

BRUNSWICK TOWN COUNCIL MINUTES

August 7, 2000

MUNICIPAL MEETING FACILITY

Councilor Dotts moved, Councilor Lowe seconded, to enter into executive session to discuss the possible acquisition of property. 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, Timothy Dotts, Clement Wilson, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Thomas Farrell, Parks and Recreation Director; Robert Tripp, Assessor; Philip Carey, Development and Review Planner; several citizens, members of the press and TV video crew.

Minutes of Previous Meetings: July 17, 2000

Councilor Dotts moved, Councilor Wilson seconded, to approve the minutes of July 17, 2000 with one correction. Councilor Wilson's comments at the top of page five to be amended to read "Councilor Wilson was concerned that if this issue is dragged on too long, it will continue to show a negative approach to marinas." The motion carried with nine (9) yeas.

Correspondence: Manager Gerrish received a letter from Andy Antripaldi, owner of Vincenzo's Restaurant, requesting that the Town consider changing the sign ordinance to allow for off-premise signs. It was decided that this item would be considered at the first meeting in September.

Chair McCausland noted the passing of Eddie Palmer, former resident. Condolences were extended to Mr. Palmer's wife, Kay.

Town Clerk Deborah Cabana informed the public of the upcoming November municipal election and the Town Council and School Board positions that are open. Nomination papers became available July 28th and will need to be returned to the Town Clerk's Department by 4:30 p.m. on September 8, 2000.

Manager's Report:

1. Financial Update. Manager Gerrish stated that it is very early to talk about the budget, as we are only one month in the fiscal year.

2. Equalization 2000 Update. Bob Tripp, Assessor gave an update on the Completion of Equalization 2000. Mr. Tripp explained the process that will be followed by citizens wishing to appeal their assessment. *A copy of his comments will be attached to the official minutes.*

3. Update on Family Motor Coach Association arrival. Manager Gerrish stated that 6,000 to 7,000 motor homes would be coming to the community. This does not include the 1100 additional motor vehicles available for people to look at and possibly purchase. Mr. Gerrish felt that we are adequately prepared for the Family Motor Coach Association when they come.

4. Pejepscot Historical Society update on the completion of Town Records project. Debbie Smith of the Pejepscot Historical Society presented the Council with a completed finding aid of the Town Records Project. The Town had matched \$2,250, with a grant offered by the State Archives, to conduct this project.

Adjustments to the Agenda: Manager Gerrish requested that four items be added to the agenda. Item #143 - the Town Council will consider authorizing the Town Manger to enter into a purchase and sale agreement with the Morrell family for property off Route 123, #144 – the Town Council will consider authorizing the Town Manager to send a letter to the State regarding the Fox Run Development property, #145 – the Town Council will consider a request of Bowdoin College to hang a banner from October 19th, 2000 through October 22nd, 2000 to promote Homecoming and from May 30th, 2001 through June 3rd, 2001 to promote Reunion Weekend, and #146 – the Town Council will consider a request of the American Red Cross to hang a banner over Maine Street from September 5th, 2000 through September 19th, 2000 to promote the Sixth Annual 5K/10K Run. There was no objection to adding these items to the agenda.

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

NEW

JLH Donuts, Inc. d/b/a Dunkin Donuts
163 Pleasant Street

Luis H. Cabral

JLH Donuts, Inc. d/b/a Dunkin Donuts
168 Maine Street

Luis H. Cabral

JLH Donuts, Inc. d/b/a Dunkin Donuts
172 Bath Road

Luis H. Cabral

The Public Hearing opened at 8:13 p.m. The Public Hearing closed at 8:13 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the victualer licenses for Dunkin Donuts at 163 Pleasant Street, 172 Bath Road, and 168 Maine Street. The motion carried with nine (9) yeas.

137. The Town Council will consider the one-year reappointment of Clark Labbe as Health Officer from 9/1/2000-8/31/2001 and take any appropriate action.

