

-- APPROVED --
TOWN COUNCIL MINUTES
July 1, 2002
7:30 P.M.
MUNICIPAL MEETING FACILITY

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

Councilor Galloupe moved, Councilor Sartoris seconded, to enter into Executive Session to discuss a property acquisition. The motion carried with five (5) yeas. Opposed Councilors Randolph and Sartoris. Councilor Watson arrived after the vote.

Councilor Randolph objected to the executive session since she had only received some materials this evening.

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, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, and Stephen H. McCausland.

Councilors Absent: Thomas E. Crimmins.

Others Present: Donald H. Gerrish, Town Manager, Fran Smith, Town Clerk; John Foster, Public Works Director; Tim Young, Commander Police Department; several citizens, and TV video crew.

Minutes of Previous Meeting: 6/17/02

Hearing no objection from the Council, Chair Priest declared the minutes of June 17, 2002, accepted as written.

Correspondence:

Manager Gerrish said the Council had received a letter from George Gilmore regarding purchasing the former Winfield Smith property.

(A copy of Mr. Gilmore's letter will be attached to the official minutes.)

Manager's Report:

1) Financial Update

Manager Gerrish summarized the fiscal year. On the municipal budget side, revenues will be between one hundred fifty dollars (\$150,000) and two hundred thousand dollars (\$200,000) over what was estimated for the year. There will be between two hundred

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thousand dollars (\$200,000) and two hundred fifty thousand dollars (\$250,000) of savings in the budget. This was based on some decisions not to do projects and a ninety thousand dollar (\$90,000) savings in the winter maintenance budget. Overall, there will be five hundred thousand dollars (\$500,000) added to the fund balance.

2) Fire Station Planning Committee Public Meeting 7/16/02

Councilor Watson said the Fire Station Planning Committee will give a presentation to the Council on July 15, 2002, with the engineer they selected present, and will hold their next meeting on July 16, 2002. At their meeting, there will be an opportunity for public comments. He is proud to be a member of this committee and is happy with what it has accomplished.

3) MMA Legislative Committee Ballot

Councilor Galloupe moved, Councilor Sartoris seconded, to approve the MMA Legislative Committee ballot. The motion carried with eight (8) yeas.

4) Grant Application: Critical Data Infrastructure

Commander Young explained that the police department has received a grant of eighteen thousand dollars (\$18,000), which will assist with the GIS computer software and requires no matching funds. It can be used by the Planning Board and Fire Department. There should be no added cost relative to new equipment needs.

Councilor Sartoris moved, Councilor Watson seconded, to accept and allow expenditure of the grant for an amount of eighteen thousand dollars (\$18,000). The motion carried with eight (8) yeas.

(A copy of a memo discussing the grant will be attached to the official minutes.)

5) (ADDED) Grant Application: Androscoggin Pedestrian Bridge

Councilor Randolph discussed this grant application. The Androscoggin Pedestrian Bridge Committee has prepared, along with assistance from town staff, an application for a MDOT grant, which would require a twenty percent (20%) match. If they are successful in getting the grant, the Committee would like to be able to fundraise to get the matching funds.

Manager Gerrish said the Committee would like to add the ability to fund raise to their charge. The Town of Topsham and Manager Gerrish both support this. They are looking for the Council to authorize this change.

Councilor Randolph moved, Councilor Rice seconded, that the charge of the Androscoggin Pedestrian Bridge Committee be modified to allow the Committee to

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raise funds, and to accept and expend those funds. The motion carried with eight (8) yeas.

Adjustments to the Agenda:

Item 130 relative to a Sellers of Prepared Food on Public Ways license and Item 131 relative to street openings were added. Item 130 will be taken up after Item 126.

125. The Town Council will hear public comments on an application for a Victualer's License and will take any appropriate action.

Subway

172 Bath Road

Gary Hilliard

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

Councilor Lowe moved, Councilor Sartoris seconded, to approve the Victular's License application from Subway, 172 Bath Road. The motion carried with eight (8) yeas.

