

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
June 2, 2008
Municipal Meeting Facility
44 McKeen Street

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Hallie Daughtry, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, and David C. Webb.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; John Eldridge, Finance Director; Greg Bartlett, Assistant Superintendent of Schools; James Oikle, Business Manager School Department; Tom Farrell, Director of Parks and Recreation Department; Clark Labbe, Fire Chief; Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer; Matt Eddy, Director of Economic Development; Richard Rizzo, Police Chief; Marc Hagan, Police Commander; Mark Waltz, Police Lieutenant; and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment: None

Correspondence: None

Adjustments to the Agenda: None

Manager's Report:

(a) Financial Updates

Manager Gerrish said the town will meet its excise tax goal, but will still be down \$20,000 from last year. State revenue sharing exceeded the budgeted amount, along with interest on investments, which was \$125,000 over the estimated amount. Other revenue accounts are in good shape. On the expenditure side, the winter works budget is \$200,000 over the budgeted amount, but there should be savings elsewhere. He is not sure yet if there will be enough to make up for the winter works overage.

(b) Council Committee Updates

Councilor Favreau said the Elementary School Building Committee met two weeks ago; the chair, Christine Rosen, has resigned since she is moving. He thanked her for her leadership.

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Councilor Knight said on June 9, the Planning Board will have their final review of the Maine Street Station project.

Councilor Webb said the Economic Feasibility Committee will be meeting this Thursday at 4:00 p.m., with the consultants, to discuss vernal pools and other building issues.

(c) Banner Pole Donation from Bowdoin College

Manager Gerrish said Bowdoin College confirmed that they intend to make a gift of \$5,000 to fix the poles.

Councilor Watson moved, Councilor Daughtry seconded, to accept and expend the \$5,000 donation from Bowdoin College for banner poles. The motion carried with nine (9) yeas.

(A copy of a letter from Bowdoin College will be attached to official minutes.)

(d) Update on Mere Point Boat Launch

Manager Gerrish said the town is down to the mooring issue and moving of a wire on the site so he hopes to have an opening date by the next meeting.

(e) River Road waterline replacement

John Foster, Public Works Director, said the Brunswick Topsham Water District has awarded the waterline replacement on River Road to H .C. Crooker and the work will be done next week. They will be working 7 a.m. to 7 p.m. six days a week to get the work done.

60. (Tabled) The Town Council will consider the request from Kenneth Gowell for Sellers of Prepared Foods on the Mall, and will take any appropriate action.

Chair King said this item, tabled from the May 5, 2008 meeting, is to consider the request from Kenneth Gowell for Sellers of Prepared Foods on the Mall. Mr. Gowell has provided updated pictures of the food cart with the improvements he made.

Councilor Favreau moved, Councilor Knight seconded, to approve the request for the Sellers of Prepared Foods on the Mall from Kenneth Gowell. The motion carried with nine (9) yeas.

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- 72. The Town Council will consider a request from the Brunswick Development Corporation (BDC) to fund an Economic Development position, and will take any appropriate action.**

Manager Gerrish said the Brunswick Development Corporation has authorized funding for an additional Economic Development position to assist the town in the next two years. The position will work with existing businesses in the community to see what their needs are, along with working with the redevelopment authority to bring in new businesses. They are asking the Council to support this position.

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

Councilor Webb said he supports this idea since BDC is putting money where they feel it is needed. This will help with the work to be done. He asked about the pay for such a short time. He added he hopes there are no strings attached.

Manager Gerrish said through the hiring process it will be made clear this is a two year position and after that they will need to see if there is a need for it to continue. It will be a town position, paid for by the BDC, but it will be for economic development, not other areas.

Councilor Daughtry said she agrees with the need for more assistance, but she cannot support a new position since often they become permanent. In the difficult times, the town needs to streamline the existing positions and services. She wanted to know the job requirements and expertise. She is concerned that the salary would not attract a qualified person for such a short term.

Councilor Knight said she will support this. There will be a two year expectation for whoever is hired and it is needed at this time, however, she would like to see a more detailed job description and reporting structure.

Councilor Favreau said he is in favor of anything that supports economic development.

