additional Councilor on the Committee. Councilor Ansari has volunteered to serve. Without objection, he appointed her.

Manager Gerrish said there will be a workshop on January 31, 2005, to discuss the budget and what is happening with tax reform.

Adjustments to Agenda:

Chair Lowe asked to waive the Council Rules to move Item 5 after Item 3.

Councilor Sartoris suggested tabling the appointments to Boards and Committees until a future meeting.

- 3. The Town Council will hear public comments on proposed amendments to the Licenses and Businesses Ordinance regarding fees for sellers of prepared food on public ways and will take any appropriate action.**

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Manager Gerrish said this will look at fees for the vendors on the mall. The Council is proposing doubling the annual fees to fifteen hundred dollars (\$1,500) for food vendors and three thousand dollars (\$3,000) for the Farmer's Market.

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

Manager Gerrish said, responding to Councilor Ansari's question regarding the need for the increases, there are two major reasons. First, this would bring them more in line with other communities, like Rockland, which charges fifteen hundred dollars (\$1,500) for a site with no electricity and three thousand dollars (\$3,000) for sites with electricity. Second, the farmers using the mall cause damage to the grass, which can be costly to repair. Responding to an earlier request for more information, the cost for separate electrical meters could be up to fifteen hundred dollars (\$1,500) each to hook up, and four (4) meters on the mall would not be attractive. Responding to Councilor Watson, Manager Gerrish said the town pays the cost of the electricity on the mall.

Councilor Sartoris asked about the difference between sellers of prepared food and the farmer's market – the language is not clear. (Manager Gerrish explained the difference and said that the language could be clarified in the future.)

Councilor Rice moved, Councilor Desmarais seconded, to amend the Brunswick Municipal Code of Ordinances, Chapter 10: Licenses and Business Regulations in regards to fees for Sellers of Prepared Food on Public Ways. The motion carried with nine (9) yeas.

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

212. The Town Council will consider sending a request to the Marine Resource Committee for a review of the Marine Structures and Ways Ordinance to clarify the responsibilities of the Harbor Master and to review the proper placement of moorings and will take any appropriate action.

Steve Walker, Natural Resource Planner, said he feels this proposal is not as controversial as others have been. He reviewed his memo and listed the four (4) elements of his proposal:

- 1) Defining Brunswick's "Harbor" to include all tidal waters of the town. This is in keeping with surrounding communities and US Army Corps guidelines.
- 2) Creating an approval process for the placement of new moorings and replacement of old moorings that considers navigational issues, as well as, resources impact issues such as eelgrass, meadows and shellfish beds.
- 3) Establishing an identification mechanism for existing moorings.
- 4) Establishing the authority to enforce proper use of town launches.

(A copy of a memo from the Natural Resource Planner will be attached to the official minutes.)

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Mr. Walker, at the request of Councilor Tucker, traced on a town map the areas that are currently covered by the ordinance and those that are not.

Mr. Walker said, responding to Councilor Desmarais' question on tracking moorings, there will be a notification process for moorings, whether it is done annually or just once. This process will also include new moorings and the transfer of ownership.

Councilor King asked if this new policy would change anything for the current mooring holders. (Mr. Walker responded that it would not change anything, but would require the mooring to be identified.) Would this permit the town to stop jet skies or air boat use at certain sites? (Mr. Walker responded it could be discussed.) Councilor King would be supportive of the review if this regulation was included in it.

Mr. Walker said, responding to Councilor Watson's questions, the proposal would provide clarification in the town ordinance. Under state law, the Harbor Master has the authority to enforce marine laws and can define channels. As for a ban on water vehicles, Mr. Walker said the proposal could restrict where certain ones can be launched, but not the type of boat permitted in the water.

Councilor Sartoris said she wanted to clarify the fourth point of Mr. Walker's memo. It is based on a previous Council vote in November. It was regarding sending a letter on the restrictions the town may want on some of its existing launch facilities to prevent some of the environmental degradation associated with uses that are not appropriate for those facilities. The authority to enforce proper use of town launches would also be to define the activities allowed at each launch facility, as mentioned by Mr. Walker. They would include placing restrictive covenants where necessary on activities, which are damaging to the environment. The Council talked about this in November, but she wanted to reiterate it here since it is not made clear in the fourth point.

Councilor King said she hoped any ordinance changes come back to the Council at a time that people are available to speak on them.

Chair Lowe said this is only a request for study by the Marine Resource Committee and the ordinance changes will come back to the Council in the future.

Councilor Sartoris moved, Councilor Watson seconded, to request a review of the Marine Structures and Ways Ordinance by the Marine Resource Committee to clarify the responsibilities of the Harbor Master, and that review would include the four (4) points that the Council discussed tonight being considered by the Committee. The motion carried with nine (9) yeas.

- 4. The Town Council will receive a report on Downtown Parking and will take any appropriate action.**

Mat Eddy reviewed his memo on the Downtown Parking Report. He went over the recommendations from the report. They included:

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- 1) The town and business community should undertake a coordination program to increase awareness of the existing parking supply.
- 2) The town should aggressively manage the supply of short term parking to maximize its availability for customers and visitors to the downtown.
- 3) The town should work to expand the supply of well located, short term customer parking in the downtown.
- 4) The town, property owners, and downtown businesses should work cooperatively to expand the supply of long term, employee parking in the core of the downtown, in the Tontine Mall area, and at Fort Andross.
- 5) The town should allow controlled overnight parking in designated areas of the municipal parking lots to increase the supply of resident parking.
- 6) The town should create a permanent mechanism for funding parking improvements in downtown Brunswick.
- 7) The town should improve the quality and usability of the pedestrian access to existing municipal parking lots.