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

130. (ADDED) The Town Council will hear public comments on the following request for Sellers of Prepared Food on Public Ways license and will take any appropriate action.

Kenneth E. & Ann Hough d/b/a Wrappers

Kenneth & Ann Hough

Mr. Hough said he was looking forward to continuing this business.

Councilor Sartoris moved, Councilor Watson seconded, to approve the request for a Sellers of Prepared Food on Public Ways license for Kenneth and Ann Hough d/b/a Wrappers. The motion carried with eight (8) yeas.

126. The Town Council will discuss a letter received from Charles Wiercinski, representing Mere Point Village, regarding the Town's process for Road Acceptance, and will take any appropriate action.

Mr. Wiercinski discussed his letter regarding the public road acceptance at Mere Point Village. This project, which has been approved by the Planning Board, was developed anticipating that the road would become a public way. The developer would like to get the issue of the road acceptance resolved since there is a new road acceptance committee, which will create a road acceptance policy.

(A copy of Mr. Wiercinski's letter will be attached to the official minutes.)

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Manager Gerrish, responding to Councilor Sartoris' question regarding what is currently done, said once the road is built and inspected by the Public Works Director, it comes to the Council for acceptance as a public way. The town has not accepted a road as a public way prior to its construction. The issue before the Council is whether the new standards developed by the Committee should be applied to existing projects, which have already received Planning Board approval.

Councilor Sartoris said the Road Acceptance Committee will be having their first meeting next week and will be looking at the grandfathering issue. In January the Council decided there was a need to develop a road acceptance policy. The way the process has gone in the past, the development community believed roads would be accepted as public roads and they could market them as such prior to Council acceptance. This caused her a little bit of concern.

Councilor Galloupe said he did not want to take any action until the Committee met and gave an opinion on grandfathering developments.

John Foster discussed the current process. He lets the developers know what the requirements are for a public way and if they meet them, they go to the Council for road acceptance. The other problem is the water line, since he is not sure if the water district will accept a water main if it is on a private road. In addition, private roads are not plowed by the town nor have garage pick-up, which upsets some homeowners on them.

Manager Gerrish read from the current ordinance (407.1 Development Plans) which gave the Council the authority to accept public ways.

Councilor Rice said there are other developments which have Planning Board approval and do not have accepted streets. Therefore, the Council needs to be careful what it does with this request. There are a lot of issues to be resolved, but the Council needs to let those developments know if they are somewhat grandfathered. He supports the idea that if it is already approved and meet current requirements, the streets be approved despite the new policy.

Councilor Randolph said she had spoken with two attorneys who indicated it would not be fair to apply the new rules to developments which have already gone through the process.

Councilor Lowe said he supports some degree of grandfathering for projects that are significantly along. When developers approach the Planning Board, they have a plan of whether to have a public or private way. Under the new policy, the Council should still have the final approval for public ways.

Councilor Sartoris said the Committee should have an opportunity to discuss this issue and grandfathering should be able to be discussed rather expeditiously. They could report back to the Council on July 15. There have been numerous studies, which show

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developments like Mere Point Village and others being developed here are costly to Brunswick's existing tax payers. Yet, there is a fairness issue there as well.

Chair Priest said he would not want to allow grandfathering without more discussion on it. He does not want to bind this or future Councils. He would like to have the Committee work on this and report back to the Council in a timely fashion.

John Peters, Vice President Downeast Energy Corporation, inquired if there would be an opportunity for public comment prior to adoption of the road acceptance policy.

Chair Priest said there would be an opportunity since it is an ordinance.

Manager Gerrish, responding to Councilor Sartoris' question, said the Town Attorney suggested it be an ordinance and that grandfathering can be part of the decision.

Councilor Randolph said she would like to see a cooperative effort and the Council needs to get a timeline for developers so they know where they stand.

Councilor Sartoris agreed with Councilor Randolph. She requested a list of outstanding developments and if they are proposed to have public or private road; a list of existing private roads; and to know what projects are multi-phased.

