

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
DECEMBER 3, 2001
7:30 P.M.
MUNICIPAL MEETING FACILITY

7:00 P.M. – EXECUTIVE SESSION – PROPERTY ACQUISITION

Councilor Moll moved, Councilor Rice seconded, to go into executive session to discuss property acquisition. The motion carried with five (5) 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, Jacqueline Sartoris, Robert Galloupe, Douglas Rice, Charles Priest, Faith Moll, and David Gleason.

Councilors Absent: Forrest Lowe.

Others Present: Don Gerrish, Town Manager; Fran Smith, Town Clerk; Jerry Hinton, Police Chief; Theo Holtwijk, Director of Planning and Development; Rick Desjardins, Police Commander; Tom Farrell, Director of Parks and Recreation; Frank McVey, General Manager of Sewer District; Steve Walker, Natural Resource Planner; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: November 19, 2001

Councilor Sartoris moved, Councilor Rice seconded, to approve the minutes of November 19, 2001. The motion carried with eight (8) yeas.

Correspondence:

Letter of Resignation:

Carolyn Earnest – Davis Fund

(A copy of Ms. Earnest's resignation letter will be attached to the official minutes.)

Chair McCausland thanked Ms. Earnest for her service, and a thank you letter will be sent to her.

Manager's Report:

New Mid-coast Hospital Opening

Mike L'Abbe, Lois Skillings, and Carol Wark spoke about the opening of the new hospital and transporting of patients, which occurs on December 11, 2001.

Financial Update

Town Council Minutes

December 3, 2001

Page 2

Mr. Gerrish said that revenue sharing is ten thousand dollars (\$10,000) less than expected for the first five (5) months of the fiscal year. Excise tax is ahead by one hundred thousand dollars (\$100,000) above what was projected. It is expected this increase could be due to purchasing of cars with the no interest deals. Under revenues, interest earning on investments are down. Under expenditures, departments are doing well keeping within their budgets.

Christmas Hours

Mr. Gerrish said he is proposing to close town offices on Monday, December 24 since Christmas falls on Tuesday. The town normally closes at noon time on Christmas Eve. In addition, the Governor is closing all state offices on December 24.

The Council agreed with the proposal.

First Parish Church Sign Request

Mr. Gerrish said the First Parish Church is requesting that the town permit them to have a sign on their property for a fund raiser.

Councilor Priest moved, Councilor Moll seconded, to approve the request from the First Parish Church to have a fund raising sign on their property. The motion carried with eight (8) yeas.

(A copy of the letter from the First Parish Church will be attached to the official minutes.)

Adjustment to the Agenda: To add items 186A and 193

Councilor Gleason moved, Councilor Feldman seconded, to add item 186A relative to approval of liquor license applications. The motion carried with eight (8) yeas.

Councilor Moll moved, Councilor Priest seconded, to add item 193 relative to approval of a resolution to purchase communication equipment for the Fire Department. The motion carried with eight (8) yeas.

186. The Town Council will hear public comments on the following Special Amusement license applications, and will take any appropriate action:

Bowdoin College, d/b/a Thorne Hall

1 College Street

Mary M. Kennedy

Brunswick BPO Elks #2043

179 Park Row

David Desjardins

Town Council Minutes

December 3, 2001

Page 3

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll said there were still noise issues with the Elks Club. She hoped they could be worked out.

Councilor Priest moved, Councilor Moll seconded, to approve Special Amusement license applications from Bowdoin College, d/b/a Thorne Hall and Brunswick BPO Elks #2043. The motion carried with eight (8) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

186A. (ADDED) The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and will take any appropriate action:

FULL-TIME MALT, SPIRITUOUS AND VINOUS:

**The President & Trustees of Bowdoin College d/b/a/ Thorne Hall
1 College Street Mary M. Kennedy**

**Brunswick Benevolent & Protective Order of Elks #2043 d/b/a/ BPO Elks
#2034
179 Park Row David Desjardins**

**Vincenzo's Restaurant d/b/a/ Vincenzo's Restaurant
15 Cushing Street Andrew V. Atripaldi**

FULL-TIME MALT AND VINOUS:

**Shere Punjab, Inc. d/b/a Shere Punjab
46 Maine Street Tejinder Jit**

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll moved, Councilor Sartoris seconded, to approve Liquor license applications from Bowdoin College, d/b/a Thorne Hall, Brunswick BPO Elks #2043, Vincenzo's Restaurant, and Shere Punjab. The motion carried with eight (8) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

187. The Town Council will hear public comments on the proposed amendment to the Parking Ordinance, to be enacted on an emergency basis, and will take any appropriate action.

