

BRUNSWICK TOWN COUNCIL MINUTES
March 6, 2000
MUNICIPAL MEETING FACILITY

Councilor Dotts moved, Councilor Wilson seconded to enter into executive session to discuss a Personnel matter, 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, Leah Durgin, Executive Assistant, Theo Holtwijk, Director of Planning and Development, Robert Annese, Commander Patrol Services, Ara Aftandilian, Summit Properties with the Fox Run Development Team, several citizens, members of the press and TV video crew.

Minutes of Previous Meeting: **Councilor Dotts moved, Councilor Gleason seconded to accept the minutes from the 2/7/00 meeting as distributed. The motion carried with nine (9) yeas.**

Councilor Dotts moved, Councilor Gleason seconded to accept the minutes from the 2/22/00 meeting as distributed. The motion carried with eight (8) yeas and one (1) abstention - Councilor Wilson was absent from the 2/22/00 meeting.

Adjustments to the Agenda: Chair McCausland requested that Correspondence and the Manager's Report be moved to the end of the meeting and that Item 46 would be tabled until the March 20, 2000 meeting.

Correspondence: Manager Gerrish informed the Council that he had received a letter of resignation from Kathleen Gilliam, Personnel Board. He asked that the Council waive the normal process of advertising for the position and reappoint Bill Locke to the Personnel Board, who due to a misunderstanding had not submitted his paperwork to be reappointed prior to the last opening on the committee.

Councilor Wilson moved, and Councilor Feldman seconded to waive the normal process of advertise for the open position and reappoint Bill Locke to the Personnel Board. The motion carried with nine (9) yeas.

Manager's Report: The Town Manager will report on aggregation efforts with Maine Power Options - Manager Gerrish spoke of the efforts being made with negotiations on behalf of the Maine Power Options group for reduced power generation rates. A recommendation is expected from the consultant within the next 1-2 months. Councilor Feldman asked if Manager Gerrish thought the Town would see a major savings over the next 3-4 years and Manager Gerrish responded that he believed there would be a savings over time. Councilor Swanson asked if the selection of GreenPower would be a possibility. Manager Gerrish stated that he did not believe the selection of Green Power was an alternative at this time. He also noted the tight timeline the Town would be up against once a proposal was offered. The Town would need to sign the proposal upon receipt.

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

NEW:

Betty Jordan d/b/a Wrapper's
Brunswick Mall

Betty Jordan

The Public Hearing opened at 7:35 p.m. The Public Hearing closed at 7:35 p.m.

Councilor Moll moved, Councilor Lowe seconded, to approve the Victualer License Request for Wrapper's. The motion carried with nine (9) yeas.

- 44. The Town Council will hear public comments on the following requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall and take any appropriate action.**

RENEWAL

Brunswick Farmer's Market
Mall

Eric R. Welzel, President

Danny's Dogs on the Mall
Mall

Sean L. McDonald

Down East Hot Dog
Mall

Stephen S. Sprague

Uncle Ron's Something Different
Mall

Ronald Jordan

Wrappers
Mall

Betty Jordan

The Public Hearing opened at 7:36 p.m. The Public Hearing closed at 7:36p.m.

Councilor Moll moved, Councilor Lowe seconded, to approve the Sellers of Prepared Food on Public Ways Request on the Brunswick Mall for Brunswick Farmer's Market, Danny's Dogs on the Mall, Down East Hot Dog, Uncle Ron's Something Different, and Wrapper's. The motion carried with nine (9) yeas.

- 45. The Town Council will hear public comments on the following requests for Sellers of Prepared Food on Public Ways for sidewalk space on Maine Street and take any appropriate action .**

RENEWAL

Bohemian Coffee House
111 Main Street

Peter M. Robbins

The Public Hearing opened at 7:37 p.m. The Public Hearing closed at 7:42 p.m.

Peter Robbins, owner Bohemian Coffee House, asked if the Council would look at making the permit year round as opposed to March to December. He also asked why other businesses did not have to apply for this permit when they sell their non-food related goods on the sidewalk.

Manager Gerrish responded by stating that they would look at the possibility of changing the ordinance to year round (weather permitting) and that the Ordinance related to the sale of food related items on community property does not pertain to non-food related items.

Councilor Moll moved, Councilor Lowe seconded, to approve the Sellers of Prepared Food on Public Ways Request for sidewalk space on Maine Street for Bohemian Coffee House. The motion carried with nine (9) yeas.

34. (Tabled) The Town Council will conduct a public discussion regarding Fox Run Development to include the following three issues of concern: access, size of retail business in this area, and the area as it is presently zoned and take any appropriate action.

Cam Niven, representing Brunswick Resource Committee, voiced the Committee's opposition to the retail center as part of the development of Fox Run, but recognize the auxiliary needs. The Committee does however support professional and business offices as well as a hotel and assistance with a transportation plan. He also supported increasing support to the Cook's Corner area.

Rob Jarrett, representing the Brunswick Intown Group, voiced the Committee's opposition to the large scale establishment noting the threat to small businesses, a traffic log jam at Exit 22, open space reduction, retail space addition, and overloading of retail business. The Committee supports money going into the Downtown area.