Councilor Wilson moved, Councilor Dotts seconded, to reappoint Clark Labbe as Health Officer from 9/1/2000 – 8/31/2001. The motion carried with nine (9) yeas.

138. The Town Council will consider signing a deed between Katherine Street Associates and the Town to convey 9.9 acres of open space to the Town and take any appropriate action.

Phil Carey, Development and Review Planner explained that this item is to consider signing a deed between Katherine Street Associates and the Town for 9.9 acres to be conveyed to the Town as open space. This had been part of an approved plan for Jordan Courts' Apartments to convey the land to the Town in the mid-1980's and this deed will fulfill that plan. Due to a lawsuit between the town and the developer, the conveyance was never made. *See attached memo from Phil Carey.*

Councilor Lowe moved, Councilor Feldman seconded, to sign a deed between Katherine Street Associations and the Town to convey 9.9 acres of open space to the Town, as proposed. The motion carried with nine (9) yeas.

139. The Town Council will consider approving the request of Thomas Point Beach to hang a banner over Maine Street announcing the 23rd Annual Thomas Point Beach Bluegrass Festival from August 21, 2000 through September 5, 2000 and take any appropriate action.

Councilor Gleason moved, Councilor Feldman seconded, to approve the request of Thomas Point Beach to hang a banner over Maine Street announcing the 23rd Annual Thomas Point Beach Bluegrass Festival from August 21, 2000 through September 5, 2000. The motion carried with nine (9) yeas.

140. The Town Council will consider approving the request of the American Cancer Society to hang a banner over Maine Street stating, "October is Breast Cancer Awareness Month" from September 29, 2000 through October 13, 2000 and take any appropriate action.

Councilor Galloupe moved, Councilor Dotts seconded, to approve the request of the American Cancer Society to hang a banner over Maine Street stating, "October is Breast Cancer Awareness month" from September 29, 2000 through October 13, 2000. The motion carried with nine (9) yeas.

141. The Town Council will consider allowing New England Telephone Company and Central Maine Power Company to erect 1 pole on Simpson Point Road and take any appropriate action.

Councilor Dotts moved, Councilor Gleason seconded, to allow New England Telephone Company and Central Maine Power Company to erect one pole on Simpson Point Road. The motion carried with five (5) yeas and four (4) nays – Councilors Moll, Lowe, Swanson, and Feldman opposed.

142. The Town Council will consider making appointments to the following boards and committees:

CONSERVATION COMMISSION, 1 Full Member – Balance of a three-year term to expire 05/01/02.

Councilor Wilson nominated David W. Brooks.

Councilor Feldman moved, Councilor Dotts seconded, that nomination cease and that the Chair cast one vote for David W. Brooks. The motion carried with nine (9) yeas.

DAVIS FUND COMMITTEE, 1 Full Member – Three year term to expire 06/30/03.

Councilor Moll nominated Millie S. Stewart.

Councilor Moll moved, Councilor Wilson seconded, that nominations cease and that the Chair cast one vote for Millie S. Stewart. The motion carried with nine (9) yeas.

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE, 1 Full Member – Three year term to expire 01/01/03.

Councilor Moll nominated Dorothy L. Burgess.

Councilor Moll moved, Councilor Wilson seconded, that nominations cease and that the Chair cast one vote for Dorothy L. Burgess. The motion carried with nine (9) yeas.

143. The Town Council will consider authorizing the Town Manger to enter into a purchase and sale agreement with the Morrell family for property off Route 123 and take any appropriate action.

Manager Gerrish explained that this item is for the Town to acquire approximately 22 acres which abuts the Town Commons. The Town would swap property (that the Town owns) on Mere Point Road. In return, the Town would allow this donation to meet needs of any future impact fees for the development of the rest of this parcel. The price tag is \$75,000 with the condition that we raise the money privately. Once Downeast is paid the \$75,000, they plan to turn the money over to the local land trust. This will help develop our community as well as the land trust.