Chair King said a big part of this position is to work with existing businesses to help in a very difficult time. This was what was attractive to her about the position.

Councilor Klatt said she is not going to support it. She would like to have information on the performance of this department. She had questions: how many jobs either directly or indirectly have they brought to Brunswick; what is the average pay; do they provide benefits; and how many new taxes has the economic development department brought in. When the Council is cutting budgets and not filling vacant positions, she cannot support this new position. She suggested giving the money to the Chamber of Commerce, the Brunswick Downtown Association and/or the Midcoast Business Development Planning group to promote business. She will not support it.

Councilor Favreau moved, Councilor Knight seconded, to authorize a new economic development specialist position funded by the BDC for a period of two years. The motion carried with seven (7) yeas. Councilor Daughtry and Councilor Klatt were opposed.

73. The Town Council will consider adopting the 2008-2009 School Budget Articles, and will take any appropriate action.

Chair King took comments on all the budget items (73-78)

Alex Sharp, 4 Baxter Lane, spoke in support of Saint John's School. Saint John's provides a good education. The issue is not about a religious school, but it is about choice. Parents pay property taxes for all services and support Brunswick schools, yet they have chosen a different path. It is an exclusive school not elitist. If the parents did not provide taxes, the decision would be easy, but they do. It is about supporting all students who ride the bus. Their family feels the cost to provide bus service is equal to two of the children attending the Brunswick school system.

Dennis Pelletier, 21 Hennessey Avenue, spoke in support of Saint John's School. He graduated from there. The administrators work hard to provide a safe environment and teachers provide a great education at a lower cost than the public schools. He listed names of successful families who have attended the school. The Council represents all the families of this town. The timing of the cut is not good since next year's budget is already planned. The amount of the cut should be a percentage of the total budget; children should not be made to suffer for a decision they cannot control. He asked the Council to please consider his comments and those of others who have graduated from this institution.

John Eldridge, Finance Director, explained the process for each item and the need for a separate vote.

Article 1. Vocational Region Ten Budget

Councilor Daughtry moved, Councilor Tucker seconded, to approve the Maine Vocational Region Ten budget as approved by the Cooperative Board of Maine Vocational Region Ten in the amount of \$1,914,754 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department being \$795,439 for operating expenditures and \$-0- for debt service expenditures. The motion carried with nine (9) yeas.

Article 2. Vocational Region Ten Adult Education Budget

Councilor Daughtry moved, Councilor Watson seconded, to approve the Maine Vocational Region Ten budget for adult education as approved by the Cooperative Board of Maine Vocational Region Ten in the amount of \$51,000 with Brunswick's

assessment as part of the total appropriation to the Brunswick School Department being \$11,571. The motion carried with nine (9) yeas.

Article 3. Local Contribution Required under EPS to Receive Full State Dollars; and State Subsidy

Councilor Watson moved, Councilor Tucker seconded, to appropriate the sum of \$27,498,872 toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act; and as part of the \$27,498,872, to raise and appropriate the sum of \$12,940,180 as the Town's contribution toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688; and as part of the \$27,498,872, to accept state subsidy anticipated in the amount of \$14,558,692. The motion carried with nine (9) yeas.

Article 4. Non-State-Funded Debt Service

Councilor Favreau moved, Councilor Augur seconded, to raise and appropriate the sum of \$243,087 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. The motion carried with nine (9) yeas.

Article 5. Additional Local Funds

Councilor Watson moved, Councilor Tucker seconded, to raise and appropriate the sum of \$2,270,494 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$1,309,455. The motion carried with nine (9) yeas.

Article 6. Other Funds

Councilor Favreau moved, Councilor Augur seconded, to accept funds from other sources as estimated below and to appropriate the amount of \$1,942,000:

Federal School Subsidy	\$ 800,000
Tuition and other charges	1,057,000
Miscellaneous	85,000
	<u>\$ 1,942,000</u>

The motion carried with nine (9) yeas.

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Article 7. Unexpended Balances

Councilor Watson moved, Councilor Tucker seconded, to appropriate \$1,560,098 from existing, or estimated, unexpended balances of the Brunswick School Department. The motion carried with nine (9) yeas.

