

7:00 P.M. EXECUTIVE SESSION – The Town Council will discuss a possible property acquisition and Union negotiations.

Councilor Lowe moved, Councilor Dotts seconded, to go into executive session to discuss a possible property acquisition and Union negotiations. The motion carried with eight (8) yeas. Councilor Gleason arrived at 7:25 p.m.

**-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
JULY 2, 2001
7:30 P.M.
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, Jacqueline Sartoris, Timothy Dotts, Robert Galloupe, Charles Priest, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None.

Others Present: Don Gerrish, Town Manager; Melissa Smith, Deputy Town Clerk; Theo Holtwijk, Director of Planning and Development; Geoffrey Hole, Town Attorney; Jerry Hinton, Police Chief; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: June 18, 2001

Councilor Lowe moved, Councilor Priest seconded, to approve the minutes of June 18, 2001. The motion carried with eight (8) yeas. Councilor Feldman abstained, as he was absent from that meeting.

Correspondence: None

Manager's Report:

- 1) **Financial Update** – Manager Gerrish stated that the fiscal year was completed June 30, 2001. All appropriations and changes were made and all expenses were covered.

Mr. Gerrish explained that on Sunday, July 1, 2001, there was a major lightening strike at the municipal building. The telephone system and computer systems have been damaged. There is now only one telephone line coming in upstairs. In the next couple of days, there will be an assessment of the damage. So far, twelve computers and a \$15,000 printer need to be replaced. He requested that an item be added to the agenda to appropriate an emergency expenditure of funds in the amount of \$50,000.

- 2) **Harley Rally – Joe Robinson** – Mr. Robinson gave a brief description of the events taking place for the Harley Owners State Rally on July 20th and 21st, 2001

at the Brunswick High School. There will also be events at the Atrium. They already have 578 people registered and if the weather is nice, they expect about 200 more. *(A copy of the events will be attached to the official minutes.)*

- 3) Update on Proposed Ordinance amendment, concerning demolition of hazardous buildings** – Manager Gerrish explained that it was taking too long for the demolition of hazardous buildings. This amendment will give the Town more control with the time it takes to get rid of a hazardous building, which will protect the Town, owners, and citizens.

Adjustments to the Agenda –

Manager Gerrish again requested that item 107 be added to the agenda as follows:

- 107. The Town Council will consider adopting A Resolution Authorizing an Emergency Appropriation of \$50,000 from Unappropriated Available General Fund Revenues for the Purpose of Repairing or Replacing Computer Systems and Related Equipment, Telecommunications Systems and Related Equipment, Computers, and Data, Damaged by an Electrical Storm and will take any appropriate action.**

Chair McCausland stated that this was very important and wanted to take this item out of order. There was no objection from the Council.

Councilor Galloupe moved, Councilor Feldman seconded, to adopt the Resolution Authorizing an Emergency Appropriation of \$50,000 from Unappropriated Available General Fund Revenues for the Purpose of Repairing or Replacing Computer Systems and Related Equipment, Telecommunications Systems and Related Equipment, Computers, and Data, Damaged by an Electrical Storm. The motion carried with nine (9) yeas.

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

- 99. The Town Council will hear public comments on the following request for a Victualer's License and will take any appropriate action.**

**Parkview Memorial Hospital, d/b/a Parkview Hospital Cafeteria
James Rector, Asst. Vice President**

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

Councilor Dotts moved, Councilor Priest seconded, to approve the Victualer's License for Parkview Hospital Cafeteria. The motion carried with nine (9) yeas.

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

Town Council Minutes

July 2, 2001

Page 3

100. The Town Council will hear public comments on the petition to overrule the Coastal Protection Zone Ordinance amendments and will take any appropriate action.

Manager Gerrish stated that the Council had passed the amendments to the Coastal Protection Ordinance. The Town did receive petitions with a sufficient number of signatures to suspend the Coastal Protection Zone Ordinance amendments. According to the Brunswick Town Charter the Council is required to hold a public hearing. The Council has two choices: 1. to repeal the ordinance or 2. to set a Special Election for sending it to the public for a vote.

Chair McCausland asked for the recommendations of Town Staff, on when the referendum would be held.

Manager Gerrish recommended holding it with the November 6, 2001 General Election.

