

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
July 7, 2003
7:30 p.m.
Municipal Meeting Facility

7:00 p.m. Executive Session:

- A) Possible Acquisition of Property
- B) Personnel Issue

Councilor King moved, Councilor Lowe seconded, to go into executive session to discuss a possible acquisition of property and a personnel issue. The motion carried with six (6) yeas. Councilor McCausland and Councilor Rice were not present for the vote.

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, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

Councilors Absent: Councilor Jacqueline A. Sartoris.

Others Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Jeff Hutchinson, Codes Enforcement Officer; Frank McVey, General Manager of Sewer District; several citizens, members of the press, and TV video crew.

Minutes of Previous Meetings: June 16, 2003; June 26, 2003; June 30, 2003

Hearing no objection from the Council, Chair Priest declared the minutes of June 16, 2003, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of June 26, 2003, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of June 30, 2003, accepted as written.

Manager's Report:

1) Financial Update (done after 2 and 3)

Manager Gerrish said for the year ending June 30, 2003, the town will be between two hundred fifty thousand dollars (\$250,000) and three hundred thousand dollars (\$300,000) above projected revenues, with ninety two thousand dollars (\$92,000) more in excise tax and seventy eight thousand dollars (\$78,000) more in state revenue sharing.

Town Council Minutes

July 7, 2003

Page 2

Expenditures will be between two hundred fifty thousand dollars (\$250,000) and three hundred thousand dollars (\$300,000) under budgeted amounts.

2) Update on Swinging Bridge Committee

Councilor Randolph gave this report in the form of a power point presentation.

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

3) Update on Sewer District Referendum

Frank McVey, General Manager of Brunswick Sewer District, gave this update. He discussed how the LD 655 (changing their Charter) became law. The contents of the bill are much like what was discussed with the Council, except the Legislature added a referendum requirement for the November election. He is awaiting a legal opinion as to who will be voting on this question. The district will be making information available to the public.

Manager Gerrish said Mr. McVey and the town clerk have been working on this issue. The Council may wish to have a couple of members working on what should be included in the information provided to the public.

Correspondence: None

Adjustments to Agenda:

Added Item 119 - regarding Ye Olde English Chips and Fish Shoppe liquor license

Added Item 120 - regarding Town Manager's performance evaluation.

110. The Town Council will hear public comments on the following request for a new alcoholic beverage license and will take any appropriate action.

**Full-time Spirituous, Vinous, and Malt
Ming Court Buffet, Inc. d/b/a Ming Court Buffet
110 Pleasant Street**

Ming Guo

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

Councilor Lowe moved, Councilor Randolph seconded, to approve the request for a liquor license from Ming Court Buffet. The motion carried with eight (8) yeas.

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

111. The Town Council will hear public comments on the following requests for Special Amusement licenses and will take any appropriate action.

Ulyssys Co. Inc., d/b/a Benzoni's Double Benz
11 Town Hall Place

J. D. Bouras

Bo-Ed Inc., d/b/a Atrium Inn and Convention Center
21 Gurnet Road

Robert Rosenthal

Bowdoin College d/b/a Jack Magee's Pub and Morrell Lounge
College Ave

Barry Mills and Burgell J. Howard

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

Councilor Lowe moved, Councilor King seconded, to approve requests for special amusement licenses from Benzoni's Double Benz, Atrium Inn and Convention Center, and Bowdoin College (Jack Magee's Pub and Morrell Lounge). The motion carried with eight (8) yeas.

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

112. The Town Council will hear public comments on the following requests for new Victualer Licenses, and will take any appropriate action.

Derek Doucette, d/b/a Boston Beef Works
Bath Road (across from NASB)

Derek Doucette

Charity Kaiser, d/b/a Bountiful's
15 Kyle Street

Charity Kaiser

Ming Court Buffet, Inc., d/b/a Ming Court
110 Pleasant Street

Ming Guo

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

Representatives from Boston Beef Works discussed the type of food they would be selling. They hoped to open by next week.

