

**BRUNSWICK TOWN COUNCIL MINUTES**

**MAY 17, 1999**

**MUNICIPAL MEETING FACILITY**

**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, and David Gleason.

**Councilors Absent:** Forrest Lowe

**Others Present:** Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Theo Holtwijk, Director of Planning and Development; Jerry Hinton, Police Chief, Commander Bruce Boucher; Commander Robert Annese; Thomas Farrell, Director of Parks and Recreation; several citizens, members of the press and TV video crew.

**Correspondence:** Councilor Feldman noted a program from the Police Department named "The Children's Education Program" offered for Perryman Village. The Police and Recreation Departments have been doing a lot of work in the Perryman Drive area and he acknowledged their efforts and extended his appreciation.

**Minutes of Previous Meetings:**

**Councilor Wilson moved, Councilor Dotts seconded, to approve the May 3, 1999 Town Council minutes as presented. The motion carried with eight (8) yeas.**

**Manager's Report:**

**1. Memorial Day Parade** - Manager Gerrish encouraged citizens to get involved. He anticipated an exciting program to be held on Monday, May 31, 1999. The parade starts in Topsham and will come across the bridge to Brunswick about 10:00 a.m.

**2. Application of Police Grant** - Commander Boucher updated the Council on the grant for "Training Teachers for Conflict Resolutions", which is a school based partnership. He anticipated the project would run about one school year. The grant was written for \$149,010 (continued funding for the crime analysis person, stipends for teachers involved in the project, travel costs, and the evaluation process). The Council will get a report once a response is received from the application.

**3. Cops More 98 Grant** - Commander Annese stated that notification was received that the Town had been approved for this grant, which was applied for last year. Originally the grant was written in two sections, one for computer software personnel and the second for software and technology. Commander Annese was not prepared to request the funds at this time, however, because the budget process had not yet been finalized. He hoped to return with a proposal which would use the money to benefit everyone.

**Adjustments to the Agenda:** NONE

**78. The Town Council will hear public comments on the following requests for Victualer Licenses for:**

**NEW:**

Uncle Ron's Something Different Ronald & Betty Jordan

**(Brunswick Mall)**

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The Cuisine House Teng-Chao Tao

The Atrium

21 Gurnet Road

**RENEWALS:**

124 Renewals as attached

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

**Councilor Moll moved, Councilor Gleason seconded, to approve the new and renewal Victualer licenses as advertised. The motion carried with eight (8) yeas.**

**79. The Town Council will hear public comments on the following requests for Innkeeper Licenses for:**

**RENEWALS:**

9 Renewals as attached

The Public Hearing opened at 7:46 p.m. The Public Hearing closed at 7:46 p.m.

**Councilor Moll moved, Councilor Feldman seconded, to approve the renewal Innkeeper Licenses as advertised. The motion carried with eight (8) yeas.**

**80. The Town Council will hear public comments on the proposed amendments to the Natural Resources Protection Zone provision of the Brunswick Zoning Ordinance (Section 211) and the Zoning Map. If approved, this ordinance will be enacted on an emergency and regular basis.**

Theo Holtwijk, Director of Planning and Development, stated the proposed amendments related to the construction of buildings within 250 feet of certain salt water marshes and meadows rated "high" or "moderate" value by the Department of Inland Fisheries and Wildlife. Construction in those areas is currently prohibited. The proposed amendments would allow construction to occur under certain circumstances with a Special Resource Protection Permit issued by the Planning Board. The proposed amendments reflect language from the State of Maine Guidelines for Municipal Shoreland Ordinances. Mr. Holtwijk felt it was worthwhile to flag on the Zoning Map the portions of the Town Shoreland Zoning areas where high and moderate wetlands exist. These wetlands have also been plotted on the Town's tax maps. He pointed out that failure to approve these amendments potentially may cause some property owner hardship.

Councilor Gleason asked who or how the areas are designated "high or moderate?"

Mr. Holtwijk answered it was determined by state officials of two departments - Inland Fisheries and Wildlife and the Department of Environmental Protection. The particular designation was made in 1970. Rate cards were obtained from I.F.W., which were produced back then. He understood that the State is currently working on

establishing new criteria for these types of wetlands. Most of the wetlands in Brunswick pertain to salt marshes and would most likely retain the same rating.

Councilor Wilson was pleased with the work the Planning Department had done. He asked if many of the owners who would have been impacted are satisfied.