Chair McCausland opened the public hearing.

Mr. David Dube, Minott Shore Road, read a prepared statement urging the Council to send this issue to referendum.

(A copy of the prepared statement will be attached to the official minutes.)

Ms. Deborah Morton, 18 Zeitler Farm Road, read a prepared statement urging the Council to rescind their decision.

(A copy of the prepared statement will be attached to the official minutes.)

Ms. Adele Miller, 356 Highland Road, read a prepared statement urging the Council to send this issue to referendum.

(A copy of the prepared statement will be attached to the official minutes.)

Mr. Robert Morrison, 20 McKeen St, agreed with the Council and urged them not to change their minds but stay their course.

Mr. Pat Ridgel, 117 Middle Bay Road, stated that he watched the Coastal Protection Ordinance get shot down last year. The ordinance this year was resurrected, some issues that could not get through the bureaucracy were removed, like the marina issue and the science issue, which were basically removed because nobody would discuss it. Mr. Ridgel reiterated that when he had questions on the science issue nobody wanted to discuss it with him. He believes that somebody is hiding something and that the Town Council is not listening to him or others concerning this issue. Mr. Ridgel does not believe that this will be the end of the issue if it does not go to referendum.

Councilor Feldman was concerned with Mr. Ridgel's comments because they were misleading. Nine scientists supported the recommendation by the Task Force, which also had the support of the Planning Board and the ultimate support of the Council. One

Town Council Minutes

July 2, 2001

Page 4

scientist wrote a letter against it. That is the science. There have been public hearings with the scientists from Bowdoin College who do not have a financial interest in this issue. They have given all kinds of information and explained why this was necessary. Councilor Feldman repeatedly asked Mr. Ridgel what questions he had. Mr. Ridgel did not present any questions.

Mr. Ridgel replied that questions regarding the science had repeatedly gone unanswered when brought up at public hearings. He also believes that these questions should be answered in public hearings.

Mr. Bruce Clark, Highland Road, cited specific examples of people who attempted to obtain scientific information that was not available for review. He also stated that citizens are annoyed because they don't understand why this information is not forthcoming. Mr. Clark does not believe that a coastal protection zone is warranted in the Farm and Forest Zone.

Ms. Anne Hayden, 6 Bowker Street, Chair of the Task Force, stated that there were considerable discussions at the Task Force meetings long before the public hearings. Ms. Hayden supports going to referendum not because the science is not sound and not because the process was not there but because Brunswick is a growing town. After the results of the tests, the Task Force was told you can't wait, you must take action now, or you could lose the health of the Bay. Ms. Hayden commented about a dye study. A dye study would not determine whether to approve or not approve the amendments. A dye study was going to be funded by a private group. They were free to go ahead with it. What the group was asking the Task Force to do was to postpone their decision on the amendment. The Task Force felt this would be irresponsible. Ms. Hayden thought the private group would go ahead with the study – for some reason they did not.

Mr. Colin Fay, 21 Thompson Street, reminisced about his boyhood in Long Island, NY and how alive the bay was with life. Now, 25 years later the bay is polluted with wastewater. Mr. Fay believes that the environment needs to be protected.

Mr. Ervin Snyder, 1 Colonial Drive, stated that the Task Force gave a great deal of time to public comments that included many, many questions. He gave examples of people who asked questions, who were not recognized and who did not get an answer. Mr. Snyder believes that there are serious questions that have not been answered. He also stated that the Farm and Forest Zone is not expanding and is not a threat to the bay. He believes that the Coastal Protection Zone amendments should be rescinded. Mr. Snyder stated that the question he would like answered is when will the Town Council respond to the only study that they bought. He quoted from the Wright-Pierce study which states "that before there is further regulation in the community you must do work to determine what the accumulative capacity of the bay is in terms of nitrogen."

Councilor Gleason questioned how much a dye study would cost.

Mr. Snyder stated that he did not know.

Mr. Clark stated that he thought it was about \$10,000.

Councilor Moll stated that the endorsement that was anonymously funded was \$13,000.

Chair McCausland, hearing no more comments, closed the public hearing.

Councilor Dotts moved, Councilor Feldman seconded, to send this issue to referendum for a public vote on November 6, 2001.

