

BRUNSWICK TOWN COUNCIL MINUTES

October 16, 2006

7:00 p.m. Regular Meeting

Municipal Meeting Facility

7:00 P.M. Chair King called the meeting to order.

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Ryan E. Ewing, Newell A. Augur, and Forrest Lowe.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Patricia Foley, Administrative Assistant; Craig Worth, Assistant Director, Public Works; Daniel Devereaux, Marine Warden; and TV video crew.

Chair King called for the Pledge of Allegiance.

Public Comment:

Pem Schaeffer, Crestview Lane, spoke about the number of Bowdoin Students who are registered to vote in Brunswick. He estimates \$250,000 a year could and should be collected in new revenue from the excise tax of these students' vehicles.

David Bright, Durham Road, wants the Council to address the growth zone, which encompasses his property. He expressed disappointment that abutters have not heard from anyone on this subject.

John Lemont, 21 Maple Street, was surprised that there are that many Bowdoin Students are eligible to vote in Brunswick. He believes that the excise tax should be looked into as a form of extra revenue.

Manager Gerrish said the eligibility to vote is controlled by the state law and the Town does not have any control over this.

Correspondence:

Councilor Sartoris said she received a citizen's concern regarding the commercial signs, both attended and unattended, that have been appearing up and down Maine and Pleasant Streets.

Manager Gerrish responded that unattended signs are not allowed by Town ordinance. He suggested the Council may want to take a look at the ordinance as to how signage is currently handled.

Town Council Minutes

October 16, 2006

Page 2

Manager's Report:

Manager Gerrish said Mill Street will be paved on Wednesday of this week, or if it rains, it will be done on Thursday. Traffic will go one way toward Portland on Mill Street. Incoming traffic will go to Pleasant Street onto Maine Street. Traffic will be tied up for about a day.

Council Committee Updates:

Councilor Lowe advised that the Maine Street Station Committee had four presentations for proposals for the Maine Street Station location. They are currently evaluating the proposals.

Councilor Augur announced that the Appointment Sub Committee pushed their meeting date back to October 25th hoping to get more persons to apply.

Adjustments to Agenda:

To Add item 176:

Councilor Sartoris wanted to add the local referendum question "Land for Brunswick's Future" to the agenda in order to address how this would be publicized.

Chair King agreed to add this item to the agenda since there is not a lot of time before the referendum.

PUBLIC HEARING:

172. The Town Council will hear public comments on the following request for a Special Amusement License, and will take any appropriate action.

Special Amusement

ZEK, LLC

D/B/A: Captain Daniel Stone Inn

10 Water Street

Ms. Jolanta Starsiak

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

Councilor Ewing moved, Councilor Augur seconded, to approve a Special Amusement License for ZEK LLC, Captain Daniel Stone Inn at 10 Water Street. The motion carried with eight (8) yeas.

173. The Town Council will hear public comments on the proposed changes to Shellfish Harvesting, and will take any appropriate action.

Chair King opened public hearing.

John Lemont, of 21 Maple Street and Chair of Marine Resources Committee, recommends 10 out of 10 for Shellfish Harvesting licenses. He thought it would protect those who have had their licenses for a long period of time with the possibility of license numbers dropping with the closures.

Hearing no further comments, Chair King closed the public hearing.

Town Council Minutes

October 16, 2006

Page 3

Marine Officer Dan Devereaux said he feels the 10 out of 10 system works better for those who have had their licenses for years. They may come back to the committee in 5 years to ask for 15 out of 15.

Councilor Sartoris moved, Councilor Watson seconded, to approve the amendment to the shellfish ordinance to allow a 10 out of 10 system for issuing commercial licenses. The motion carried with eight (8) yeas.

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

166. (Table) The Town Council will hold a public hearing on the time allowable for commercial waste collectors to collect waste.

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

Manager Gerrish thought the best proposal was to have the 7:00 a.m. start time for the proposed area of Mill Street to Maine Street to Pleasant Street and back to Mill Street.

Chair King asked for a compromise time of 7:00 a.m. versus 5:00 a.m.

Councilor Ewing moved, Councilor Lowe seconded, to adopt the proposed changes to the ordinance for commercial trash haulers between 7 a.m. and 6 p.m. for the areas as follows: Mill Street to Maine Street to Pleasant Street and back to Mill Street, and keep the rest of town as is. The motion carried with eight (8) yeas.

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

Manager Gerrish advised that this will take affect in 30 days and he will have someone speak with haulers.

159. The Town Council will consider the request from Theryl Robbins to remove deed restrictions placed by the Town on Adams Road Property, and will take any appropriate action.

Chuck Shumway, representing Mr. Robbins, requests that the Council emphasize fairness in making their decision.

Suzanne Johnson, Harding Road, is a member of a community group formed in 1997. Speaking on behalf of the homeowners, she would like to see the preserve the character of their neighborhood.

Chair King would like to see a compromise on this issue.

Councilor Sartoris said past Councils went the extra mile to try to return this property. She would like to reaffirm what the Council has done in the past.

Councilor Lowe moved, Councilor Sartoris seconded, against lifting the deed restrictions. Councilor King and Councilor Schneider were opposed. The motion carried with six (6) yeas.

- 170. (Table) The Town Council will consider issuing a quit claim deed on Persons Unknown property located on Collinsbrook Road to Fraser Family Trust, and will take any appropriate action.**

Manager Gerrish advised that the Town does have an easement on an abutting piece of property.

Assessor Donovan determined Ms. Fraser is the owner of the property and recommends the Town issue a quit claim deed to give the land back to the owner.

Councilor Schneider moved, Councilor Daughtry seconded, to issue quit claim deed on Persons Unknown property located on Collinsbrook Road to the Fraser Family Trust. The motion carried with eight (8) yeas.

(A Copy of the deed will be attached to the official minutes).

- 174. The Town Council will consider what information to provide for upcoming referendum on Community Health and Land Care Ordinance, and will take any appropriate action.**

Councilor Lowe said a citizen's initiative for this item is on the ballot. In an effort to resolve this issue the Council had a peer review group look at it and they determined that it is safe to apply biosolids on playing fields. Councilor Lowe would like to see Peter Baecher's memo with the Biosolids Report on the web site along with a copy of Town Attorney Geoff Hole's memo stating the proposed ordinance does not comply with State Law.

Public Comments:

Doug Rice, Country Lane, who has done work for a biosolids company and he advised that biosolids are safe to use in your own garden.

Councilor Lowe moved, Councilor Sartoris seconded, to advertise in the newspaper and on the Town web site. The motion carried with eight (8) yeas.

- 175. The Town Council will consider setting a public hearing on the winter closing of Sawyer Road from December 1, 2006 to March 31, 2007, as permitted under Title 23 M.R.S.A. Subchapter VI Section 2953, and will take any appropriate action.**

Manager Gerrish said that Sawyer Road is not used in the winter. There needs to be a public hearing as has been done the past number of years. Manager Gerrish recommends a public hearing for November 6, 2006.

Councilor Augur moved, Councilor Sartoris seconded, to set a public hearing for November 6, 2006, on closing Sawyer Road. The motion carried with (8) yeas.

Town Council Minutes

October 16, 2006

Page 5

176. CONSENT AGENDA:

(a) Policy to provide copies of documents to public

The Council majority agrees the fees would be too high.

Councilor Watson moved, Councilor Daughtry seconded, to table the item until November 20th meeting when Town Clerk can be present. The motion carried with eight (8) yeas.

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

The meeting adjourned at 8:57 p.m.

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

Patricia A Foley
Executive Administrative Assistant
Manager's Office
November 22, 2006

Date of Approval

Council Chair