Warren Dwyer of 74 Federal Street voiced his concern of when and if a big box were to be put in, what would happen if they were to pull out leaving the town with another large empty building. He supports the Brunswick Intown Groups opinions.

Liz Pierson of 656 Harpswell Road voiced her opposition to the big box and her concern of the impact it may have on the Town's vital Maine Street. She is in support of the previous speakers.

Debbie Smith, representing the Pejepscot Historical Society, is in favor of preserving the Downtown and opposed to the big box development.

Lenny Burke of River Road is concerned that River Road would become a back entrance to the Fox Run development and wants to keep the area residential without increased traffic flow. A comparison was made to that of WalMart in Auburn and the residential area there that has become a back entrance to the retail area.

Peter Lowe of Brunswick, made comment that the additional traffic would create an ugly scar at the center of town. He compared this to downtown area on Lisbon Street in Lewiston. He also made note of the distinctive sight of the trees from the highway as opposed to buildings.

Jane Lamb of River Road agrees with the others opposed to the big box development. She made note that Brunswick is a small city that still looks like a town. She does not want to become another Freeport.

Josh Katz of Bunganuc Road would like to see access to the development by pedestrian or bicycle, not only vehicle traffic. He wonders if this might tie into the proposed bicycle system. He suggested a round about or something off I95, not installing a traffic light on the Connector Road.

Bruce Weeks of Week's All Seasons Yardwork at 181 Pleasant Street said he was undecided on the issue of a big box. However, he does feel that the Town needs to get together to come up with a plan for tax revenue and that there is a need to make the town affordable to live in.

Roger Fenn of McLellan Street made note that the Fox Run Development Proposal listed business such as grocery, books, home improvement, and many others that you can find in the Downtown and Cooks Corner areas.

Ara Aftandilian of Summit Properties thanked the Council for allowing the extra time by tabling this topic at their last meeting so that they could produce the project manuals for the Council's review. He then accepted questions and comments from the Council.

Chair McCausland asked if the central point of the project was contingent on having a big box within the development. Mr. Aftandilian answered that their position had not changed, the property would have mixed use with a retail component due to the financial feasibility of the retail unit.

Councilor Gleason sited his beliefs in free enterprise, smart growth, and private property rights referring to the comprehensive plan for the Town and the need for consistency. He questioned the impact on the neighborhood as there would be a buffer between Fox Run and the Downtown area. As far as impact on other businesses, Councilor Gleason compared the development to the Cook's Corner arrival as well as the WalMart arrival and commented that neither of those hurt Downtown as it had been thought they would. He felt competition is everywhere and if Brunswick doesn't accept the big box, then it would be likely that a neighboring town or city would and Brunswick would lose the tax revenue. As far as access, Councilor Gleason questioned the cost effectiveness and suggested the State determine the flow of traffic and that it not impact the remainder of the Town.

Councilor Lowe was concerned with how much land was going to be set aside for open space and how long would it remain as open space. Mr. Aftandilian remarked that on the 174 acre site, 54 acres outside the triangle development are wetlands with the possibility of developing approximately 10% at a later time, and only 80 of the remaining 120 acre parcel are planned to be developed during Phase 1 leaving 80-94 acres as open space. Councilor Lowe commented that he was supportive of the concept of the development. He also commented on the importance of the balance of funds to operate a community and healthy development as well as the preservation of the community. He recognized the need to look forward with regard to increased tax revenue, but was concerned with the potential traffic problems and the loss of open space.

Councilor Moll stated that she felt the position of the Community was important to go forward. She compared the possibility of the future of Maine Street to that of Lisbon Street in Lewiston. Councilor Moll believes that smart growth serves the economy and community as a whole. The Town already has two retail areas and Topsham's development is growing and that the Town should be supporting those areas, not a third retail area. Councilor Moll also believes that there is a healthy tax base in Brunswick. She would like to discuss how to more intensively develop the existing growth areas.

Councilor Wilson commented about Section 8 of the Fox Run proposal pointing out that the big box would be 120,000 square feet. He thinks that the Council should allow the developers to go through the normal steps of hearings and procedures through the Planning Board. Councilor Wilson noted that change is inevitable and that he would like more details and to look at this with the comprehensive plan.

Councilor Dotts remarked that he would like to see the development go elsewhere (another city or town).

Councilor Galloupe asked Mr. Aftandilian what would be the first piece developed? Mr. Aftandilian responded that it would be the retail, hotel, and commercial and business components. The site has been marked for each use due to feasibility of footprints due to the different grades of the parcel. Councilor Galloupe also asked if the development would request that town money be invested. Mr. Aftandilian thought that with the proposal as it is would be self funded for traffic improvements, water, and sewer without need for any town money unless it would extend beyond the scope of the development. The other concern that Councilor Galloupe spoke of was the concern for the other side of the Connector Road and that becoming desirable for other developers. He also remarked that big boxes are going to happen, but they belong on Bath Road.

