

--APPROVED--
BRUNSWICK TOWN COUNCIL MINUTES
April 16, 2002
MUNICIPAL MEETING FACILITY

7:00 P.M.

Councilor Sartoris moved, Councilor Randolph seconded, to enter into Executive Session to discuss Acquisition of Property and a Personnel Issue. The motion carried with seven (7) yeas. Councilor McCausland joined later.

7:30 P.M.

Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins and Stephen H. McCausland.

Councilors Absent: W. David Watson

Others Present: Donald H. Gerrish, Town Manager, Patricia C. Harrington, Assistant Town Manager; Melissa L. Smith, Deputy Town Clerk; John Foster, Director of Public Works/Town Engineer; Thomas Farrell, Director of Parks and Recreation; several citizens, members of the press and TV video crew.

Minutes of Previous Meetings: April 1, 2002

Councilor Randolph requested an amendment to page 5, last paragraph, from Dr. Worthing to Dr. Chamberlain.

Councilor Rice moved, Councilor Randolph seconded, to approve the minutes of April 1, 2002 and to amend page 5, last paragraph, from Dr. Worthing to Dr. Chamberlain. The motion carried with eight (8) yeas.

Correspondence:

Councilor Randolph received an email from the Green Ribbon Pledge Organization, from which she read excerpts. *(A copy of the email will be attached to the Official Minutes.)*

Manager's Report:

1. Budget Schedule -- Manager Gerrish reviewed the Budget Schedule and asked what the Council's preference would be concerning a specific meeting on the Social Services requests. *(A copy of the Council Budget Review Schedule and Health & Social Services Budget will be attached to the Official Minutes.)* He stated that there would be copies of all the different Social Services Agencies requests at the Town Manager's Office for the Council to peruse.

Councilor Randolph moved, to not have a Special Meeting for the Social Services Agencies. The motion failed for lack of a second.

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Councilor Sartoris suggested that the Social Services Agencies have an opportunity to present to the Council what they do for the community, perhaps after the budget season.

Councilor Randolph suggested that the Town offer the opportunity now to work with Cable TV Coordinator John Goran to give each Social Service Agency 15 minutes on Cable 7 to explain their role to the public.

Chair Priest suggested distributing the information received, to the Councilors who had requested it.

After some discussion, Chair Priest noted that there would not be a special meeting for Social Services. There was no objection from the Council.

2. Introduction of Chris Vaniotis, Attorney from Bernstein & Shur – Manager Gerrish stated that Mr. Vaniotis was here to counsel the Town on issues before them this evening.

3. Town Council Goals – Manager Gerrish explained that this item was overlooked but would be on the agenda at the next Council Meeting.

Adjustments to the Agenda: None

57. Tabled Item: The Town Council will receive the proposal for Redistricting and will consider setting a Public Hearing on same.

Redistricting Chair Lars Rydell stated that Councilor Rice had met with the Redistricting Committee and suggested some adjustments to be made to the previous proposal. Mr. Rydell gave a brief description of the changes which were approved by the committee. After being asked by Councilor McCausland, Mr. Rydell stated that all Councilors and School Board Members remain in their respective Districts.

Councilor Sartoris was still concerned that Parkview Estates was being moved to District 3.

Councilors McCausland, Sartoris, and Rice stated that they would like to request a copy of the State Law that says the Town of Brunswick must use census blocks. Mr. Rydell stated that the Town of Brunswick Charter refers to State Law and State Law states that the number of inhabitants be determined according to the latest Federal Decennial Census.

Molly Pitcher stated that she was the representative for District 2 on the Redistricting Committee. She remembers when the Council changed the Charter to follow State Law. Ms. Pitcher wanted to give her reasons for favoring the current proposal regarding Parkview Estates. The numbers worked. The census blocks required that streets have to be split and in her opinion this was the best proposal. She also noted that Districts 2 & 3 vote at the High School; therefore, if the voters go to vote and get in the wrong line, it would not be that much of a problem. Ms. Pitcher also stated that there was not a lot of population involved in the little spurs off the street. She stated that it was true the neighborhood would be split in one sense but not a lot. Therefore, Ms. Pitcher believed that this proposal was the simplest way to divide.

