

**BRUNSWICK TOWN COUNCIL MINUTES
APRIL 3, 2000
MUNICIPAL MEETING FACILITY**

Councilor Wilson moved, Councilor Feldman seconded, to enter into executive session to discuss Union Contracts, possible property acquisition, and property disposition. The motion carried with nine (9) yeas.

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

Councilors Present: Chair McCausland, Michael Feldman, Eleanor Swanson, Robert Galloupe, Clement Wilson, Timothy Dotts, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None

Others Present: Donald Gerrish, Town Manager, Deborah S. Cabana, Town Clerk; Geoffrey Hole, Town Attorney; Theo Holtwijk, Director of Planning and Development, Jerry Hinton, Police Chief; Tom Wakefield, Codes Enforcement Officer; several citizens, members of the press and TV video crew.

Minutes of Previous Meeting: Councilor Lowe moved, Councilor Dotts seconded to accept the minutes from the March 20, 2000 meeting as distributed. The motion carried with nine (9) yeas.

Correspondence:

Councilor Moll received correspondence regarding a trailer being used as an office space behind Bowdoin College. Currently, the zoning regulations allow this use. Mrs. Moll wanted to review this type of use and the Zoning Ordinance more closely in May.

Manager's Report:

1. Presentation of FBI Academy Plaque to Lt. Timothy Young. Chair McCausland presented Lt. Young with a plaque from the FBI Academy. Lt. Young had successfully completed eleven weeks of training at the FBI Academy in Quantico Bay. It was Chair McCausland's opinion that this academy is the "Harvard" of law enforcement, where one would learn from the best in law enforcement around the country. Lt. Young had been on a six-year waiting list to attend this Academy.

Lt. Young expressed his gratitude to the Council, the Town Manager, the Police Chief, his co-workers, and his family for allowing him to attend the Academy.

2. Update on Family Motor Coach Association event. Chief Hinton gave a brief update on the Family Motor Coach Association event, coming to Brunswick on August 18th -20th. He estimated that approximately 6,000 units would be located on the Naval Air Station, with over 1,100 new motor coaches on display for sale. Plans to offer a shuttle service (with combined efforts of Topsham) from the airbase to various locations within the two towns, are being discussed. He hoped this would reduce downtown traffic as much as possible.

3. Update on Cable regionalization. Manager Gerrish informed citizens that on April 17th there will be a change in the cable television channels. The local access channel 13 will move to channel 7. The current channel 12 (CBS) will be moved to channel 13. The current channel 7 (FOX) will be moved to channel 12. Channel 14 will be added to the local tier. The Council meetings for the City of Bath will be shown on channel 14. Bath and Brunswick will be able to watch each other's municipal channel. The Town of Topsham will be shown on channel 7, therefore, we (Topsham/Brunswick) will not be able to watch each other's meetings.

Adjustments to the Agenda: Manager Gerrish stated that item #65 had been added to the agenda while he was out of town. He was not able to provide much information to the Council and hoped that he would be given more time to work with staff to give input on this item.

Chair McCausland stated that there were a lot of people in the audience because of this item and he would be adjusting the agenda by considering item #65 after item #61.

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

SPECIAL AMUSEMENT

Brunswick Golf Club d/b/a Brunswick Golf Club Lounge
River Road

Claudette Allen

The Public Hearing opened at 7:53 p.m. The Public Hearing closed at 7:53 p.m.

Councilor Moll moved, Councilor Wilson seconded, to approve the Special Amusement License for Brunswick Golf Club Lounge as advertised. The motion carried with nine (9) yeas.

60. The Town Council will hear public comments on the following requests for Victualer License and take any appropriate action.

NEW FOR VICTUALER

Hardcover Café, Inc. d/b/a Hardcover Café
Bookland, Cook's Corner Mall

Mary E. Swan

The Public Hearing opened at 7:54 p.m. The Public Hearing closed at 7:54 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the Victualer License for Hardcover Café, Inc. as advertised. The motion carried with nine (9) yeas.

61. The Town Council will consider approving a one-year (July 1999-June 2000) and a subsequent three-year contract with the BFBA and take any appropriate action.

Manager Gerrish recommended the proposed one-year (July 1999 – June 2000) and subsequent three year contract with the BFBA. Union members approved this contract at their meeting last Thursday night. *A copy of the contract will be attached to the official minutes.*

Councilor Wilson moved, Councilor Moll seconded, to approve the one-year and subsequent three-year contract with the BFBA. The motion carried with nine (9) yeas.

65. The Town Council will discuss the use of public monies to pick up solid waste, deliver water to hydrants, and paying for delivery of electricity to streetlights in the following Planned Unit Developments of Appletree, Coastal Estates II, The Pines, and Willow Grove and take any appropriate action.

Both Chair McCausland and Councilor Moll stated that there was no supporting material included in their agenda packets and recommended that the Council send this item back to the Town Manager for review to know what costs would be involved.

Attorney Michael Feldman, representing the citizens of these areas – explained that he was representing the four planned unit developments. Most of the residents are senior citizens who live in subdivisions with private roads. He noted that there were no recorded restrictions on these subdivisions. Mr. Feldman felt that the critical distinction with these private roads was that these roads were approved in accordance with town requirements. The developers had to meet town standards, except the Town was not asked to maintain the road. Mr. Feldman's clients were not asking for any improvements. They were asking for trash pickup, water to the fire hydrant, and electricity to the lights. Furthermore, they were interested in being treated like anyone else in town with the same services. It was a question, in his mind, of fairness and equity. He had prepared an annual cost breakdown of these services for each of the developments represented. A copy will be attached to the official minutes.