Town Council Minutes

December 3, 2001

Page 4

Chair McCausland opened the public hearing.

Glen Hosmer, property owner on Cedar Street, felt that parking should not be banned on the south side of Cedar Street. He did support no parking at the ends to allow site views for vehicles turning.

Commander Desjardins said that the street is posted when the St. John's Bazaar occurs. He did not look significantly at the areas by the tailor and Brunswick Coal since they have off street parking. The narrow street is the issue and being able to have good views by having no cars parked.

Councilor Gleason moved, Councilor Feldman seconded, to approve the amendments to the Parking Ordinance as proposed except for the Cedar Street language, on an emergency and regular basis. The motion carried with eight (8) yeas.

Councilor Priest moved, Councilor Moll seconded, to table discussion to ban parking on Cedar Street until December 17, 2001, so additional research can be done. The motion carried with eight (8) yeas.

(A copy of the public hearing notice and approved language will be attached to the official minutes.)

TABLED ITEM:

185. The Town Council will consider a request from the Brunswick Sewer District for a utility location permit to extend the sanitary sewer line on Maquoit Road into the Remington Estates subdivision and will take any appropriate action.

Mr. Gerrish said this item will discuss the authorization of placing the sewer on Maquoit Road for the Remington Estates sub-division. The Council has copies of the agreement that the developer has with the Sewer District to operate and maintain the sewer, as the sub-division is outside of the Sewer District's boundaries. The town would recommend approval of the location permit. Frank McVey and Theo Holtwijk are at the meeting to discuss this issue, as it raises questions about the town's zoning, especially the growth zone and how the Sewer District's boundaries fit into that zone. He believes the Council should hold a workshop to cover the growth zone in more depth.

Mr. McVey, General Manager of the Sewer District, said the parcel is outside of the District's boundaries. Under the Sewer District's Charter sewer expansions would be allowed if there is an agreement with persons or corporation(s) to provide it and if the Board of Trustees approves it. In response to Councilor Priest's question, he said in order for additional connections to happen it has to fall into one of two categories. One allows for connection to existing sewer lines onto a property that is currently developed without Planning Board approval. The other one is for new developments which require Planning Board approval.

Town Council Minutes

December 3, 2001

Page 5

Mr. Gleason said the developer will pay the cost of the pumping station and the new line. 1) Who does the long term maintenance of the pumping station and sewer line? 2) What is being built and will it allow for future expansion? 3) If someone else wanted to hook-in, how is this handled?

Mr. McVey responded 1) the Sewer District is the appropriate entity to own and operate lines and stations within the district's boundaries. They are not entitled to own outside their district boundaries and this has been confirmed by legal counsel. Since this proposal is outside the boundaries, the district is unable to own it. In the event there is a major malfunction or problem on the site that poses a public health problem, the district will be there immediately. The developer or home owners are responsible for the cost. Minor problems will not be handled by the district unless the developer requests their services. 2) There could be nominal additional hook-ups to the pumping station and lines. The one exception is the force main pipe, which is large enough to take on more capacity. 3) The additional hook-ups would be decided by the Sewer District, with the homeowner or developer responsible for the entire cost. The maintenance situation does not change. There would need to be an agreement with the Sewer District similar to the one the developer has.

Councilor Feldman asked if the homeowners are aware, they may be responsible for the cost for repairs if the developer is not around in the future.

Mr. McVey responded yes. In response to Councilor Priest's question, he is not aware of any insurance the homeowners' association can purchase to cover repairs. In response to Councilor Sartoris' question, he was comfortable with the quality of the pumping station and the line.

Mr. Holtwijk said, in response to Councilor Gleason's question, the proposed sewer was indirectly a condition of Planning Board approval since that is what the developer proposed – not sewer.

Councilor Galloupe said the Planning Board and Sewer District have approved this project. He asked if the Council is voting to approve it also, or voting where the sewer line goes in the right-of-way.

Mr. Gerrish responded the Council is approving the sewer line being in the public right-of-way.