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Councilor Galloupe agreed with Ms. Pitcher that this was the best solution.

Councilor McCausland moved, Councilor Randolph seconded, to set a public hearing for May 6, 2002 to receive comments on the proposed new voting districts. The motion carried with eight (8) yeas. (A copy of the new proposal and a map will be attached to the Official Minutes.)

58. Tabled Item: The Town Council will consider appointing a committee to re-negotiate the Cable TV franchise agreement, and will take any appropriate action.

Manager Gerrish stated that he had a letter from Pat Scully, an attorney with Bernstein, Shur, Sawyer and Nelson who specializes in Cable TV work, and Mr. Scully provided some options that will be available to the Negotiating Committee. Mr. Gerrish suggested that the Committee include two Councilors; the Cable TV Coordinator, John Goran; a citizen member from the Cable TV Committee and the Town Manager or Assistant Manager. Mr. Scully will be assisting the Negotiating Committee. *(A copy of the letter will be attached to the Official Minutes.)*

Councilor Sartoris suggested that one or two citizens at large be added to the committee.

Councilor Sartoris moved, Councilor Randolph seconded, to form the Committee for the purpose of re-negotiating the Cable TV franchise agreement as recommended by the Town Manager and add one (1) citizen at large representative. The motion carried with eight (8) yeas.

Councilors McCausland and Priest volunteered to serve on this committee.

63. The Town Council will discuss the criteria used in the Road Acceptance policy, and will take any appropriate action.

Councilor Sartoris stated that this item was mostly for discussing a Road Acceptance Policy. She has a problem voting for acceptance of a street/road. The Council, in the past, has used engineering standards before accepting a road. Ms. Sartoris requested suggestions for a Road Acceptance Policy from Director of Planning & Development Theo Holtwijk. She would like to link road acceptance to other benefits that the Town would like to see and avoid problems that the Town would not want to see. Past practice for road acceptance has been subsidizing, inadvertently, kinds of developments that later cost the Town money. Ms. Sartoris suggested that the Council consider a Road Acceptance Policy to cut the cost for the Town and to be used as an incentive program for development that would be beneficial to the Town, and which has a lower cost for long term maintenance. Ms. Sartoris reviewed the memorandum with the Council. *(A copy of the memorandum will be attached to the Official Minutes.)*

Attorney Chris Vaniotis from Bernstein, Shur, Sawyer, and Nelson explained that the decision on whether or not to accept a streets/roads or under what conditions to accept a street/road as a general proposition was exclusively a policy decision for the Town Council, acting as the Town's legislative body. Mr. Vaniotis also urged that if a policy was adopted

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that the Council leave a little discretion in appropriate circumstances to accept street/road even if they do not meet the strict letter of the policy.

Councilor Sartoris stated that she would not vote for a sprawling subdivision road acceptance because it costs Taxpayers' money.

Councilor Sartoris moved, Councilor Galloupe seconded, to establish a sub-committee of two Councilors, two Planning Board Members, Planning Staff, two representatives from Public Works, and two citizens to discuss a Road Acceptance Policy to be completed by September. The motion carried with seven (7) yeas. Opposed Councilor McCausland.

Chair Priest appointed Councilors Sartoris and Rice to this sub-committee.

64. The Town Council will discuss an amendment to the License and Business Regulation regarding equipment left on the Mall when the vendor is not open for business.

Manager Gerrish explained that the current ordinance states that no equipment may remain on the Mall or public way when the vendor is not open for business.

The Mall Committee realized that with the new curbing and other improvements on the Mall, it would not be easy for the vendors to get their carts on and off the Mall each day. The Committee had a meeting with the vendors, last year, before the construction began, to inform them of what was being done and to allow them time to make adjustments to their carts in preparation for the new situation on the Mall. The Committee also decided not to allow vendors to drive on or across the Mall, except for Farmer's Market participants.

During last year's construction on the Mall, it was decided to allow the vendors to keep their carts overnight and not remove them daily. This was done based on the amount of disruption that was going on at that time.