Article 8. Kindergarten to Grade 12 Total Budget

Councilor Watson moved, Councilor Tucker seconded, to authorize the Brunswick School Department to expend \$33,514,551 for the fiscal year beginning July 1, 2008 and ending June 30, 2009 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes Title 20-A section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools. The motion carried with nine (9) yeas.

Article 9. Adult Education

Councilor Favreau moved, Councilor Augur seconded, to appropriate \$106,319 for adult education and to raise \$76,319 as the local share; and to accept state subsidy anticipated in the amount of \$30,000; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. The motion carried with nine (9) yeas.

Article 10. Cost Center Allocation

Councilor Favreau moved, Councilor Webb seconded, pursuant to 20-A M.R.S.A., to authorize allocation of the total school budget, 33,620,870, to the various cost centers as follows:

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Cost Center Summary Budget Category	Amount Approved
Regular instruction	\$ 14,727,235
Special Education	3,972,855
Career and Technical Education	-
Other instruction	680,197
Student and staff support	3,489,628
System administration	812,273
School Administration	1,524,411
Transportation and Buses	1,649,973
Facilities Maintenance	4,299,932
Debt Service and Other Commitments	1,209,005
All Other Expenditures	<u>1,255,361</u>
Summary of Total	
Authorized Expenditures	<u><u>\$ 33,620,870</u></u>

The motion carried with nine (9) yeas.

Article 11. Grants, Donations, and other revenues

Councilor Watson moved, Councilor Daughtry seconded, to authorize the Brunswick School Department to make application for grants and other revenues as opportunities may become available and to authorize the Brunswick School Department to accept and expend any grant awards, donations, or other revenues that may be received. The motion carried with nine (9) yeas.

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

- 74. The Town Council will consider a warrant for the School Budget Validation Referendum to be held on June 10, 2008, and will take any appropriate action.**

Mr. Eldridge said this item is to approve the warrant for the June 10, 2008, School Budget Validation Referendum Election.

Councilor Watson moved, Councilor Tucker seconded, to approve the Election Warrant for the School Budget Validation Referendum to be held on June 10, 2008. The motion carried with nine (9) yeas.

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

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- 75. The Town Council will consider adopting the 2008-2009 Budget Articles for assistance to St. John's School, and will take any appropriate action.**

Mr. Eldridge said this item is to consider adopting the 2008-2009 Budget Articles for assistance to St. John's School to cover the cost of bus transportation.

Councilor Watson moved, Councilor Tucker seconded, to adopt the 2008-2009 Budget Articles for assistance to St. John's School.

Councilor Daughtry said she agreed to compromise on this issue and she agreed to compromise since the school's budget was already done, but she is not in support of the school funding since others pay taxes and their children go to private schools. She respects the long-time relationship between the town and Saint John's School. She sees this as a short-term, not long-term, action. These are tough economic times and the town has cut other things in the community.

Councilor Watson said he is in full support of this funding. The funds go to the Brunswick School Department and goes for children's transportation, which protects the town's children. He shall continue to be in full support of it.

Councilor Watson moved, Councilor Tucker seconded, to adopt the 2008-2009 Budget Articles for assistance to St. John's School. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

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

- 76. The Town Council will consider adopting the 2008-2009 Budget Resolution for the Town, and will take any appropriate action.**

Manager Gerrish said this item is to consider adopting the 2008-2009 Budget Resolution for the town, including the changes for Coffin Pond. It includes the funding for a new economic development position and the Saint John's busing funds. It will result in a 2% increase. He explained the funds and revenues along with setting tax due dates and interest rates.

Councilor Tucker moved, Councilor Favreau seconded, to adopt the 2008-2009 Budget Resolution for the Town. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

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

77. **The Town Council will consider adopting supplemental Budget Resolutions for the 2008-2009 Budget Year to fund certain projects contained in year one of the proposed 2009-13 Capital Improvement Program, and will take any appropriate action.**

Mr. Eldridge said this is a resolution for the capital improvements from fund balances and is to consider adopting supplemental Budget Resolutions for the 2008-2009 Budget Year to fund certain projects contained in year one of the proposed 2009-13 Capital Improvement Program.