Councilor Gleason asked what could be the potential expenses for repairs the homeowners could face.

Mr. McVey said the cost to replace the entire pump station would be approximately twenty thousand dollars (\$20,000). The need to replace it would be rare, and minor repairs would be less expensive.

Councilor Moll moved, Councilor Galloupe seconded, to approve the request from the Brunswick Sewer District for a utility location permit on Maquoit Road for the Remington Estates subdivision. The motion carried with eight (8) yeas.

(A copy of the memorandum from John Foster and supporting information, including the agreement between the Sewer District and the developer, will be attached to the official minutes.)

188. The Town Council will discuss support for the State Department of Fish and Game proposed boat launching facility on Mere Point and will take any appropriate action.

Mr. Gerrish said the town has been approached by the State of Maine's Department of Fish and Game for support of a local boat launching facility they propose to develop on Mere Point. The attached map shows the location. Fish and Game has an option on the property to develop it for ocean public access. This proposal is to purchase the land and then raise funds over the next three (3) to four (4) years to pay for the construction of the launch site. The town would be responsible to manage, maintain and operate the facility after it is opened. The town's Zoning Ordinance concerning impervious surfaces in that area would need to be changed for the project to go forward. Fish and Game is aware of this.

The town is being asked to support the project by writing a letter to Land for Maine's Future, as Fish and Game is seeking funds from them to help purchase the property. The Council will also need to request that the Planning Board review and recommend changes to the impervious surface requirement in the Coastal Protection I Zone for the project to go forward.

(A copy of a map with the proposed site will be attached to the official minutes.)

Councilor Gleason said he would not be involved in the discussion since he has a potential financial interest in the property.

Bob Williams, representing the Department of Fish and Game, discussed why the state was interested in this parcel. As part of the Coastal Access Plan, they are looking to get more public access. This parcel fits what they are looking for in a site. The state would be asking the town to be involved with the site's development. The development would take place over the next four (4) years. They are trying to submit a request to the Land for Maine's Future by Christmas for consideration at their January meeting.

In response to Councilor Sartoris' questions about the site, Mr. Williams said the state has evaluated the site, but they have not done a marine study for what is underneath the mud. They did a traffic survey, which indicated that there would not be a significant impact on the area. They did not look at bike and pedestrian safety.

Town Council Minutes

December 3, 2001

Page 7

Councilor Sartoris asked the item be tabled for two (2) weeks so there would be time for adequate notice to the public for their comments.

Councilor Sartoris moved, Councilor Moll seconded, to table this item until December 17, 2001, so there would be time for a notice for the public hearing. The motion carried with five (5) yeas. Opposed were Councilors Galloupe and Rice. Councilor Gleason abstained.

Chair McCausland felt that the members of the public present should be able to speak on this item.

Councilor McCausland moved, Councilor Moll seconded, to reconsider the previous motion. The motion carried with seven (7) yeas. Councilor Gleason abstained.

Councilor McCausland moved, Councilor Moll seconded, to table this item until December 17, 2001, so there would be time for a notice for the public hearing. The motion failed with zero (0) yeas and seven (7) nays. Councilor Gleason abstained.

Councilor Sartoris said it was not her intent to cut off public comments this evening.

Chair McCausland opened the meeting up for public comments on this item.

Dick Anderson, Coastal Conservation Association, read from the study on coastal access. There needs to be more public access to the coast. Under the study, upper Casco Bay was listed as a top priority for more access. There can be local ordinances to prevent problems at the launching ramp. The permitting process for creating the landing is hard.

Charles White, abuts the proposed facility, said he is against the project. In the summer there are problems with the wind and with launching boats or getting them back in the afternoon. Brunswick has a protective zoning and this project will create "spot" zoning in a coastal protection zone with a nonconforming use.

John Lemont, shellfish harvester and lobsterman, supports the landing since the state is incurring the cost and there is a need for deep water access.

Colleen McKenna, member of the Open Space Committee, said the input from surveys and the public, regarding open space, indicated it is important to have more public water access in Brunswick, especially, in the Mere Point area.

Elizabeth Butler, resident in the Mere Point area, requested that the Council vote against this location and hold a second public hearing. It is a question of stewardship since it is the Council's responsibility to protect the site and the property owners in this area. The town has just finished an extensive coastal protection zoning change to protect the coast. Public access would not be just for Brunswick residents and the spot could become a small state park. She wanted the number of parking spots and boats reviewed. There

Town Council Minutes

December 3, 2001

Page 8

would be an environmental impact, and she asked the Council to hold themselves at the same standards as residents of the area.