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Mr. Holtwijk explained that these amendments probably would not help all who were involved. There is a limitation that property owners who have built within 125 feet to 250 feet from the wetlands can only build a 1500 sq. ft. footprint. Some have already built to this threshold. Even if the amendments are approved, these owners would not be able to apply for additional footage. However, the existing structure would be grand-fathered. Mr. Holtwijk did not anticipate the State would make further changes which would allow more latitude at the local level. It was his understanding, though, that most property owners who were affected, were happy with the proposed amendments.

Councilor Swanson expressed concern that developers would seek approval for new developments in the wetlands, given these amendments.

Mr. Holtwijk referred to "Attachment C" which states that the lot had to have been created by June 6, 1994 in order to qualify for the Special Resource Protection Permit.

Public Hearing opened at 7:58 p.m.

*C. Warren Ring of Adams Road* - applauded the Planning Department for its hard work. On behalf of the property owners, and himself, he was thankful for how well they were treated by the Planning Department and how hard the staff worked with the state to resolve this issue.

Public Hearing closed at 7:59 p.m.

**Councilor Feldman moved, Councilor Moll seconded, to approve the proposed amendments to the Natural Resources Protection Zone provision of the Brunswick Zoning Ordinance (Section 211) and the Zoning Map on an emergency and regular basis. The motion carried with eight (8) yeas.**

**81. The Town Council will consider an application on the following request for a Seller of Prepared Food on Public Ways License for:**

Uncle Ron's Something Different Ronald & Betty Jordan

(Brunswick Mall)

Manager Gerrish explained that Kim Groat (Spring Creek Barbecue), who received approval earlier this year, had decided not to locate on the Mall and requested she be refunded her \$750 permit fee. There is no provision in the Licensing Ordinance to refund the fee. However, Ms. Groat was told that consideration of a refund would be given (minus a \$20 application fee) if someone else was granted a license to locate on the Mall. A request has been received from Ronald & Betty Jordan d/b/a Uncle Ron's Something Different. Wrappers, one of the vendors currently located on the Mall, has requested that she be able to locate in Ms. Groat's former spot.

*Betty Jordan* - stated that some of the food they would be serving were veggie pockets, french fries, dilly beans, and tacos with Uncle Ron's salsa sauce.

**Councilor Moll moved, Councilor Wilson seconded, to approve the Seller of Prepared Food on Public Ways license request for Uncle Ron's Something Different and to approve the refund of Seller of Prepared Food on Public Ways license to Kim Groat minus a \$20.00 application fee. The motion carried with eight (8) yeas.**



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**82. The Town Council will consider proclaiming May 19, 1999 as the 280th Anniversary of the Town Commons.**

Manager Gerrish read the annual Proclamation of the Town Commons Day. A copy of the Proclamation will be attached to the official minutes.

**Councilor Wilson moved, Councilor Moll seconded, to sign the Town Commons Proclamation. The motion carried with eight (8) yeas.**

**83. The Town Council will receive a recommendation from the Davis Fund Committee for funding allocations for 1999, and take any appropriate action.**

*Sandy Sistare, representing the Davis Fund Committee, reported on the Committee's year. He read the recommendation from the Davis Fund on funding disbursements for 1999. (The proposal will be attached to the official minutes)*

**Councilor Moll moved, Councilor Swanson seconded, to approve the recommendation of the Davis Fund Committee for the 1999 grants as listed with the exception that the funds to the Merrymeeting Rowing Club be tabled at this time. The motion carried with seven (7) yeas and one (1) nay - Councilor Gleason opposed.**

**84. The Town Council will consider the request of Harry Darling and Steven Chouinard to be Constables in the Town of Brunswick.**

Manager Gerrish received a proposal from The Ace Detective and Security Agency, Inc. to consider appointing Harry Darling and Steven Chouinard to be Constables in the Town of Brunswick. Mr. Gerrish noted a letter from Mr. James H. Dodd who requested that constables be appointed. These two individuals have been approved in sixteen other communities.

**Councilor Wilson moved, Councilor Feldman seconded, to approve the request of Ace Detective & Security Agency, Inc. on behalf of Harry Darling and Steven Chouinard to be constables in the Town of Brunswick. Mr. Darling and Mr. Chouinard will be prohibited from carrying a firearm or other weapon, they will have no arrest powers and they will be limited to service of Civil Process. The motion carried with eight (8) yeas.**

**85. The Town Council will consider the request of St. John the Baptist Church to operate Beano/Bingo and Games of Chance for the Annual St. John's Bazaar.**

Manager Gerrish stated this was an annual request from the St. John the Baptist Church to operate Beano/Bingo and Games of Chance for their Bazaar to be held June 18, 19, & 20, 1999.

