

6:30 P.M. EXECUTIVE SESSION:
RE: Property Acquisition and Poverty Abatement

Councilor Gleason moved, Councilor Moll seconded, to go into executive session to discuss land acquisition and a poverty abatement. The motion carried with seven (7) yeas. Chair McCausland arrived after the vote.

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
OCTOBER 15, 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, Robert Galloupe, Charles Priest, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None.

Others Present: Don Gerrish, Town Manager; Fran Smith, Town Clerk; Tom Farrell, Director of Parks and Recreation Department; Theo Holtwijk, Director of Planning and Development; Tom Wakefield, Code Enforcement Officer; Mary Reindl, Director of Human Services; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: October 1, 2001

Councilor Moll moved, Councilor Priest seconded, to approve the minutes of October 1, 2001. The motion carried with eight (8) yeas.

Correspondence:

Councilor Priest said Steve Carey, a Jordan Acres teacher, received the National Semiconductor's Innovator's Award as a result of a website he and the students designed. He received ten thousand dollars (\$10,000) and the school received twenty thousand dollars (\$20,000). This is the third time in four (4) years the schools have won this award.

Manager's Report:

Mr. Gerrish and Councilor Lowe discussed the upcoming facilities study workshop and a survey, which was done on open space and facility uses. The workshop will be October 22, 2001.

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Mr. Gerrish said the town is taking measures to ensure the community is safe in the wake of the events of September 11. They are taking things seriously, but not overreacting.

Mr. Gerrish said Samantha Jones, a Planning Board member, has requested a sabbatical from the board from October 16 to the end of December.

Councilor Moll moved, Councilor Priest seconded, to allow Samantha Jones to take a sabbatical from October 16 to the end of December 2001. The motion carried with eight (8) yeas.

Adjustments to the Agenda: None

159. The Town Council will hear public comments on the proposed zoning map and ordinance amendments that would extend the College Use 4 (CU4) Zone to include the Stowe House property and allow additional uses within the CU4 Zone, and will take any appropriate action.

Chair McCausland opened the public hearing.

Scott Hood, Director of Communications for Bowdoin College, said the College would like to use the Stowe House property for housing in the hotel section and use the parking lot for now. They will be leaving the property on the tax roles.

Councilor Moll discussed how the process included neighborhood and college working together to resolve concerns.

Chair McCausland closed the public hearing.

Councilor Moll moved, Councilor Gleason seconded, to amend the Zoning Map and Ordinance to extend the College Use 4 (CU4) Zone to include the Stowe House property, and to allow additional uses within the CU4 Zone. The motion carried with eight (8) yeas.

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

160. The Town Council will hear public comments on the proposed Zoning Ordinance Amendments that would reinstate the “30% rule” for expansion of structures within the Natural Resources Protection Zone, and will take any appropriate action.

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

Mr. Wakefield said the basis for this change is Mr. Laurendeau’s request and the fact the current language proved to be more detrimental to people than helpful. The Department of Environmental Protection does not have a problem with the change, and it is the same

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as what the town had before. Currently from zero (0) to twenty-five (25) feet back from water, one cannot do anything. From twenty-five (25) to seventy-five (75) feet from the water, one can expand up to one thousand (1,000) square feet. From seventy-five (75) to one hundred twenty-five (125) feet, one can build up to one thousand five hundred (1,500) square feet. Under the new proposal, one would be able to expand thirty percent (30%), taking the whole lot into consideration and this is a one time expansion.

Councilor Moll moved, Councilor Feldman seconded, to amend the Zoning Ordinance to reinstate the “30% rule” for expansion of structures within the Natural Resource Protection Zone. The amendments will include a date of January 1, 1989, as the date to determine what percentage an existing building built prior to that date can be expanded since this was the date the state adopted the 30% rule. The motion carried with eight (8) yeas.

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

161. The Town Council will hear public comments on the proposed Zoning Ordinance amendments that would allow the relocation and reconstruction of non-conforming structures in the Natural Resource Protection Zone to be reviewed and approved by the Staff Review Committee, and will take any appropriate action.

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

Councilor Lowe moved, Councilor Sartoris seconded, to amend the Zoning Ordinance to allow the relocation and reconstruction of non-conforming structures in the Natural Resource Protection Zone to be reviewed and approved by the Staff Review Committee. The motion carried with eight (8) yeas.

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

162. The Town Council will set a public hearing on proposed amendments to the Planning Board Ordinance that would change the appointment, tenure and voting status of members.

Mr. Gerrish said under the proposed language the terms for regular members will be set as follows: two (2) members up one year, two (2) another year and three (3) the third year. The associate members will be eliminated, and the Council will have to fill the two regular positions that are created.

Councilor Gleason moved, Councilor Priest seconded, to set a public hearing for November 5, 2001, on the proposed amendment to the Planning Ordinance regarding the associate member status. The motion carried with eight (8) yeas.

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163. The Town Council will hear a proposal regarding the Anniversary Park Dedicated Funds and will take any appropriate action.

Mr. Farrell discussed how the Anniversary Park was a long positive process, accompanied by a major fund raiser that raised one hundred seventy-five thousand dollars (\$175,000) to purchase the Cumberland Farms location and create the park. The park's full plan was not realized and there were funds set aside to maintain it. There is ten thousand two hundred dollars (\$10,200) in that fund. It costs twelve hundred dollars (\$1,200) a year to maintain the facility. Finishing the project would cost nine thousand seven hundred dollars (\$9,700). The Planning Committee for the park has been contacted to ensure they would support it. They would support taking funds out of the maintenance fund to finish the project.

