

**BRUNSWICK TOWN COUNCIL MINUTES**  
**July 17, 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; Theo Holtwijk, Director of Planning and Development; Commander Annese; Thomas Farrell, Director of Parks and Recreation; Alan Houston, Natural Resources Planner; Phil Carey, Development Review Planner; Frank McVey, Superintendent of Sewer District; several citizens, members of the press and TV video crew.

**Minutes of Previous Meetings:** June 1, 2000, June 5, 2000, June 19, 2000, and June 29, 2000

**Councilor Wilson moved, Councilor Dotts seconded, to approve the minutes of June 1, 2000 as distributed. The motion carried with eight (8) yeas and one (1) abstention – Councilor Moll was not present at the June 1, 2000 meeting.**

**Councilor Wilson moved, Councilor Dotts seconded, to approve the minutes of June 5, 2000 as distributed. The motion carried with nine (9) yeas.**

**Councilor Dotts moved, Councilor Wilson seconded, to approve the minutes of June 19, 2000 as distributed. The motion carried with eight (8) yeas and one (1) abstention – Councilor Swanson was not present at the June 19, 2000 meeting.**

**Councilor Lowe moved, Councilor Galloupe seconded, to approve the June 29, 2000 minutes as distributed. The motion carried with five (5) yeas and four (4) abstentions – Chair McCausland and Councilors Dotts, Wilson, and Gleason were not present at the June 29, 2000 meeting.**

**Correspondence:**

Manager Gerrish explained that a resignation was received from Jeanne Parker who served on the Bicycle and Pedestrian Advisory Committee and from James Porter who served on the Board of Directors 55 Plus Center. A letter of appreciation will be sent to Jeanne Parker and James Porter and the positions will be advertised.

A Letter of Resignation was received from Deborah S. Cabana, Town Clerk, who has accepted a position with the State of Maine as Director of Elections and Commissions. Her last day of employment will be August 25, 2000. Mr. Gerrish commented on how much he has enjoyed working with Deborah and that she will be missed, but wished her well with her new position.

**Manager's Report:**

**1. Presentation of Planning Award.** Janet McLaughlin, Yarmouth Town Planner and Chair of the awards jury of the Maine Association of Planners presented two awards. The first award (The Classic) was presented to the Town in recognition of Theo Holtwijk who edited the book "Bold Vision". The second award, the Project of the Year Planning Award Bowl, was presented to Alan Houston and Tom Farrell for the Androscoggin River Bike Path.

**2. Meeting concerning Big Boxes.** Theo Holtwijk, Director of Planning and Development, offered a tentative program for two "Big Boxes" forums. *A copy of his suggestions will be attached to the official minutes.* The Council was in agreement to proceed as proposed but would prefer to see the forums conducted in September instead of August.

**3. Seat Belt Enforcement Grant.** Commander Robert Annese requested that the Council accept a \$10,000 grant for Seat Belt Enforcement. **Councilor Moll moved, Councilor Feldman seconded, to accept the grant of \$10,000 for Seat Belt Enforcement. The motion carried with nine (9) yeas.**

**4. Sewer District Annual Report.** Frank McVey, Superintendent of the Brunswick Sewer District, gave the Council a report on the Brunswick Sewer District. *A copy of the Sewer District Annual Report will be attached to the official minutes.*

**5. Joshua Chamberlain Statue.** Dick Morrell gave a report to the Council regarding the purchase of a statue of Joshua Chamberlain for the Upper Mall. A model of the statue was presented for review. The total amount of the project would be about \$105,000. The campaign has not yet started, but approximately \$30,000 has already been raised. He also hoped to raise a modest amount of revenue for annual maintenance. Mr. Morrell requested that the Council authorize assistance from Theo Holtwijk and Peter Baecher to help develop the site. The Joshua Chamberlain Statue Committee would be returning for Council's final approval. The Council was agreeable to the committee's request for staff to assist with site preparation.

**6. Meeting date for August. Councilor Feldman moved, Councilor Dotts seconded, to cancel the second Town Council meeting in August 2000. The motion carried with nine (9) yeas.**

**Adjustments to the Agenda:** Manager Gerrish requested that the Council waive their rules and add agenda item 136 that the Town Council consider approving the Declaration of Official Intent pursuant to the Treasury Regulation §1.150-2 for the Brunswick School Department Energy Conservation and Facilities Improvement Project. There was no objection to adding this item to the agenda.