Manager Gerrish stated that he had told the vendors they may leave their carts on the Mall overnight until this discussion takes place. He has also received complaints from citizens on Park Row about the carts. *(A copy of the letter will be attached to the Official Minutes.)*

After much discussion from the Council about the access of the carts on and off the mall, public safety, vandalism, quality of life, required skills needed to move carts, using parking spaces on Maine Street, liability issues, and supporting the businesses on and off the mall, Chair Priest asked for public comments.

Jeff McDonald representing Danny's Hot Dogs -- He was concerned with the warning/fine process listed in the Management Plan for the Mall. He believed that there was no way to put the cart(s) on the Mall without touching the grass.

Manager Gerrish stated that there was no ordinance at this time involving warnings/fines.

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Sandy Webber owner of Downeast Hot Dogs – She would like to keep her stand on the Mall overnight to save wear and tear on the elegant brickwork and the stand. Ms. Webber stated that on Farmer’s Market Days it was more difficult to put her stand on the Mall because there were more parked cars on Maine Street. She did not agree that the stands were a detriment to the Mall. People had commented to her that Brunswick has so much character and is different from every other town. These comments are in favor of the stands being on the Mall.

Zerin Whyte owner of Z-Dogs – He was not part of the discussions last year because he had bought the stand from Lucille Spencer last fall. Mr. Whyte had not heard of any problems with the carts being left on the mall overnight. He is planning on being open on the mall until 8, 9 or 10 at night when the weather gets warmer, which would add atmosphere and he has had a lot of positive feedback on evening hours. Mr. Whyte asked if it was up to him or the Town to provide the blocks to get off the seven foot curb. He would like to leave his stand on the mall overnight to save wear and tear on the bricks.

Danny McDonald, 36 Merrymeeting Road -- He stated that he had been on the Mall for 29 years. He had been backing the trailer up for 20 years and it just will not go on that spot. It takes him 2 hours to put it on and 45 minutes to take it off. Mr. McDonald has four 4 foot wide and 8 foot long ramps that he uses to put the trailer on and off the Mall. He will be tying up traffic twice a day on Maine Street for extended periods of time. Mr. McDonald does not believe that the stand can go on the pad without touching the grass. He stated that the Town had experienced drivers try to put the stand on the pad without touching the grass and failed. He also stated that if there is one car or a trailer truck parked near his spot on Maine Street, he can not put his stand on the Mall.

Steve Normand, 165 Park Row – He is not in favor of the carts being left on the Mall overnight. *(A copy of his letter will be attached to the Official Minutes.)* Mr. Normand also mentioned to Councilor Randolph about turning the trailers 180 degrees and leaving them on the street.

Mike Carney, 157 Park Row – He stated that he had lived on Park Row since 1963. Many years ago, a vendor, with a free standing hot dog cart and a cooler, had permission to sell on the Mall. Later, the Council approved another vendor. Everybody was surprised when a building showed up on the Mall. The Council did not know it was going to be a building either. Mr. Carney believes that the vendors should go back to the free standing hot dog carts with a cooler. There would be no problems getting on and off the Mall. If that was not satisfactory, then have smaller carts.

Harry Hopcroft, 21 Potter Street – He spends a great deal of time walking downtown and he thinks the carts are offensive and does not believe this is the right impression for Brunswick. Mr. Hopcroft does have sympathy for the problems with the new curbing. He watched Danny putting his cart on the Mall last week and believes that the walkway was not designed properly. Mr. Hopcroft does not believe that leaving a dead circus on the Mall, which destroys the aesthetics at night, is not a solution to this problem. In his opinion, having the carts open late at night is detrimental to the view of the Mall and Town.

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Jeff McDonald, representing Danny's Hot Dogs – He stated that the vendor's take pride in the appearance of their stands. Mr. McDonald does not understand what view the stands would be blocking at night.

Betty Jordan owner of Wrappers -- She attended the meetings and repeatedly expressed concern about the curbs. At the end of last season, a Town Official and three other people came with makeshift ramps to help get the cart off the Mall and help directing traffic, and it was quite a chore. She stayed open during some of the concerts last year and she received only positive comments. Ms. Jordan stated that she had no problems while her cart was left on the Mall overnight.

Chair Priest, hearing no other public comments, returned to the Council for comments.