Councilor Watson moved, Councilor Tucker seconded, to adopt a Supplemental Budget Resolution Appropriating \$322,400 from the Unreserved Undesignated Balance of the General Fund to Fund Capital Acquisitions and Projects. The motion carried with nine (9) yeas.

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

78. **The Town Council will consider any other matters related to the adoption of the 2008-2009 Budget and will take any appropriate action.**

Mr. Eldridge said there are no additional matters.

79. **The Town Council will consider setting a public hearing regarding a bond ordinance for work on a portion of Mere Point Road, and will take any appropriate action.**

Chair King said this item, sponsored by her and Councilor Tucker, is to consider setting a public hearing relating to a bond ordinance for work to be done on a portion of Mere Point Road.

Councilor Tucker moved, Councilor Watson seconded, to set a public hearing for June 16, 2008, for a bond ordinance for work to be done on a portion of Mere Point Road. The motion carried with nine (9) yeas.

80. **The Town Council will consider setting a public hearing regarding a bond ordinance for work on a portion of Bath Road, and will take any appropriate action.**

Manager Gerrish said this work is for a portion of Bath Road from Thomas Point Road to Old Bath Road and is to be funded with impact fees. The Council needs to set a public hearing on this bond ordinance.

Councilor Watson moved, Councilor Tucker seconded, to set a public hearing for June 16, 2008, for a bond ordinance for work to be done on a portion of Bath Road. The motion carried with nine (9) yeas.

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- 81. The Town Council will consider setting a public hearing regarding a bond ordinance for storm drainage work on upper Maine Street, and will take any appropriate action.**

Manager Gerrish said Bowdoin College will pay \$400,000 toward the cost and this bond will take care of funding. The Council will need to set a public hearing on this bond ordinance for storm drainage work on upper Maine Street.

Councilor Augur thanked the college for their support.

Councilor Favreau moved, Councilor Knight seconded, to set a public hearing for June 16, 2008, for a bond ordinance for storm drainage work to be done on a portion of upper Maine Street. The motion carried with nine (9) yeas.

- 82. The Town Council will consider setting a public hearing regarding a bond ordinance for the purchase of a new fire truck, and will take any appropriate action.**

Manager Gerrish said this was talked about in the CIP. This truck is in need of replacement and repair. This item is to set a public hearing on a bond ordinance for the purchase of a new fire truck.

Councilor Watson moved, Councilor Tucker seconded, to set a public hearing for June 16, 2008, for a bond ordinance for the purchase of a new fire truck. The motion carried with nine (9) yeas.

- 83. The Town Council will consider an amendment to the ordinance concerning Coffin Pond on an emergency basis, and will take any appropriate action.**

Manager Gerrish said this item would approve an emergency ordinance to repeal the fees in the ordinance for Coffin Pond and to give authority to determine the fees to the Recreation Committee. The Council will also need to set a public hearing to adopt this change on a regular basis.

Councilor Augur moved, Councilor Favreau seconded, to adopt the amendments of Chapter 14 of the Code of Ordinance relative to removing the fees for Coffin Pond on an emergency basis, and to set a public hearing for June 16, 2008, for these amendments so they can be enacted on a regular basic. The motion carried with nine (9) yeas.

- 84. The Town Council will receive a report from the Planning Board regarding the zoning issue for Walgreens, and will take any appropriate action.**

Anna Breinich, Director of Planning and Development, reviewed the Planning Board's actions. It was voted by both the Planning Board and the Village Review Board to not recommend the zoning be changed. The recommendation was based on the intensity and

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types of uses in a highway district not being compatible for a residential area. It was inconsistent with the Comprehensive Plan and its updates. They recommended a town wide traffic study be done to take a look at traffic all over the town, not just on a project by project basis. The Planning Board is willing to consider other alternatives if so directed by the Council, like a Gateway Zone/Transition Zone, Contract Zoning or Conditional Zoning, along with the town wide traffic study.

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

Chair King said she was pleased with the solutions the Planning Board put forward to be thought more about.