Manager Gerrish wanted to look at the potential costs. He suggested it would be about a month before he would be able to return this item to the Council for consideration.

Councilor Moll moved, Councilor Feldman seconded, to table this item. The motion carried with nine (9) yeas.

62. The Town Council will consider accepting a Purchase and Sale Agreement for 44 Water Street from Bath-Brunswick Child Care Services, Inc. and take any appropriate action.

Manager Gerrish explained that the Council previously had authorized the Town Manger to negotiate a contract with the Child Care Services. This item is for the purchase of land and buildings at 44 Water Street shown on Brunswick Tax Map U-7, Lot 65 and land at the corner of Water Street and Stone Street, shown on Brunswick Tax Map U-7, Lot 34. Mr. Gerrish anticipated a closing within 30 to 45 days. The purchase and sale agreement are subject to the following conditions:

- a) Approval of the Agreement by the Seller's legislative body has been obtained.
- b) The Buyer shall execute and deliver to Seller a right of first refusal on the Premises acceptable to Seller.
- c) The Buyer shall execute and deliver those documents acceptable to Seller evidencing an agreement to sell the Premises to Seller if Buyer ceases to use the Premises for the purposes permitted to maintain its 501©(3) status for more than a one year period for the same consideration paid by Buyer, plus all of Buyer's actual costs incurred in the acquisition of the Premises, its demolition, plus all improvements to the Premises.
- d) Seller shall have the right to remove any of the Seller's personal property and any fixtures desire by Seller in the buildings on the property before Buyer has the buildings demolished.

Councilor Lowe moved, Councilor Wilson seconded, to approve the Purchase and Sale Agreement with Bath-Brunswick Child Care, Inc. for 44 Water Street for the amount of \$57,500. The motion carried with nine (9) yeas.

63. The Town Council will consider approving a Quitclaim Deed for property owned by James and Patricia Castle Brunswick Tax Map 30, Lot 8 and take any appropriate action.

This item is to consider approving a Quitclaim Deed for property owned by James and Patricia Castle as shown on Brunswick Tax Map 30, Lot 8. A 60'x100' lot had been deeded to the Town for use as a school house lot, dated August 23, 1889 and recorded February 26, 1896 in the Cumberland Registry of Deeds. In the past, the Town has deeded such lots back to the owners of the primary parcel from which the lot was cut out.

Councilor Swanson moved, Councilor Galloupe seconded, to approve the Quitclaim Deed for property owned by James and Patricia Castle on the westerly side of Merepoint. The motion carried with nine (9) yeas.

- 64. The Town Council will consider approving the request of the Brunswick Intown Group to hang a banner over Maine Street to welcome the Family Motor Coach Association from August 14, 2000 through August 20, 2000 and take any appropriate action.**

Councilor Moll moved, Councilor Dotts seconded, to approve the request of Brunswick Intown Group to hang a banner over Maine Street to welcome the Family Motor Coach Association from August 14, 2000 through August 20, 2000. The motion carried with nine (9) yeas.

- 66. The Town Council will consider setting a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up and take any appropriate action.**

Manager Gerrish stated that this item is to consider setting a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up. Mr. Gerrish clarified that this ordinance pertains to normal household refuse and not large items. It was pointed out that this ordinance applies not only to apartments, but to every home in Brunswick, as well. Attorney Hole explained the proposed amendments to the Solid Waste Ordinance with the following changes from the previous proposal:

Subsection (f): It is solely the owner's responsibility to have proper containers.

Subsection (g): Deleted the presumption about the owner placing the refuse and make the owner and the person placing the refuse equally liable for the violation. When a code violation exists, both the property owner and the person causing the violation can be held responsible.

Subsection (h): A person avoids the higher fees after only one incident requiring an order and a notice of removal.

Councilor Moll moved, Councilor Dotts seconded, to schedule a public hearing on May 1, 2000 regarding solid waste as it pertains to household refuse and pick up. The motion carried with nine (9) yeas.

- 67. The Town Council will consider setting a public hearing to discuss a recommendation from the Zoning Ordinance Task Force regarding proposed Coastal Protection Zone Amendments to the Zoning Ordinance and take any appropriate action.**

Theo Holtwijk, Director of Planning and Development, stated that this item is to consider setting a public hearing to discuss the recommendation from the Zoning Ordinance Task Force regarding proposed Coastal Protection Zone Amendments to the Zoning Ordinance. This is the third and last chapter of the Zoning Ordinance Task Force II. He explained that there are two sets of recommendations, one from the Task

Force and one from the Planning Board. *A copy of his memo outlining these changes will be attached to the official minutes.*

Councilor Moll moved, Councilor Feldman seconded, to set a public hearing on May 15, 2000 to consider proposed amendments to the zoning map and the Brunswick Zoning Ordinance. The motion carried with nine (9) yeas.

68. The Town Council will consider making appointments to the following boards and committees: (Manager)

GROWSTOWN SCHOOL COMMITTEE,
1 FULL MEMBER – AAUW Representative – three-year term to expire 01/08/03

Councilor Wilson nominated Janet Bodwell.

Councilor Wilson moved, Councilor Dotts seconded, that nominations cease and that the Chair cast one vote for Janet Bodwell as the AAUW Representative member to the Growstown School Committee. The motion carried with nine (9) yeas.

ZONING BOARD OF APPEALS,
2 ASSOCIATE MEMBERS – three year terms to expire 12/18/02

There were no nominations.

The meeting adjourned at 8:42 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.

Deborah S. Cabana
Town Clerk
April 10, 2000

April 18, 2000

Date of approval

Council Chair