Councilor Crimmins stated that when he was in San Diego, he met some people who had visited this area and knew where LL Bean, Bowdoin College and Danny's on the Mall were located. He does not believe these are the same people who are saying they do not like the view. Mr. Crimmins finds it hard to believe the Town now has businesses against businesses. The Town does not need this attitude because this is not the way business people do business in Brunswick. He thinks that the two sides should get together and would probably come up with a better solution than the Council. Mr. Crimmins believes driving businesses away from Maine Street would be unwise.

Councilor Randolph moved to temporarily use parking on Maine Street to accommodate the carts and that the Town works to find a solution that will work for everybody. The motion failed for lack of a second.

Councilor Sartoris stated that having hot dogs on the Mall are a valuable part of daytime Brunswick. The Town made a promise that leaving the carts on the Mall overnight would be a temporary situation last year. Ms. Sartoris believes that the Town needs to fix the problem so that the carts can get on and off the mall instead of saying there is no problem, that it is up to the vendors to fix it.

Manager Gerrish explained that there was a conscious decision made that the Mall was public property and the Mall Committee wanted these improvements knowing that it would be difficult for the carts to get on and off the Mall. It would be the vendor's responsibility to get their carts on and off the Mall if they wanted to do business on public property.

Director of Parks and Recreation Thomas Farrell stated that the Council did appoint a Committee to preserve the Mall. There was also a person representing the vendors on the Mall on the committee. Mr. Farrell met with all of the vendors a number of times as the recommendations were formulated. He understood that there was a desire from the committee to limit the degradation of the Mall. There was a fair amount of discussion and dialog regarding the carts on the Mall. The vendors knew access was going to be a challenge because the committee was not willing to pave any more surface beyond what was done. The vendors had a year to make adjustments to their carts.

Councilor Lowe stated that he supports the current ordinance and that he does not support using parking spaces or having the carts overnight on the Mall.

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Councilor Rice agreed with Council Lowe and stated that he was concerned with the curbs. He encouraged the vendors to work with the Town, and public safety people, to get the carts on and off the Mall, and until that issue is worked out that the Town allow the carts to stay on the Mall for one or two weeks.

Town Engineer John Foster reviewed the past history of the meetings and suggestions with the vendors on this issue and read excerpts from his March 26, 2001 letter. (*A copy of Mr. Foster's letter to the vendors will be attached to the Official Minutes.*)

Councilor McCausland agreed with Councilor Sartoris that the Town and vendors need a quick solution to get through this year and decide what to do more permanently next year. He does not want to see these carts on the Mall overnight.

Town Engineer John Foster stated that alternate sites were suggested but the carts need electricity, which the Town supplies at no extra cost. As to putting the carts in parking spaces, electrical cords would have to be run across the sidewalks.

Councilor Rice moved, Councilor Randolph seconded, to allow the vendors to stay on the mall overnight for one week, during which time the Vendors and the Town will find a solution to this problem. The motion carried with five (5) yeas. Opposed Councilors Galloupe, Crimmins, and McCausland.

Manager Gerrish stated that he would work with the vendors to find a solution and may come back to the Council with recommendations at the May 6th meeting.

Councilor McCausland reiterated that the carts would not be on the Mall overnight after one week and that he assumed that the improvements to the curb would not be a problem for the vendor's carts.

65. The Town Council will consider appointing a committee to evaluate program options and uses for the Old High School and will take any appropriate action.

Councilor Lowe suggested a Committee to propose program options for the Old High School as a Community Multi-Generational Recreation Center. The Committee would be looking at who may be using the Facility and what activities would be offered and prioritize the programs to be offered. The Committee would report back to the Council by September 2002. The Council would appoint a committee made up of: two Councilors, the Parks and Recreation Director, one Recreation Commission member, the Director of 55 Plus, one member of the 55 Plus Board of Trustees, and seven (7) citizens.

Councilor Crimmins suggested changing the seven citizens to five and include two School Board Members.

After discussion, it was decided to leave the seven citizen members the same and add two School Board Members.