Councilor Swanson made a statement wondering if the final criteria of the development would add to the quality of life in Brunswick.

Councilor Feldman agreed with Councilor Galloupe's statement about big boxes on Bath Road be an appropriate place. He supports the concept of developing the area and recognizes the need to keep a good tax base but emphasized the need to meet the criteria of the comprehensive plan.

Chair McCausland asked what the procedure would be and what the developers were looking for from the DOT. The response was that the DOT and developers would be looking for input from the town at the beginning of the project to help design a solution to the traffic safety issue and carry through the next steps. Chair McCausland commented that he felt the door had been left ajar for the development except for the big box portion. The Council seemed interested in the business park aspect of the development. He asked the project team to look into developing the site without a big box. Mr. Aftandilian responded that they would look into the possibilities, but that they would probably ask for Town money if they were not allowed the big box. Chair McCausland stated that there would be no definitive decision this evening.

46. The Town Council will conduct a public hearing regarding the Solid Waste Ordinance pertaining to household refuse and pick up and take any appropriate action.

Councilor Moll stated that new information and suggestions had been presented and would like the Council to take extra time to examine them.

Councilor Wilson moved, Councilor Dotts seconded, to table this item to the March 20, 2000 Town Council meeting. The motion carried with nine (9) yeas.

47. The Town Council will conduct a public hearing to amend the Traffic and Vehicles Ordinance (Section 15-74) relative to No Parking Areas on Basswood Road and take any appropriate action.

Commander Robert Annese reported on the safety issue of vehicles parking too close to the entrance of the soccer field. He proposed that amending this ordinance to No Parking would create a safe zone 30 feet on each side of the entrance.

The Public Hearing opened at 7:45 p.m. The Public Hearing closed at 7:48 p.m.

Councilor Feldman moved, Councilor Wilson seconded, to approve the proposed Traffic and Vehicles Ordinance relative to No Parking Areas on Basswood Road. The motion carried with nine (9) yeas. A copy of the amendment will be attached to the official minutes.

48. The Town Council will consider the approval of a 3 day beano license and several games of chance for St. John's Baptist Church and take any appropriate action.

Councilor Moll moved, Councilor Wilson seconded, to approve the 3 day Beano License and several Games of Chance Licenses for St. John's Baptist Church. The motion carried with nine (9) yeas.

49. The Town Council will consider approving the Wardens and Deputy Wardens for the March 7, 2000 election and take any appropriate action.

Councilor Wilson moved, Councilor Dotts seconded, to approve the list of Wardens and Deputy Wardens for the March 7, 2000 election. The motion carried with nine (9) yeas.

50. The Town Council will consider signing an agreement giving New England Telephone and Telegraph Company permission to attach it's wires, cables, and fixtures to existing poles of the Central Maine Power Company, located along and across Stanwood Street, southerly of Pleasant Street from Pole 7 to Pole 8 over the railroad tracks and take any appropriate action.

Councilor Feldman moved, Councilor Dotts seconded, to approve the signing of the agreement with New England Telephone and Telegraph Company. The motion carried with nine (9) yeas.

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

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE,
1 FULL MEMBER – Representative from the general public

CABLE TELEVISION COMMITTEE,
1 Cable TV Member, 1 year term to expire 01/01/01
1 School Board Member, 1 year term to expire 01/01/01
1 Library Member, 1 year term to expire 01/01/01

SEWER DISTRICT TRUSTEES,
1 FULL MEMBER – Three year term to expire 04/01/03

VILLAGE REVIEW BOARD,
2 ASSOCIATE MEMBERS – One year term to expire 10/20/00

WELFARE APPEALS BOARD,
1 ASSOCIATE MEMBER – Two year term to expire 1/28/02
1 FULL MEMBER – Two year term to expire 1/28/02

Councilor Wilson moved, Councilor Feldman seconded, to nominate Tom H. Legaré to the Bicycle and Pedestrian Advisory Committee. Councilor Galloupe moved, Councilor Lowe seconded, to nominate Thomas Winfield Webster to the Bicycle and Pedestrian Advisory Committee. Councilor Feldman moved, Councilor Dotts seconded, that nominations cease and a vote take place. The motion carried with six (6) yeas in favor of Thomas Winfield Webster; Councilors Gleason, Lowe, McCausland, Swanson, Dotts, and Galloupe.

Councilor Wilson moved, Councilor Dotts seconded, to nominate Gregory Quinlan from Susquehanna Communications, Jeffrey Morse from the School Board, and Linda Oliver from the Library to the Cable TV Committee and further moved that nominations cease and the Chair cast one ballot for each applicant. The motion carried with nine (9) yeas.

Councilor Moll moved, Councilor Wilson seconded, to nominate Sophia Douglass Pfeiffer to the Sewer District, Mel Tukey to the Village Review Board, and Tammy Lee Andersen to the Welfare Appeals Board, and further moved that nominations cease and the Chair cast one ballot for each applicant. 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.

Leah L. Durgin
Executive Assistant
March 8, 2000

March 20, 2000
Date of approval

Council Chair