Councilor Moll stated that she thought that it would be disrespectful not to have discussion on this issue. She did not like referendums because it implies that she did not do her job as a Councilor. She stated that she was very familiar with the Coastal Zoning Ordinance and that she was listening very carefully to all comments. Councilor Moll stated she has a choice to rescind or go to referendum. She cannot rescind, so she will join Councilor Dotts and vote to go to referendum.

Councilor Gleason stated that he would love another study done but he believes that this is not an exact science. He stated that he would come away saying that it proved his point and the opposition would say the same. Mr. Gleason will vote for a referendum. He would prefer that this was an exact science, but it is not. He encouraged the voters to educate themselves on the issue. It is time for the public to have their say.

Councilor Feldman stated that he agrees with Councilor Gleason. He stated that this is not an exact science. He also urged the voters to do the research themselves. He explained that there are many provisions in this zone, which allow lot splits and grandfathering, which make it less of a burden for the individual property owners. Mr. Feldman will be voting to go to referendum.

Councilor Lowe stated that he agreed with the Task Force Chair that the process and science was not flawed. The Task Force had an extremely difficult charge. They had to look at the information, interpret it, make some difficult decisions and then bring it to the Planning Board and the Town Council on two different occasions. This is the principal flaw in the suggestions that were made. Mr. Lowe stated to hire new scientists and to appoint a new committee to get a new opinion does not make sense to him. The bay needs to be protected. He also stated that he is a serious representative who studies the issues, who thinks about it, and who talks with people at great lengths. It is not the ideal solution but given the strength of the feeling, the time spent in discussions, it is obvious that a referendum is the right choice. Mr. Lowe hopes that in the next months there will be healthy discussions and dialog within the community so that after the November Election we can move on.

Councilor Sartoris agreed with her fellow Councilors. Ms. Sartoris would like to be able to agree with all of her constituents but that is not possible. She stated that she had been listening on this issue and had read a very thick task force report. She urged her constituents to pick up the phone and call her about this issue rather than accuse her of not listening.

Town Council Minutes

July 2, 2001

Page 6

Councilor Galloupe stated that there is only one question, "Do we rescind it or send it to referendum?" The Council voted it down once, then there was a slight change in the Council and it was voted up. It is time to send it to referendum and let the people decide.

Chair McCausland stated that he does not see two Councilors changing their minds so the ordinance will remain suspended. The final decision will be up to the voters in November.

The motion carried with nine (9) yeas.

Chair McCausland thanked the public for their comments.

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

101. The Town Council will discuss a process for business park development and will take any appropriate action.

Director of Planning and Development Theo Holtwijk reviewed the memo and map that he had sent to the Town Manager. *(A copy of the memo and map will be attached to the official minutes.)* Mr. Holtwijk also explained that there was a correction to the memo. That correction was in the CC Commercial Center/Cooks Corner Zoning District. For an Industry Class II, there is no footprint requirement, but for Professional Office a maximum footprint of 50,000 square feet is required.

Manager Gerrish explained that inside the growth zone in I1 Zone there was no room for growth, I2 Zone there is some land available (30-40 acres), I3 Zone there is potential but very limited and very expensive (40-50 acres), I4 Zone there is some acreage available but limited, I5 Zone is BNAS, which is not available, MU4 Zone industry is prohibited but offices allowed, CC Zone limited and very expensive. Outside the growth zone in MU5 Zone there is lots of potential, FF2 Zone there is a problem with wetlands and it is limited, R6 Zone it is a possibility but expensive. The I4 Zone abuts the Industrial Park and MU5 Zone has the most potential. He also stated that the Comprehensive Plan and the Zoning Ordinance needed to be changed and that this is feasible, if the Council wants the Town Manager and Director of Planning and Development to pursue these locations for a business park development. The process will be time consuming. The process of how to do it will be the question that the Council will have to work on. How do we get the input, as Councilor Priest raised last meeting, and how does the Council get the public involved? Mr. Gerrish believes there is very limited availability in the growth zone to make something happen that would be beneficial.