Barbara Desmarais of the Town Commons Planning Committee - Thanked the Council for their consideration.

Councilor Feldman moved, Councilor Swanson seconded, to authorize the Town Manager to enter into final negotiations to execute this contract. The motion carried with nine (9) yeas.

144. The Town Council will consider authorizing the Town Manager to send a letter to the State regarding the Fox Run Development property and take any appropriate action.

Manager Gerrish stated that he had been requested by Ara Aftandilian of Summit Properties to write a letter to the State of Maine regarding the Fox Run Development. It will be necessary for Summit Properties to obtain permission from the State to have access off the entrance road onto Interstate 95 for potential development. He hoped that Mr. Gerrish would write a factual letter that the property is in the development zone. The letter would be strictly factual and not an endorsement of the project.

Councilor Moll felt the public should be made aware that the August 11th deadline gives Summit Properties legal standing with regard to pending legislation.

Manager Gerrish explained that the State passed new laws this Legislation Session, regarding curb cuts and further development along state roads. One section of the legislation states there will be no egress for any area that the property development rights have been taken. If the application is not before the state by August 11, 2000, then there will be no legal standing for the project to go forward. However, the application will be presented to the State with or without a letter from the town.

Councilor Moll stated that she would not be supporting the use of the Manager's time to write a findings of facts letter. She felt it would be setting a precedent and the Manager would be asked to write findings of facts letters for any future developers.

Councilor Feldman clarified that if the Town does not support the access, then it would be unlikely that the developers would receive state approval. If the Manager is authorized to send this letter, there will be another opportunity to write to the State and say yes or no for approval.

Councilor Lowe wanted to confirm that the town still reserves the right to either approve or reject the proposal associated with the access off the interstate. However, he did not feel it was in the best interest of the town staff doing the work of the developers who are completely capable of writing this letter.

Councilor Swanson was not in favor of sending the letter because she felt that the majority of Council does not favor a retail area at the end of Pleasant Street. She suggested that this project not be "resuscitated" and let it die a nice pleasant death.

Councilor Wilson felt the Town has an excellent Planning Department and Planning Board. The Council will have their opportunity to have their say on this project. But to shut it off cold, seems to be denying potential opportunity that is not at the taxpayer's expense.

Councilor Gleason agreed with Councilor Wilson. While there was a number of Councilors opposed to possible "Big Boxes", he did not recall that the majority of the Council was opposed to retail, office space, or motel development. If we cut it off now, then we will literally remove any potential possible development of this land.

Councilor Galloupe felt it was common courtesy to answer the letter.

Councilor Gleason moved, Councilor Galloupe seconded, to authorize the Town Manager to write a statement of facts letter and that the letter specifically states that it is not an endorsement of any project we have seen proposed for this property. The motion carried with six (6) yeas and three nays – Councilors Lowe, Moll, and Swanson opposed.

145. The Town Council will consider a request of Bowdoin College to hang a banner from October 19th, 2000 through October 22nd, 2000 to promote Homecoming and from May 30th, 2001 through June 3rd, 2001 to promote Reunion Weekend and take any appropriate action.

Councilor Wilson moved, Councilor Feldman seconded, to approve the request of Bowdoin College to hang a banner from October 19th, 2000 through October 22nd, 2000 to promote Homecoming and from May 30th, 2001 through June 3rd, 2001 to promote Reunion Weekend. The motion carried with nine (9) yeas.

146. The Town Council will consider a request of the American Red Cross to hang a banner over Maine Street from September 5th, 2000 through September 19th, 2000 to promote the Sixth Annual 5K/10K Run and take any appropriate action.

Councilor Wilson moved, Councilor Feldman seconded, to approve the request of the American Red Cross to hang a banner over Maine Street from September 5th, 2000 through September 19th, 2000 to promote the Sixth Annual 5K/10K Run. The motion carried with nine (9) yeas.

The meeting adjourned at 8:47 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
August 22, 2000

September 5, 2000

Date of approval

Council Chair