Councilor Webb asked if there are any recommendations on what the transition zoning would look like for Walgreens and how that would affect other businesses in the area.

Ms. Breinich responded the Planning Board is looking for more direction, but it could be a corner or other areas. The newest footprint from Walgreens is 11,000 square feet down from 14,000 square feet, and this requires less parking.

Ms. Breinich, responding to Councilor Augur's questions, said a foot print is what is covered on ground so the first floor is 11,000 square feet, and additional space on a second floor creates the total square footage. Under the current zone the footprint can be 7,500 square feet and 35 feet high. The retail class only allows up to 5,000 square feet.

Councilor Daughtry said the transition zone could be extending westerly and would not intrude into the neighborhood. Ms. Breinich said it would address all four intersections, which need to be studied further.

Councilor Augur asked what other areas of town this could affect. Ms. Breinich responded that under the Comprehensive Plan, it would include Cooks Corner, the Old Portland Road and the I-295 area.

Councilor Webb asked about the process of transition and types of buffers between business and residential homes. Ms. Breinich responded it would depend based on how it is developed.

Councilor Daughtry asked how the Planning Board wished to proceed with this, as a separate assignment or part of the Comprehensive Plan Update. Ms. Breinich said they wanted that direction from the Council.

Chair King opened the floor to public comments.

Paul Caparratto, owner of 5 Stanwood Street, said about 3 weeks ago he had a conversation with the realtor he bought the property from and discussed his concerns with traffic. The repair of this intersection was talked about in 1972, but it has not

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happened yet – even in the good economic times. It is now hard economic times; the funds will not be available. If this is not approved and improvement made with private funds, it may never happen.

Ann Marr, 39 Cumberland Street, said she wanted to present some concrete facts on the Comprehensive Plan and town ordinances. In the TR1 zone, Retail Class 1 allows buildings less than 5,000 square feet. The scale of the Walgreens project is not consistent with the zoning. A neighborhood store is 2,000 feet or less and Walgreens calls themselves a neighborhood drug store. When talking about any TR zone, there are maximum height and square footage allowances. When considering those four corners, she wants the Council to recognize this is a gateway and to look at parking in back for individual businesses. She feels the review of an overlay district should be part of that overall study under the adopted Comprehensive Plan. She wanted to look at the town as an overall plan.

Michel Ouellet, speaking as a resident of Brunswick, supports this overlay district being sent to the Planning Board to be reviewed. This allows flexibility. This project could help take away traffic issues, and get a nicer gateway than is currently there.

Madeleine Msall, 69 Pleasant Street, said she has been happy with the discussion of the Village Review and Planning Boards respecting the residential areas. It is worth the time and effort to look at the transition zone with a need to look at more than the traffic issue. It is important not to miss the chance to work with citizen's input. This should not just be a partnership with Walgreens, but with the neighborhood.

Dana Smith, owns property on 13 and 17 Stanwood Street, which is adjacent to this property on Pleasant Street. This is an intersection and is not a neighborhood. What is being proposed will help this intersection. The town ought to be welcoming businesses.

Laura Lienert, 10 High Street, said both the Planning Board and the Village Review Board voted not to change the zone. She hopes the Council listens to the boards that rejected making a change.

Councilor Knight asked the Planning Board to come back with a recommendation of doing a town wide traffic study.

Manager Gerrish said this is a Council decision, not a Planning Board one. This has been talked about with the base closing and how that will effect transportation.

Councilor Webb asked about the Comprehensive Plan Update process and this being looked at more globally.

Ms. Breinich said the Planning Board has done their work on the plan and it is back in the hands of the Council as to when it is adopted.

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Chair King said if the Council authorized the Planning Board to look at this transition, they would have to have a quick turnaround to be included in the Plan.

Ms. Breinich responded this review probably would not happen until after Comprehensive Plan Update was done.

Councilor Augur asked if the Planning Board wants direction from Council to look at this intersection and others ones. Ms. Breinich responded they could do both given general direction along with specific locations. They would come back with the text of an amendment.