Councilor Moll stated that she believes that it will be a heated topic. She believes the Council should be the committee and have the Town Manager as the staff liaison. Ms. Moll wants to look at the possibility of a combined inside growth zone acreage of between 40 acres in one place and 50 acres in another and remove anything in this listing that is less than 30 acres a piece. She also believes that there should be preliminary input from the citizens.

Town Council Minutes

July 2, 2001

Page 7

Manager Gerrish stated that the areas must be within serviceable distance for water and sewer because these are the key components to develop an area.

Chair McCausland stated that the Council was going to have to change the zoning ordinance now or later because they have zoned themselves out of any new growth.

Manager Gerrish agreed with Chair McCausland. The only area in the growth zone is I-4 Zone, which is Exit 22, the only area that has substantial acreage to be used for a Business Park. He explained that the Council needed to focus on an area because the resources to develop an area are expensive. The Town cannot develop one small area and spend a lot of resources, because the resources would not be available to use someplace else. The Town needs to get the full benefit of its resources.

Councilor Feldman asked if that was why the Council cannot take little pieces of acreage through the community and put them together to get the acreage needed.

Manager Gerrish stated that the Council could do that but it could be very expensive. For example, in the Cook's Corner area, you could pay \$100,000 an acre to purchase and then you must develop that property. The Council would be spending resources to purchase and then to develop the property, and turn it around to just break even. The Council could subsidize and not break even but increase the Town's resources over time. Again, the Council would be spending resources to develop a small area that would require buying another area in a short period of time.

Councilor Lowe asked when the Council would normally be reviewing the Comprehensive Plan.

Mr. Holtwijk answered that he is preparing for this year to have a 2002 update. He requires direction from the Council, possibly this fall, as to the time schedule.

Manager Gerrish commented that the staff could make a specific recommendation to the Council. This would lay the framework and the citizens would be coming in to understand it and be part of it. He also stated that the Council needs to move and that this is the critical aspect of what they have been talking about.

Chair McCausland, hearing no objections from the Council, said that it was a plan.

Manager Gerrish said that he could be back with a recommendation in August.

102. The Town Council will consider ratifying a new contract with the Police Communications bargaining unit, and will take any appropriate action.

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

Councilor Galloupe moved, Councilor Dotts seconded, to ratify a new two-year contract between the Town of Brunswick and the members of the Police Communications collective bargaining unit (BPCOA). The motion carried with nine (9) yeas.

- 103. The Town Council will consider authorizing the Town Manager to implement salary adjustments for non-union employees and will take any appropriate action.**

Manager Gerrish outlined a salary increase of 3%, which is in line with the union contracts.

Councilor Moll moved, Councilor Priest seconded, to authorize the Town Manager to implement 3% salary adjustments for the Town's non-union employees, effective July 1, 2001. The motion carried with nine (9) yeas.

- 104. The Town Council will hear a presentation regarding proposed changes to the Parking Ordinance for spaces on Maine Street, and take any appropriate action.**

Police Chief Jerry Hinton explained that on the mall by the gazebo five parking places were eliminated. The proposed change would add three angled and two parallel parking spaces at the other end of the mall. Mr. Hinton also asked that this ordinance be passed on an emergency and regular basis.

Councilor Feldman moved, Councilor Lowe seconded, to set a public hearing on the proposed amendment to the Parking Ordinance on an emergency and regular basis for the July 16th Council Meeting. The motion carried with nine (9) yeas.

Councilor Moll requested a map of the proposed parking spaces. Chief Hinton replied that one would be available before the public hearing.

- 105. The Town Council will consider a request from CMP for pole permits, and will take any appropriate action.**

Councilor Lowe moved, Councilor Gleason seconded, to approve the request from CMP for pole permits on Monarch Court. The motion carried with nine (9) yeas.

Manager Gerrish commented that the Planning Board approved a twelve-lot subdivision near the high school. The developer has agreed to put all electrical wires underground.

- 83. The Town Council will consider making an appointment to the following Committee:**

**Cable Television Committee
2 Citizen Members**

Three year terms to expire 9/6/03

Councilor Feldman moved, Councilor Sartoris seconded, to nominate Joan D. Viles to the Cable Television Committee with a three-year term expiring 9/6/03 and further moved that nominations cease and the Chair cast one ballot for Joan D. Viles. The motion carried with nine (9) yeas.