Councilor Lowe moved, Councilor Randolph seconded, to form a Committee for the purpose of developing a proposal for the use of the Old High School including two Councilors, the Parks and Recreation Director, one Recreation Commission member, the Director of 55 Plus, one member of the 55 Plus Board of Trustees, two School Board Members and seven (7) citizens. The motion carried with seven (7) yeas. Opposed Councilor McCausland.

Councilor Sartoris suggested that the committee also research the costs associated with the programs by grant opportunities and private fundraising other than tax revenue.

Councilor Lowe announced an upcoming Open Space and Recreation Task Force Public Forum at the Municipal Meeting Facility on Thursday, May 2 at 7 p.m. The Task Force will be bringing ideas on 12 different categories. He also stated that one part would be implementation strategies.

Manager Gerrish also stated that as the committee moves forward with program uses and possible users, what will follow will be possible revenue sources that could be picked up from the users.

66. The Town Council will consider appointing a sub-committee to begin work on the Train Station project and will take any appropriate action.

Chair Priest suggested appointing a sub-committee of the Council (three members) to oversee and work on issues pertaining to the Train Station Project.

Councilor Priest moved, Councilor Rice seconded, to appoint a three-member sub-committee of the Town Council to oversee and work on issues pertaining to the train coming to Brunswick.

Chair Priest suggested that the sub-committee meet and then propose a charge to the Council.

Councilor Randolph stated that she had a citizen, Marybeth Burbank, who was interested in this committee.

The motion carried with six (6) yeas. Opposed Councilors Crimmins and McCausland.

Chair Priest appointed Councilors Sartoris, Galloupe, and Rice to this committee.

67. The Town Council will consider accepting a donation of two lots of land from Frank Goodwin and will take any appropriate action.

Manager Gerrish stated that Frank Goodwin would like to donate two parcels of land. (*The letters, memo and map will be attached to the Official Minutes.*) The Departments of Public Works, Parks & Recreation, and Planning recommend acceptance of these lots.

Councilor Sartoris moved, Councilor Lowe seconded, to accept a donation of two parcels of land from Frank Goodwin as proposed and to authorize the Town Manager, with the assistance of the Town Attorney, to work out the details of the transaction. The motion carried with eight (8) yeas.

68. The Town Council will consider accepting cash donations for the Androscoggin Swinging Bridge project and will take any appropriate action.

Councilor Randolph stated that The Androscoggin Swinging Bridge Committee, jointly with Topsham, is beginning to seek funds for the bridge restoration. The Committee would like the Town of Brunswick to accept the donations on its behalf. The funds will be used for administration and construction costs, and would be tax deductible. *(A copy of Ms. Randolph's Comments and a Poster will be attached to the Official Minutes.)*

Councilor Randolph moved, Councilor Sartoris seconded, to accept cash donations on behalf of the Androscoggin Swinging Bridge Committee for funds to cover administrative and construction costs of the bridge renovation. The motion carried with eight (8) yeas.

69. The Town Council will consider a request from Maine Natural Gas for the location of gas lines in the right-of-way on McKeen Street, from Spring Street to just past the Navy housing and will take any appropriate action.

Councilor Rice excused himself from this item because of a conflict of interest.

Manager Gerrish reviewed the Utility Location Permit. *(A copy of John Foster's Memorandum, the application, and three maps will be attached to the Official Minutes.)*

Councilor McCausland moved, Councilor Randolph seconded, to approve an application for a Utility Location Permit from Maine Natural Gas for an underground gas line under the sidewalk on the south side of McKeen Street from Spring Street westerly to Willow Grove. The motion carried with seven (7) yeas. Councilor Rice abstained.

70. The Town Council will consider a request from the Maine State Music Theater to hang a banner over Maine Street from June 3 to June 17, 2002 and will take any appropriate action.

Councilor Lowe moved, Councilor Sartoris seconded, to approve the request from the Maine State Music Theater to hang a banner over Maine Street for the period of June 3 to June 17, 2002. The motion carried with eight (8) yeas. *(A copy of the request will be attached to the Official Minutes.)*

Councilor Randolph moved, Councilor Rice seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 10:30 p.m.

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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.

Melissa L. Smith, Deputy Town Clerk

April 22, 2002

May 6, 2002

Date of approval

Council Chair