**Councilor Moll moved, Councilor Dotts seconded, to approve the request of St. John the Baptist Church to operate Beano/Bingo and Games of Chance for the Annual St. John's Bazaar to be held June 18, 19, & 20, 1999. The motion carried with eight (8) yeas.**

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**86. The Town Council will consider the Cops in School Grant and take any appropriate action.**

Commander Bruce Boucher stated the Town received an award of a grant for a Police Officer for the High School. The School Board accepted the grant at their May 12th meeting. The Council also needs to vote to accept the grant. This grant is to fund 100% of the cost of a police officer to be placed in the school system. This will be a shared position between the Brunswick High School and Jr. High School. The total amount of the grant is \$108,134.00 over a three year period. This will cover the cost of the officer's salary, FICA, health insurance, sick leave, workman's compensation. The health insurance cost may fluctuate another \$3,000 to \$9,000 depending on the ruling of the auditors. (Attachment to permanent minutes)

Councilor Gleason had mixed feelings concerning the job specifications of what the officer will actually be doing. This will take a special officer to get the trust of the students, teachers, and everyone else involved. He hoped the project does what it is set out to do. Mr. Gleason further questioned the Town's obligation to fund this position after three years.

Commander Boucher stated that in three years if the Town finds this position does not work, the Town would be obligated to hire this individual in another position within the Police Department.

Councilor Wilson asked what would happen if the program did not work as anticipated, anytime within the first three years.

Chief Hinton looked forward to having this person in the school system. This program has worked in the past in other school districts throughout the United States. The government is willing to fund a person for three years, and hopefully, the local municipality would fund the same program thereafter. However, if the School Department or the Town Council felt the program was not working out, the Police Department would need to approach the government through the Town Manager and articulate why this program was not working.

Manager Gerrish reminded the Council that it is the policy of the grant program, that after three years there is a responsibility for the Town to take on the program. It will take at least one to two years to evaluate this program appropriately. This program has been an on-going program for a number of years and it was his opinion, that once the program is started in Brunswick, the Town would want to keep it.

Chief Hinton clarified that after the three year program, he would have the flexibility to locate the officer in any position necessary to maintain public safety.

Councilor Moll pointed out that the crimes analysis officer has been extremely helpful and the walking beat officers are indispensable (hired initially via grant money). She would be uneasy about not planning ahead for the schools.

Councilor Feldman remembered when he first became a Councilor, three years ago, that Brunswick was rated next to last in police officers per thousand citizens. He was comfortable adding this position.

**Councilor Feldman moved, Councilor Wilson seconded, to accept the grant for \$108,134.00 for a School Resource Officer. The motion carried with eight (8) yeas.**

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**87. The Town Council will discuss extension of the lease with the Rowing Club and take any appropriate action.**

Manager Gerrish stated the Rowing Club's lease would expire September 1, 1999. It was first leased in 1990. Earlier this year, the Club had damage to their building during a wind storm and will be placing a temporary building at the site. This raised the issue of a permanent building and future use of the site by the Rowing Club. With the success of the Bike Path, there is need for additional parking at the site. The site of the Rowing Club is prime property which could be utilized for parking. Manager Gerrish felt it was not good policy of the Town to wait until the last minute to discuss this with the Rowing Club, given the possibility that the one year lease might not be renewed. The Council was given a copy of a layout of a proposed location of a new boat house structure and 21 additional parking spaces, prepared by Doug Richmond of the Rowing Club.

Councilor Moll noted that the Bike Path has been an unprecedented success; and due to good environmental practices the river is fishable once again. The Town has urgent need to reclaim land that it has leased on an annual basis to the Rowing Club. The Club's shed blew down and that was a precipitating factor that the Club make no investment for so short a time - about six months. The Club can have the same access to launching, without a lease, as do all other boaters and citizens using the facilities.

**Councilor Moll moved, Councilor Galloupe seconded, that the Rowing Club be notified that their one year lease on the Town's Water Street property will not be renewed and that they vacate the property under the lease terms, per agreement and at the appointed dated with our best wishes.**

Councilor Galloupe noted that the Town has been purchasing other land in this area for public use and it was not reasonable to lease a portion of it to a private organization.