Councilor Priest discussed the parking difficulties since people have to cross the street and wondered if there was a way to get more parking.

Mr. Farrell said this issue may be addressed when MDOT renovates the bridge, but there is no set date for that yet. The parking was eliminated next to the park due to public safety issues. In addition part of the agreement when the park was developed was not to have parking there.

Councilor Feldman said more signage there would be nice to let people know about the facility.

Councilor Moll moved, Councilor Priest seconded, to release the Anniversary Park Funds to be used for capital improvements to the Anniversary Park and adopt a Resolution Extinguishing The 250th Anniversary Park Maintenance Trust Fund and Transferring the Assets to the General Fund. The motion carried with eight (8) yeas.

(A copy of Anniversary Park Budget and the Resolution will be attached to the official minutes.)

164. The Town Council will review the new General Assistance maximums developed by the state and will take any appropriate action.

Ms. Reindl explained the 2001-02 General Assistance Maximums.

Councilor Moll moved, Councilor Galloupe seconded, to adopt the new General Assistance maximums. The motion carried with eight (8) yeas.

(A copy of the General Assistance Maximums will be attached to the official minutes.)

165. The Town Council will consider approving Voter Registration hours for the November 6, 2001 State and Municipal Elections and will take any appropriate action.

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Fran Smith, Town Clerk, discussed the need for the Council to approve the Voter Registration hours.

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

Councilor Moll moved, Councilor Lowe seconded, to approve the Voter Registration hours for the November 6, 2001 State and Municipal Election. The motion carried with eight (8) yeas.

166. The Town Council will consider approving the Election Clerks, Wardens, and Deputy Wardens for the November 6, 2001 election and will take any appropriate action.

Councilor Lowe moved, Councilor Priest seconded, to approve the list of Election Clerks, Wardens and Deputy Wardens for the November 6, 2001 State and Municipal Election. The motion carried with eight (8) yeas.

(A copy of the list of election workers will be attached to the official minutes.)

167. The Town Council will consider signing the Election Warrants for the November 6, 2001 election and approval of the voting locations and will take any appropriate action.

Councilor Moll moved, Councilor Feldman seconded, to sign the Election Warrant and Notice of Election and approve the voting locations for the November 6, 2001 State and Municipal Election. The motion carried with eight (8) yeas.

(A copy of the warrant and notice of election will be attached to the official minutes.)

168. The Town Council will review procedures for publishing ordinance language relative to the Coastal Protection ballot question and will take any appropriate action.

Ms. Smith discussed how the Town Charter requires the entire language of the ordinance be published in the newspaper unless the Council votes otherwise. The text is over twenty (20) pages so the Council may wish to vote to have a summary published.

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

Councilor Moll moved, Councilor Gleason seconded, to publish a summary of the referendum language for the Coastal Protection ballot question. The motion carried with eight (8) yeas.

Councilor Sartoris felt that additional information on the Coastal Protection issue should be provided to the public.

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Councilors Sartoris, Moll, Feldman, and Priest felt the eight (8) questions/answers the Director of Planning and Development had prepared earlier was a way to educate the public by getting unbiased information to the voters, and should be published in the newspaper.

Chair McCausland felt that it was inappropriate to use town funds to publish information on the ballot issue. He suggested the Town Attorney be contacted to see if it was permissible for the Council to publish the questions and answers.

Councilor Gleason agreed with Chair McCausland.

Councilor Galloupe said something more than the summary needed to be published.

Councilor Lowe would like to see staff bring forth information on Cable TV.

Council Feldman moved, Councilor Priest seconded, to publish the eight (8) questions and answers prepared by the Director of Planning and Development regarding the Coastal Protection amendments. The motion carried with six (6) yeas. Opposed were Councilors McCausland and Gleason.

169. The Town Council will consider authorizing the Town Manager to purchase approximately 7,882 square feet of property from Joseph Guerrette, adjacent to the Public Works Department, and will take any appropriate action.

Mr. Gerrish said the town will be buying approximately seven thousand eight hundred eighty two (7,882) square feet of property from Joseph Guerrette. This is necessary, as the town has found its recycling building is actually on part of Mr. Guerrette's property. The town has been negotiating this for a number of years and has finally concluded the acquisition.

Councilor Moll moved, Councilor Priest seconded, to authorize the Town Manager to negotiate the purchase of property on Industry Road from Joseph Guerrette and to adopt a Resolution For An Emergency Appropriation of \$25,000 From Unappropriated Available General Fund Revenues To Fund A Boundary Line Settlement With Joseph R. Guerrette. The motion carried with eight (8) yeas.

(A copy of the map outlining this area and the Resolution will be attached to the official minutes.)

170. The Town Council will consider a request for a poverty abatement and will take any appropriate action.

Councilor McCausland moved, Councilor Priest seconded, to deny the poverty abatement. The motion carried with eight (8) yeas.

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The meeting adjourned at 9:15 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

October 22, 2001

November 5, 2001

Date of Approval

Stephen H. McCausland

Council Chair