Councilor Klatt said she liked the Planning Board's work and fixing traffic problems is not a reason to do a zoning change. They also said allowing larger scale development would be opposed to the Comprehensive Plan and its updates. Sitalines' report said this zoning change is not against the Comprehensive Plan and this was misinformation. She liked the idea of a town wide traffic study. She asked if Gateway Zoning would allow this development at that corner. Ms. Breinich responded it would depend on what occurs. Manager Gerrish added the Council makes the final decision.

Councilor Daughtry said to be consistent with her previous vote she will vote against it again. She is glad that the Planning Board agreed with her on having no zoning change. The Council voted against it, with the Planning Board and Village Review Board validating this. This is not about economic development or traffic issues; it is about zoning. She will support a town wide traffic study. Either Gateway Zoning or Transition Zoning would have to be part of the Comprehensive Plan Update review. She would like to see west of Stanwood Street developed. She would like to see Walgreen's follow the current zoning.

Councilor Favreau moved, Councilor Knight seconded, to authorize the Planning Board to pursue an alternative for a "Gateway Transfer Zone" for that area.

Councilor Augur wondered if the Comprehensive Plan fits or does not fit – it is somewhere in the middle since different places say different things. It is not all consistent or inconsistent with the Comprehensive Plan. He likes the Gateway idea and the Planning Board giving the Council some feedback. The town needs long term solutions for traffic issues (agreeing with Ann Marr)

Councilor Webb said he is going to support sending this to the Planning Board for more study. They said that transition zoning should be looked at with the Comprehensive Plan. Having the update looked at as part of that makes sense.

Councilor Knight said she will be supporting the motion. She has great respect for the Planning Board and has full faith in them looking at this further.

Councilor Tucker said by voting for this, the Council is voting to allow Walgreen's to be there. A vote for it is a vote for Walgreen's and he will vote against it.

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Councilor Klatt said the Welcome to Brunswick sign is at the beginning of Pleasant Street where the gateway is, not this location.

Councilor Watson said the Council should not be narrow minded and he is in favor of looking at this gateway transition to see if it will work.

Councilor Augur said he does not want to enact anything unless the Comprehensive Plan is done.

VOTE

Councilor Favreau moved, Councilor Knight seconded, to authorize the Planning Board to pursue an alternative for a “Gateway Transfer Zone” for that area. The motion carried with six (6) yeas. Councilor Tucker, Councilor Daughtry, and Councilor Klatt were opposed.

85. The Town Council will discuss a report regarding options to address residential occupancy limits, and will take any appropriate action.

Councilor Knight said she had heard from neighbors with concerns about disorderly neighbors or/and code violations. She and Councilor Klatt are proposing zoning ordinance changes that include a definition for a “domestic unit” and how that fits with the “boarding home” and current definition of “housing unit.” They are also looking at a “Disorderly House Ordinance” and “Citation Ordinance.” She and Councilor Klatt feel that if they are adopted with definitions it will help with these issues. Councilor Knight said they would like to hear what the Council thoughts are on these issues.

Councilor Klatt said it is not just an enforcement issue and there needs to be rewording of the zoning ordinance.

(A copy of memos which provide more information on this item will be attached to the official minutes.)

Chair King said she liked the Disorderly House Ordinance. She cannot support getting into defining a domestic unit. .

Councilor Favreau reviewed the email from Ed Catlin, who does not want to limit housing numbers. Councilor Favreau liked the Disorderly Ordinance, but does not support the number of folks in a building.

Councilor Daughtry said this is an enforcement issue. The town needs to tighten the noise ordinance and she liked the Citation Ordinance. At first she liked the Disorderly Household Ordinance, but it needs to be cleaned up since it is based on the number of calls. She worries about neighborhood feuds and the use of this ordinance. She wants no part of definitions since they discriminate against too many. The town wants economic

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development, and she sees this as a slap in the face of it. The number four is not based on the size of the home. The proposed applicability statement would lead to litigation against the town and incur thousands of dollars of expense for businesses. She feels a few changes to the Disorderly House Ordinance would make it work and she can support it.

Councilor Watson said what concerns him is the Citation Ordinance since the town can only do civil citations and he thought the fine limit was \$250. He questioned why it has to apply just to the owner, not the renter, who is the problem.