Councilor Watson moved, Councilor Randolph seconded, to approve requests for Victualer's licenses from Boston Beef Works, Bountiful's and Ming Court Buffet. The motion carried with eight (8) yeas.

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

Town Council Minutes

July 7, 2003

Page 4

113. The Town Council will hear public comments on proposed amendments to the Buildings and Building Regulation (Ch. 5) and will take any appropriate action.

Jeff Hutchinson gave an overview of what was proposed and what the increases will be.

Councilor Randolph said, due to comments she has received from businesses, there should be two (2) levels of fees for new construction and for rehabbing buildings. She would like a longer period between introduction and the public hearing so people would have an opportunity to comment on the proposed changes.

Councilor Galloupe said the whole concept of a rehabbing fee should be looked at separately since it is a new concept.

Mr. Hutchinson said in the winter, he will be bringing the Council a new building code to adopt, and maybe the issue of rehabbing could be discussed at that time.

Councilor Rice said he is concerned with the increase from the original proposal of twenty cents (\$0.20) to thirty cents (\$0.30) for residential building permits and the added cost to building a home in Brunswick. He suggested going with Mr. Hutchinson's original suggestion of twenty cents (\$0.20) per square foot or make it the same as the commercial fee.

Councilor Lowe agreed with Councilor Randolph on the rehabbing issue. As far as the fees, what was proposed only brought Brunswick to the low to middle end of the scale compared to what other communities charge.

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

Councilor Lowe moved, Councilor Rice seconded, to amend the proposed language to reduce the charge to twenty cents per square foot for one and two family dwellings. The motion carried with seven (7) yeas. Councilor McCausland was opposed.

Councilor McCausland said he did not hear any objections from the public and the thirty cents (\$0.30) would be a way to increase revenues for the town.

Councilor Randolph said she supported the lower amount, but may be willing to increase it that when a rehabbing fee is in place.

Councilor Rice said the Code Enforcement Officer stated that twenty cents (\$0.20) would cover the inspection cost for the next five (5) years.

Councilor Lowe moved, Councilor Rice seconded, to approve the proposed amendments to the Building and Buildings Regulation ordinance with the above

amendment, and to increase the Zoning Board of Appeals Variance Request fee to seventy-five dollars and the Change of Use Permit fee to twenty-five dollars. The motion carried with eight (8) yeas.

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

114. The Town Council will discuss the process going forward with the Public Safety Building and will take any appropriate action.

Manager Gerrish said after the Council decided on the location of the Public Safety Building, he met with staff to discuss how the town could proceed with the project and meet the deadline in September to have numbers for a referendum. Staff believes the best way to accomplish developing the numbers is to hire Mitchell-Ross Associates (the firm that did the initial fire study) to develop conceptual plans and costs for the Public Safety Building and the Cooks Corner station. This process would be coordinated with staff and three councilors. He believes the town can develop the project enough to have good numbers to give the Council so they can decide what will be sent to referendum. After the referendum and the project are approved, the Council would then form a full Public Safety Building Committee that would oversee all aspects of the final planning, designing, development and construction of the project. This is the same scenario that was used for the Library construction project. The estimated cost for the study is ten thousand dollars (\$10,000) and Mitchell Ross will have numbers ready by September 2.

(A copy of Mitchell Ross' proposal will be attached to the official minutes.)

Councilor Rice moved, Councilor Lowe seconded, to move forward with the process for a public safety building as outlined by the Town Manager and to appoint Councilor McCausland, Councilor Watson, and Councilor Galloupe as the Councilor representatives. The motion carried with eight (8) yeas.

Chair Priest appointed Councilor McCausland as the chair of this committee.

115. The Town Council will consider accepting Remington Way as a public street, and will take any appropriate action.

Manager Gerrish recommend acceptance.

(A copy of Mr. Foster's memo and the deed will be attached to the official minutes.)