Councilor King asked if parking around the recreation center, allowing for drop-offs and pick-ups, had been considered.

Mr. Eddy responded there has been a discussion with the Brunswick Downtown Association (BDA) as to what to do with the NAPA parking lot and the spots that will be freed up once the police move. Specific needs for the recreation department had not been discussed.

Councilor Desmarais said she appreciated how the BDA and the town see the value of addressing downtown residents' and businesses' parking needs. She wanted to look at pedestrian safety.

Councilor Sartoris lent her support for discussions of pedestrian safety ideas. She hears this concern often from residents.

Don Turner, Cumberland Street, said he has a problem with the town taking over parking lots, and either reserving them for a certain class of people or businesses, or reserving them for others. He has received parking tickets when he parked in a reserved area (referring to the lot by Gardiner Savings).

Mr. Eddy said the Gardiner Savings lot is owned by the bank, and when the town was looking to increase employee based parking, an agreement was reached with them to lease some spots. The lease is paid for by the businesses using the lot. Responding to Councilor Galloupe's question, Mr. Eddy felt the lot was well marked, but he would double check that.

Councilor Rice moved, Councilor Desmarais seconded, to endorse the recommendations of the Downtown Parking Study report. The motion carried with nine (9) yeas.

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(A copy of a memo from Mathew Eddy and the parking report will be attached to the official minutes.)

- 5. The Town Council will consider authorizing a Portable Classroom Lease/Purchase Agreement in the principle amount of \$175,000 and will take any appropriate action.**

This item was done after Item 3.

James Ashe, Superintendent of Schools, said the School Department has developed a lease/purchase agreement for the portable classrooms the town now leases, which will save the town money. He is requesting that the Council set a public hearing for February 7, 2005, on this issue. It is for the Jordan Acres portable classrooms, which the school currently pays fifty six hundred dollars (\$5,600) per month for. After gaining the state's approval, this lease/purchase agreement was worked out. It will save the town three hundred dollars (\$300) per month, and after three (3) years, the town will own the portable classrooms. The bonding company reviewed it and is fine with it.

Councilor Desmarais asked if the buildings will last three (3) years. (Mr. Ashe responded they are very safe and have been maintained so that should not be an issue.) She said it makes sense to do this agreement since it will save money.

Councilor Ansari asked if the money is already in the budget. (Mr. Ashe confirmed it was in the budget and there would actually be a savings to the budgeted amount.)

Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for February 7, 2005, on the proposed Portable Classroom Lease/Purchase Agreement. The motion carried with nine (9) yeas.

- 6. The Town Council will receive a report from the Planning Board concerning proposed changes in the NRPZ and will take any appropriate action.**

Manager Gerrish said this has been before the Council three (3) times. After a Planning Board recommendation to make a change in the Natural Resource Protection Zone (NRPZ), the Council asked the Conservation Commission to review the proposed changes. They recommended no changes be made to the ordinance so the Council sent it back to the Planning Board. The Board now supports the Conservation Commission's position of making no changes.

(A copy of a memo from the Town Planner will be attached to the official minutes.)

Councilor King said there was not a full Planning Board the night of the vote, and she asked if those not present had weighed in on this recommendation. (Manager Gerrish said he had not heard anything from them.)

Councilor Sartoris pointed out the vote was unanimous of both boards.

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Chair Lowe said no action is required. This closes this item.

7. The Town Council will consider the bi-annual appointment of the Registrar of Voters and will take any appropriate action.

Fran Smith, Town Clerk, explained how Pauline Brillant has been the registrar for many years. State law requires the Council to appoint a registrar every two (2) years, so she is recommending her reappointment.

Councilor Watson asked if the position had been advertised. He wants to make sure this is not just rubber stamping a reappointment.

Ms. Smith said no, but this is a part-time position in her office, which requires a great deal of training and knowledge of elections laws. Ms. Brillant has done a great job and is well trained.

Councilor Galloupe said it is similar to the town attorney's appointment.

Councilor Sartoris said the Council can appoint this time, and if it is an issue at end of the two (2) years, the Council could look at it then.

Councilor Rice said the way he sees it is Ms. Brillant continues to serve until she no longer wishes to be the registrar.

Councilor Desmarais moved, Councilor Sartoris seconded, to appoint Pauline Brillant as the Town's Registrar of Voters, for a two (2) year term, to expire on January 1, 2007. The motion carried with nine (9) yeas.

8. The Town Council will consider appointments to the Town's Boards and Committees and will take any appropriate action.

Chair Lowe moved, Councilor Watson seconded, to table appointments to town boards and committees until February 7, 2005. The motion carried with nine (9) yeas.

The meeting adjourned at 8:12 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.

*Frances M. Smith
Town Clerk
January 13, 2005*

January 18, 2005

Date of Approval

Council Chair