Mr. Holtwijk said on November 6, the voters approved amendments that changed the impervious surface maximum limit to ten thousand eight hundred ninety square feet (10,890 sq. ft.) or thirty five percent (35%), whichever is less. Under the Coastal Protection Zone Ordinance marine activities were kept, but there is still a zoning issue to address.

Councilor Moll moved, Councilor Priest seconded, to hold a public hearing on December 17, 2001, regarding the proposed boat launching facility on Mere Point. The motion carried with seven (7) yeas. Councilor Gleason abstained.

189. The Town Council will consider appointing Tom Wakefield as Primary Plumbing Inspector/Codes Enforcement Officer and Jeff Hutchinson as Alternate Plumbing Inspector/Codes Enforcement Officer for the calendar year 2002, and will take any appropriate action.

Councilor Moll moved, Councilor Priest seconded, to appoint Tom Wakefield as Primary Plumbing Inspector/Codes Enforcement Officer and Jeff Hutchinson as Alternate Plumbing Inspector/Codes Enforcement Officer. The motion carried with eight (8) yeas.

(A copy of the letter from the State of Maine listing the requirements for the Code Enforcement Officer will be attached to the official minutes.)

190. The Town Council will consider setting a public hearing on proposed changes to the Parking Ordinance regarding parking on Water Street and take any appropriate action.

Commander Desjardins discussed the need to ban parking on Water Street. There is a concern about noise in the winter with the ice fishermen parking there. John Foster, Public Works Director, has concerns about their vehicles being able to pass. Letters have been sent to residents to get their feedback. The police have made some arrangements for the ice fishermen to park, including at the daycare center after hours. The homes on the street appear to have adequate off street parking.

Councilor Moll moved, Councilor Priest seconded, to set a public hearing on December 17, 2001, on proposed amendments to the Parking Ordinance relative to Water Street. The motion carried with eight (8) yeas.

191. The Town Council will discuss the proposed Topsham/Brunswick Joint Project to rehabilitate the Androscoggin Pedestrian Bridge.

Mr. Gerrish discussed how Topsham and Brunswick will be working jointly on the rehabilitation of the Androscoggin Pedestrian Bridge. The proposal is to have a

Town Council Minutes

December 3, 2001

Page 9

committee, which would be made up of Topsham residents, along with five Brunswick residents, including the Councilor from District 6, a Pejepscot Historical Society member, and three citizens.

Councilor Feldman moved, Councilor Sartoris seconded, to appoint a committee for the Topsham/Brunswick Joint Project to rehabilitate the Androscoggin Pedestrian Bridge. The motion carried with eight (8) yeas.

(A copy of the letter from the Topsham Town Manager regarding this issue will be attached to the official minutes.)

192. The Town Council will consider appointments to the following Boards and Committees and will take any appropriate action:

Planning Board

2 Full Members

Three year term to expire 2/23/2003

Three year term to expire 2/23/2004

Councilor Moll nominated Charles Frizzle and George Hunter to serve on the Planning Board.

Councilor Moll moved, Councilor Gleason seconded, to appoint Charles Frizzle as a member of the Planning Board with a term to expire 2/23/2003, and George Hunter as a member of the Planning Board with a term to expire 2/23/2004, and to have nominations cease and the chair cast one vote for each nominee. The motion carried with eight (8) yeas.

193. (ADDED) The Town Council will consider a Resolution For An Emergency Appropriation of \$15,000 From Unappropriated Available General Fund Revenues For Communications Equipment For The Fire Department.

Mr. Gerrish said this appropriation was needed in order for the Fire Department to be able to communicate with the new hospital.

Councilor Feldman moved, Councilor Galloupe seconded, to approve a Resolution For An Emergency Appropriation of \$15,000 From Unappropriated Available General Fund Revenues For Communications Equipment For The Fire Department. The motion carried with eight (8) yeas.

The meeting adjourned at 9:42 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.

Town Council Minutes
December 3, 2001
Page 10

Frances M. Smith
Town Clerk
December 6, 2001

December 17, 2001

Date of Approval

Stephen H. McCausland

Council Chair