*The Public Hearing for items 124, 125, 126, and 127 were combined and opened at 8:45 p.m. The public hearing closed at 8:45 p.m.*

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

**RENEWALS**

Michael Dilios d/b/a Maquoit Market  
50 Maquoit Road

Michael Dilios

The Cuisine House, Inc. d/b/a The Cuisine House  
21 Gurnet Road

David Tao

**NEW**

Waterfront Maine d/b/a Cabot Mill Express  
14 Maine Street

Anthony Gatti

Joy King, Inc. d/b/a Joy King  
164 Pleasant Street

King Yip Chan

Capital Pizza Huts, Inc. d/b/a Pizza Hut  
238 Bath Road

Richard J. Bloomer

Sherry Novicky d/b/a Santopolo Sausage  
Bath Road, near Walfield Thistle, Inc. at 381 Bath Road

Sherry Novicky

**125. The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and take any appropriate action. (Manager)**

**NEW**

Joy King Restaurant Corp. d/b/a Joy King Restaurant  
164 Pleasant Street

You Zou Zhaung

**RENEWAL**

Applebee's Northeast, Inc. d/b/a Gourmet Systems of Maine, Inc. d/b/a Applebee's Neighborhood Grill and Bar  
11 Gurnet Road

Barry Gerstein

Bowl New England, Inc. d/b/a Yankee Lanes  
276 Bath Road

J. Richard Corley

Columbus Bowl, Inc. d/b/a The Bowling Bowl  
7 Dunlap Street

Douglas A. Rice

President & Trustees of Bowdoin College d/b/a Magee's Pub & Grill  
Smith Union, Bowdoin College

Mary M. Kennedy

**126. The Town Council will hear public comments on the following requests for Special Amusement Licenses and take any appropriate action.**

Bowl New England, Inc. d/b/a Yankee Lanes  
276 Bath Road

J. Richard Corley

President & Trustees of Bowdoin College d/b/a Magee's Pub & Grill  
Smith Union, Bowdoin College

Mary M. Kennedy

**127. The Town Council will hear public comments on the following requests for Innkeepers License and take any appropriate action.**

Karen Enterprises, Inc. d/b/a Brunswick Super 8 Motel  
224 Bath Road

James M. Sweeney

**Councilor Lowe moved, Councilor Wilson seconded, to approve the aforementioned proposed license applications (items 124, 125, 126, and 127). The motion carried with nine (9) yeas.**

**128. The Town Council will conduct a public hearing to consider amending the Personnel Ordinance (Section 12-72) relative to Retirement and (Section 12-73) relative to Deferred Compensation Plans and take any appropriate action.**

The Public hearing opened at 8:46 p.m. The public hearing closed at 8:46 p.m.

This item is a public hearing to consider making adjustments to the Town's Personnel Ordinance. This will approve COLA for future years starting July 1, 2000 for members in the Maine State Retirement System (except Police and Fire who already have this) and to contribute 4% toward the employees in the 457 Deferred Compensation Plan. *A copy of the proposed amendment will be attached to the official minutes.*

**Councilor Moll moved, Councilor Wilson seconded, to approve the proposed amendment to the Personnel Ordinance (Section 12-72) relative to Retirement and (Section 12-73) relative to Deferred Compensation Plans as advertised. The motion carried with nine (9) yeas.**

**129. The Town Council will conduct a public hearing to consider a Bond Ordinance authorizing the acquisition and installation of Computer Hardware and other Computer Equipment not to exceed \$1,000,000 plus 1% for the Costs of Issuance and take any appropriate action.**

The Public hearing opened at 8:47 p.m. The public hearing closed at 8:47 p.m.

This item is a public hearing to consider the approval of a \$1,000,000 Bond for computers that the School Superintendent and School Board discussed with the Council during the budget. *Copy to be attached to the official minutes.*

**Councilor Moll moved, Councilor Lowe seconded, to approve the Bond Ordinance authorizing the acquisition and installation of Computer Hardware and other Computer Equipment not to exceed \$1,000,000 plus 1% for the Costs of Issuance as advertised. The motion carried with nine (9) yeas.**

**130. The Town Council will receive a report from the Planning Department regarding existing information on marinas and their existing ordinances and permitted use and take any appropriate action.**

Phil Carey, Development Review Planner, presented a table that summarizes the various existing local, state, and federal regulations that apply to marinas. At the conclusion of the research, the results were reviewed to assess which, if any aspects of marina design, construction and/or operation are not adequately addressed by these regulations. The Planning Department is concerned that the Maine *DEP Best Management Practices for Boatyards and Marinas* is not required under any statute. Therefore, the Department is recommending that they Zoning Ordinance be amended to require use of these measures by reference. *Please see the attached material regarding marina regulations.*

Chair McCausland suggested that this item be referred to the Planning Board for their review and recommendations.