*Doug Richmond from the Rowing Club* - had spoken with Bowdoin's coach regarding becoming members of the Rowing Club. Shortly after that time, the College decided to develop their own program which may become a varsity sport. Hence, the College will not be part of the Merrymeeting Rowing Club. He noted that the membership of the Club is about 55. The Club is a non profit organization and their goal is to provide community rowing. If the lease is **not renewed, he was not sure where the Club would locate and he did not know of any site readily available.**

Councilor Wilson would like to see the sport continue and asked if the Parks and Recreation Department might support this in the future.

Thomas Farrell, Director of Parks and Recreation, stated that the Rowing Club first approached the Recreation Commission in 1987, looking for a location to stage rowing. A number of proposals were reviewed by the Commission over the next two years. In 1989, an ad hoc committee was created by the Council to look at the development of what is now the Water Street boat landing and the possible presence of the Rowing Club at the site. There was an effort by the Recreation Commission, to provide the Rowing Club with a piece of property that did not have an immediate need to the community, where with their own resources (not town tax dollars) they could go out and establish a program. They were encouraged to try to make all programs available primarily to Brunswick residents. Over the years, Mr. Richmond has been efficient in supplying information to the Department regarding membership rates and new program opportunities for youth and adults in the community. There would have to be a much larger active resident participation, however, before the Recreation Commission and Department would make a request to the Council to subsidize this sport.



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Mr. Farrell informed the Council that additional parking had been secured from Keena Corp. and Fairhaven Church. However, he anticipated that even with these additional parking spaces, along with the Water Street property, it will be inadequate once the bass striper season begins. The piece of real estate that the Rowing Club currently sits on is very valuable to the Town in terms of parking location to support the bike path and the boat landing facility.

*Peter Laborte from the Rowing Club* - stated that rowing is a unique life long sport. The Club offers scholarships for college and promotes a high school rowing group. The boats are not easily transportable, therefore, requiring a fixed location. He felt if access to the river was eliminated, the sport would be eliminated from the community. He asked the Council to consider the layout proposed by Mr. Richmond, which offered 21 additional parking spaces.

Councilor Feldman stated this was not a discussion of rowing. This Council has been buying property along the Androscoggin River. It is not the appropriate time to take a section of property, in the middle of land the Town is trying to acquire, and dedicate it to any organization. He would not be in favor of dedicating property to any organization until a plan of how to best use the property to the advantage of all the citizens has been decided.

Councilor Swanson suggested the Rowing Club keep their eye on the Keena Corporation, should they ever decide to sell.

Councilor Wilson asked if there was any other town owned property that has access to the river, which might be an option for the Club to lease.

Manager Gerrish answered the only property he could think of was the day care facility and Public Works Department facility, neither of which appears to be a viable option.

*Doug Richmond* asked Council to review proposed layout, dated May 17, 1999. This layout shows 21 additional parking spaces. He would like to locate a 28'X96' boat house structure in an area where there would be very little parking.

Chair McCausland responded that while there currently exists no parking where the Club proposes to locate a new structure, it could be developed into parking spaces.

Councilor Gleason felt the Town should be open minded if the Club offered an alternative concept in the future.

*Doug Richmond* - stated that as part of the Club's renewal last September, they were to return with a proposal for a permanent building. Core members of the Club are willing to sign for a mortgage, given a reasonable length of lease. A permanent facility would make the Club grow.

**The motion was voted on and carried with seven (7) yeas and one (1) nay - Councilor Wilson opposed.**

**88. The Town Council will consider accepting funds from the Village Improvement Association for assistance in constructing the walled garden at the Curtis Memorial Library.**

Manager Gerrish stated the Village Improvement Association has requested the Town accept \$22,000 from the Association to the Curtis Memorial Library to create a walled garden and place of visual beauty for public use at the southwest corner of the new addition. Total cost of the garden area is approximately \$40,000.



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**Councilor Swanson moved, Councilor Dotts seconded, to accept funds from the Village Improvement Association for assistance in constructing the walled garden at the Curtis Memorial Library. The motion carried with eight (8) yeas.**

**89. The Town Council will consider a proposed sign request of the Brunswick Housing Authority and take any appropriate action.**

Manager Gerrish received a letter from John A. Hodge, Executive Director of the Brunswick Housing Authority, requesting permission to place a sign denoting Perryman Village on town property. (Attachment to permanent minutes)

**Councilor Feldman moved, Councilor Wilson seconded, to approve the proposed sign request of the Brunswick Housing Authority. The motion carried with eight (8) yeas.**

The meeting was adjourned at 9:30 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 4, 1999

Date of approval  
Council Chair