Councilor Watson said he would like to ask the Committee to report back to the Council quickly.

Mr. Peters said the Mere Point Village project has received Planning Board approval for two phases, which includes public access to open space and comes after give and take on both sides. If there is going to be a portion of the project grandfathered, with only part of the street as a public way, they would be asking individuals to give up setbacks and access. He is concerned about criteria for streets included that have never been included before and some of which they know their subdivision will not meet (referring to an April 11, 2002 memo from Theo Holtwijk). They are concerned that Councilor Sartoris has already weighed in on this issue (referring to the April 16, 2002 Council minutes).

127. The Town Council will consider the appointment of Lyn Hutchings as a Municipal Agent for the purpose of Motor Vehicle Registrations and will take any appropriate action.

Councilor Watson moved, Councilor Galloupe seconded, to approve the appointment of Lyn Hutchings as a Municipal Agent for the Town of Brunswick. The motion carried with eight (8) yeas.

(A copy of the letter of appointment of Lyn Hutchings will be attached to the official minutes.)

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- 128. The Town Council will consider a request from Verizon for a pole permit on Casco Road and will take any appropriate action.**

Councilor Sartoris moved, Councilor Galloupe seconded, to approve the request from Verizon for a pole permit on Casco Road. The motion carried with eight (8) yeas.

(A copy of the Verizon Permit will be attached to the official minutes.)

- 129. The Town Council will consider appointments to the Town's Boards and Committees and will take any appropriate action.**

Councilor Rice moved to nominate David Brooks to serve on the Conservation Commission, asked that the Chair cease nominations and cast one vote for Mr. Brooks. The appointment carried with eight (8) yeas.

Mr. David Brooks was appointed to the Conservation Commission.

Councilor Rice moved to nominate Michael Feldman to serve on the Fifty-Five Plus Center Board of Trustees as a Brunswick resident member, asked that the Chair cease nominations and cast one vote for Mr. Feldman. The appointment carried with eight (8) yeas.

Mr. Michael Feldman was appointed to the Fifty-Five Plus Center Board of Trustees as a Brunswick resident member.

Councilor Rice moved to nominate Scott Hawkes to serve on the Marine Resource Committee as an alternate member, asked that the Chair cease nominations and cast one vote for Mr. Hawkes. The appointment carried with eight (8) yeas.

Mr. Hawkes was appointed to the Marine Resource Committee as an alternate member.

Councilor Rice moved to nominate Ward Wickwire to serve on the Recycling Committee, asked that the Chair cease nominations and cast one vote for Mr. Wickwire. The appointment carried with eight (8) yeas.

Mr. Wickwire was appointed to the Recycling Committee.

Councilor Rice moved to nominate Henry Heyburn, Jr. to serve on the Bicycle and Pedestrian Advisory Committee, asked that the Chair cease nominations and cast one vote for Mr. Heyburn. The appointment carried with eight (8) yeas.

Mr. Heyburn was appointed to serve on the Bicycle and Pedestrian Advisory Committee.

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- 131. (ADDED) The Town Council will consider requests for utility location permits for Maine Natural Gas and the Brunswick Sewer District.**

Councilor Rice removed himself for this item since he works with Maine Natural Gas.

Councilor Randolph moved, Councilor Watson seconded, to approve a utility location permit for Maine Natural Gas. The motion carried with seven (7) yeas.

(A copy of John Foster's memo and utility location permit for Maine Natural Gas will be attached to the official minutes.)

Councilor Randolph moved, Councilor Watson seconded, to approve a utility location permit on McKeen Street for the Brunswick Sewer District. The motion carried with eight (8) yeas.

(A copy of John Foster's memo and utility location permit for the Brunswick Sewer District will be attached to the official minutes.)

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

The meeting adjourned at 8:33 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.

*Frances M. Smith
Town Clerk
July 8, 2002*

July 15, 2002

Date of Approval

Charles R. Priest

Council Chair