Councilor Tucker said he is uncomfortable with ordinance changes to definitions. He is more interested in the enforcement side of this issue.

Chair King said there seems to be some support for the Disorderly Household Ordinance and maybe the Citation Ordinance. That is what the Council will leave with tonight.

Councilor Klatt said maybe the town could do special permits for those rentals for the Maine State Music Theatre and other similar situations.

Chair King opened the floor public comments.

Mark Wild, 6 Boody Street, said it is all about definitions; there are some zones that do not allow boarding homes so domestic units should be tied to this somehow.

Bev Bevilacqua, 76 Federal Street, discussed the issue of students' problems at 17 Cleveland Street. This is an enforcement issue, with the burden on the neighbors. The definition is not clear enough on boarding homes. He wants a strong definition which will prevent others in town from going through what he has had to.

Patricia Welsch, 15 Cleveland Street, said she does not want other Brunswick residents to go through what she has. By adopting new definitions, it prevents this for others. The question is students in large unsupervised groups living together. She talked about issues at Cleveland Street. It is not just an issue of enforcement since not all cases are reported. The town needs to restrict the number of units with unrelated folks and limit it to one group.

Attorney, for property owners at 17 Cleveland Street, said they hope no action is taken this evening and it should be addressed as an enforcement issue. It is hard to create a definition that will fit the many scenarios, but there is also pending litigation.

86. The Town Council will discuss a change in the Sign Ordinance concerning special events and notice signs, and will take any appropriate action.

Councilor King said she would like to amend the banner ordinance to allow them to be up longer for special events.

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Manager Gerrish recommended sending this to the Planning Board to see if they will support a change from 90 to 180 days maximum time for a banner to be hanging.

Virginia Caruso, 68 Ward Circle, requested the Council support this change from 90 to 180 days. Banners have been up for over 90 days and there is no consistent enforcement. With the base closing, the town needs to take attractive measures to encourage people to come to Brunswick.

Councilor Watson moved, Councilor Daughtry seconded, to have the Planning Board review and make recommendations on changes to the Zoning Ordinance relative to special events and notice signs and how long they can be displayed. The motion carried with nine (9) yeas.

Councilor Watson said he wants to make sure the banners are well maintained while up.

Councilor Klatt said there is an issue with how people are allowed to violate ordinances unless there is complaint. The town is responsible for the neighborly feuds. The town needs to enforce ordinances.

87. The Town Council will consider refunding the five hundred dollar fee paid by Sellers of Prepared Foods in Public Ways, and will take any appropriate action.

Manager Gerrish said in lieu of the existing ordinance change, staff recommends the Council waive the \$500.00 fee minus the \$25.00 application fee for the 3 businesses that have paid the fee for this year.

Councilor Knight moved, Councilor Webb seconded, to waive the \$500.00 fee minus the \$25.00 application fee for Sellers of Prepared Foods on Public Ways for Gelato Fiasco, 111 Maine Street, and The Station, for 2008. The motion carried with nine (9) yeas.

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

Councilor Daughtry nominated the following people:
Anne George to serve on the Housing Authority
Joy Prescott to serve on the Conservation Commission
John McCurrach to serve on the People Plus Board of Trustees

The Council voted nine (9) yeas to appoint these people.

CONSENT AGENDA:

**(a) Approval of Games of Chance Licenses:
Sealed Tickets & Games of Chance**

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Brunswick Lodge of Elks #2043

D/B/A Brunswick Elk's Lodge

Games of Chance & Bingo

Evergreen Senior Citizens Club

1 Columbus Drive

Knights of Columbus

2 Columbus Drive

Colleen Cullen, Chairperson

Rena Rittal, Chairperson

Robert Rainville, Bingo Manger

(b) Utility Location Permit request for Maine Natural Gas

This item is to approve the Consent Agenda.

Councilor Favreau moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

Councilor Watson moved, Councilor Daughtry seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 10:19 p.m.

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

Frances M. Smith

Town Clerk

July 30, 2008

August 18, 2008

Date of Approval

Council Chair