Councilor Galloupe moved, Councilor Watson seconded, to accept Remington Way as a public street. The motion carried with eight (8) yeas.

116. The Town Council will consider authorizing a street opening permit on Union Street for Maine Natural Gas and will take any appropriate action.

Town Council Minutes

July 7, 2003

Page 6

Manager Gerrish said this item will give Maine Natural Gas a street opening permit on Union Street to place a gas line from McKeen Street to Mill Street. The line will be in the sidewalk, which will be replaced with a new one. He recommended approval.

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

Councilor Rice excused himself since Maine Natural Gas is his client.

Councilor Randolph asked when gas was coming to Maine Street.

Manager Gerrish answered it would be based on customers and ability to sell the product.

Councilor Randolph moved, Councilor McCausland seconded, to authorize a street opening permit on Union Street for Maine Natural Gas with the conditions as outlined in John Foster's memo dated July 2, 2003. The motion carried with seven (7) yeas. Councilor Rice abstained.

117. The Town Council will consider referring the issue of design standards for vendor carts on the Mall to the Parks and Recreation Commission and will take any appropriate action.

Chair Priest said there has been Council discussion of design standards for the carts on the mall. There are currently no standards. He would like to refer the issue of design guidelines to the Parks and Recreation Commission, with them reporting back to the Council by October 3. The guidelines shall be no longer than one (1) side of an 8 ½ X 11 inch page, double spaced. Danny's present cart shall be acceptable under these guidelines. These guidelines shall apply to every vendor licensed to sell on the mall beginning with the calendar year 2004.

Councilor Randolph said she was concerned that only Danny's cart was considered acceptable.

Chair Priest said Danny's will meet the general guideline and it would be an example of what is acceptable. This will assist the Recreation Commission as to what the Council is thinking.

Councilor McCausland said that Danny's could be grandfathered, instead of being the acceptable standard.

Councilor Lowe said he is uncomfortable singling out one vendor, and would like to delete the Danny's reference from what Chair Priest is proposing.

Chair Priest moved, Councilor Rice seconded, to refer the issue of design guidelines for food carts on the mall as outlined by Chair Priest, without the reference to Danny's Cart. The motion carried with eight (8) yeas.

118. The Town Council will consider requests from Merrymeeting Wheelers and from Bowdoin College to hang banners over Maine Street and will take any appropriate action.

Councilor Watson moved, Councilor King seconded, to approve requests from Merrymeeting Wheelers and Bowdoin College to hang banners over Maine Street. The motion carried with eight (8) yeas.

119. (ADDED) The Town Council will consider a change to Ye Olde English Fish and Chip Shoppe's liquor license.

Fran Smith, Town Clerk, explained that the current owner is not a United States citizen and that in order to hold a liquor license one must meet this criteria. Mr. Alexander has held the license for three years and only now has the state noticed he is not a citizen. The state has indicated that with the town's approval, the applicant name on the license can be changed to Mr. Alexander's wife, who works at the business.

Councilor Lowe moved, Councilor King seconded, to allow the liquor license from Ye Olde English Fish and Chip Shoppe to have an applicant name change from Wayne Alexander to Kristie Alexander. The motion carried with eight (8) yeas.

120. (ADDED) The Town Council will discuss the Town Manager's performance evaluation and will take any appropriate action.

Chair Priest read a statement on the good work Manager Gerrish has done and made recommendations for salary increases.

(A copy of the public recognition comments will be attached to the official minutes.)

Councilor Lowe moved, Chair Priest seconded, to award Donald Gerrish, Town Manager, a 2% salary increase, bringing his salary to \$98,232, and a 10% contribution in the amount of \$9,823 to his deferred compensation plan, effective June 1, 2003. The motion carried with eight (8) yeas.

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

The meeting adjourned at 8:43 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
July 7, 2003
Page 8

Frances M. Smith
Town Clerk
July 9, 2003

July 21, 2003

Date of Approval

Charles R. Priest

Council Chair