There was considerable discussion regarding impervious surfaces, especially relevant to marina use.

Councilor Wilson was concerned that if this issue is dragged on too long, it will ~~continue to show give~~ a negative ~~impression about~~ approach to marinas. *As corrected and approved by TC 8/7/00.*

Formatted

**Councilor Galloupe moved, Councilor Dotts seconded, to send this item to the Planning Board for review and recommendations to allow marinas as a permitted use in both the FF3 and CP1 zones, consider impervious surfaces with regard to marinas, as well as consider the Maine DEP Best Management Practices for Boatyards and Marinas. The motion carried with eight (8) yeas and one (1) nay – Councilor Wilson opposed.**

131. The Town Council will receive a proposal to change the existing ordinance on marinas as permitted use in the Coastal Protection Zone and impervious surfaces and take any appropriate action.

**Councilor Wilson moved ordinance provisions to make “Marine Activity”, including marinas, a permitted use in the Coastal Protection Zone (CPZ) and exempt marinas from the maximum impervious surface standards of the CPZ. There was no second. There was no discussion and no action. The motion failed.**

132. The Town Council will consider signing a Purchase & Sale Agreement regarding the Sawyer Park property with Bowdoin College and take any appropriate action.

**Councilor Dotts moved, Councilor Moll seconded, to approve the signing of the Purchase & Sale Agreement with Bowdoin College regarding Sawyer Park, with modifications suggested by the Town Attorney. The motion carried with eight (8) yeas and one (1) nay - Councilor Wilson opposed.**

133. The Town Council will consider signing a Resolution authorizing the purchase of real property on Thomas Point Road and transferring and appropriating up to \$85,000 in impact fees assessed and collected for the purpose of constructing a Fire Department Sub-Station in the Cook’s Corner area of Brunswick and take any appropriate action.

Manager Gerrish stated that although this resolution does not obligate the Town to build a substation, if the substation is not built, then the \$85,000 of impact fees would need to be refunded and the monies would be obtained elsewhere.

**Councilor Feldman moved, Councilor Moll seconded, to approve signing a Resolution authorizing the purchase of real property on Thomas Point Road and transferring and appropriating up to \$85,000 in impact fees assessed and collected for the purpose of constructing a Fire Department Sub-Station in the Cook’s Corner area. The motion carried with nine (9) yeas.**

*Copy to be attached to official minutes.*

134. The Town Council will consider accepting the property of Robert Melhorn, Map 9 Lot 14 located off River Road just west of Rocky Hill as a gift to the Town and take any appropriate action.

**Councilor Wilson moved, Councilor Dotts seconded, to approve the acceptance of the property of Robert Melhorn, Map 9 Lot 14, located off River Road just west of Rocky Hill as a gift to the Town. The motion carried with nine (9) yeas.**

135. The Town Council will consider authorizing John Foster, Public Works Director/ Town Engineer, to enter into an agreement with the Hannaford's for the Relocation of Moody Road entrance and take any appropriate action.

Manager Gerrish explained that Mr. Hannaford has agreed to pay material and paving costs and will cooperate in the necessary land swap to relocate Moody Road entrance. The Public Works Department will do the work.

**Councilor Wilson moved, Councilor Dotts seconded, to authorize John Foster, Public Works Director/Town Engineer, to enter into an agreement with the Hannaford's for the Relocation of Moody Road entrance. The motion carried with nine (9) yeas.**

136. The Town Council will consider approving the Declaration of Official Intent pursuant to the Treasury Regulation §1.150-2 for the Brunswick School Department Energy Conservation and Facilities Improvement Project and take any appropriate action. *copy to be attached to official minutes.*

**Councilor Moll moved, Councilor Wilson seconded, to approve the Declaration of Official Intent pursuant to the Treasury Regulations §1.150-2 for the Brunswick School Department Energy Conservation and Facilities Improvement Project. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:40 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  
July 21, 2000

*August 7, 2000*

\_\_\_\_\_  
Date of approval

\_\_\_\_\_  
Council Chair