

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
SEPTEMBER 3, 2002
7:30 P.M.
MUNICIPAL MEETING FACILITY

6:30 P.M. EXECUTIVE SESSION: RE: Acquisition of property.

Councilor Lowe moved, Councilor Sartoris seconded, to enter into Executive Session to discuss property acquisition. The motion carried with eight (8) yeas.

7:35 P.M. Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins, and Stephen H. McCausland.

Councilors Absent: W. David Watson.

Others Present: Donald H. Gerrish, Town Manager, Fran Smith, Town Clerk; Pat Harrington, Assistant Town Manager; John Foster, Public Works Director; Tom Farrell, Director of Parks and Recreation; Ben Jorgensen, Deputy Public Works Director; Phil Carey, Planner; several citizens, members of the press, and TV video crew.

Minutes of Previous Meeting: August 5, 2002

Hearing no objection from the Council, Chair Priest declared the minutes of August 5, 2002, accepted as written.

Correspondence:

Chair Priest noted the passing of Councilor Watson's father, Herbert Watson. He had worked for the town and had been the public works director prior to retiring.

Letter from Dr. Augat

Manager Gerrish discussed this letter concerning noise from commercial waste haulers that requested changes be made to the ordinance. Currently, waste collectors cannot collect trash from 6:00 p.m. to 5:00 a.m.

(A copy of Dr. Augat's letter regarding the noise of commercial waste haulers between the hours of midnight and daytime will be attached to the official minutes.)

Councilor Randolph said the current ordinance is sufficient since the earlier pick up is safer. She did request a letter be sent to the haulers reminding them of the hours they can pick up waste.

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Email from David Williams

Manager Gerrish read an e-mail from David Williams, Town Administrator of West Bath, thanking the Brunswick Fire Department for their assistance at a fire at the Carter Recycling Center's Wood Lot.

Manager's Report: Items taken out of order.

4) Update on MDOT plan for repainting the Cook's Corner overpass

Gary Hoar, Maine Department of Transportation, discussed the repainting of the Cook's Corner overpass. A section of the bike path will have to be closed for two weeks from September 16 to September 27.

Tom Farrell added that the bike path will be closed in one specific area by the pedestrian bridge. The reason for the closure is to protect against possible lead dust from the removal of the old paint. There will be a message board informing people of the closure and lighted barricades to prevent people from going to the closed area.

Bruce Nicholson, representing North Star Painting, who is the contractor for the project, discussed environmental plans for the project to ensure one hundred percent (100%) lead containment. They have requested to work Sunday, September 22 to ensure the project is done by the 27th. The entire bridge project starts tomorrow, Wednesday, September 4.

Councilor Randolph, responding to the comment that a lane would need to be closed, said she did not want to have even one lane of Route One closed on Sunday 22.

5) Presentation by Superintendent of Schools to accept donated money.

Jim Ashe discussed the donations given to the school department.

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

Mr. Ashe said the state decided to withhold about one hundred eighteen thousand dollars (\$118,000) in state subsidies. The School Department does not know what this means for the future. On the other side, federal impact monies increased by eighty two thousand dollars (\$82,000) more than anticipated.

Mr. Ashe discussed what is happening with the elementary schools' needs. In order not to lose funds for leasing portables, he has to present to the state in October options of what the School Department proposes to do to solve space issues. A figure of twelve million dollars (\$12,000,000) is what it would cost to fix the current four elementary schools. As an option, they may need to look at building a new elementary school. Under consideration is the possibility of building on the old high school's foundation. There could be the possibility of a third floor for multi-generational functions. He

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emphasized that the School Board had not made any decision yet as to what to recommend to the state.

Councilor Sartoris expressed concern that the analysis is being done at the eleventh hour. She supports at least getting a square foot estimate for a third floor since there have been groups meeting to discuss the use of the old high school. She felt there should be a workshop with the Council and School Board once the information is available.

Councilor Lowe said he was not comfortable with giving firm approval in a span of one week.

Mr. Ashe said they just have to let the state know what they are looking at for options.

Councilor McCausland said new does not mean better. He asked if they have a new school, will the town be able to get state funding.

Mr. Ashe responded it is possible based on state criteria that the town could get on the funding list.

Councilor Rice moved, Councilor Sartoris seconded, to accept and authorize expenditure of donated funds given to the School Department. The motion carried with eight (8) yeas.

2) Report from Conservation Commission

William Ferdinand, Chair of the committee, gave this report regarding the activities of the Conservation Commission.

6) (ADDED) Recycling Committee request to raise funds.

James Doherty, Recycling Committee, gave an update on the compost bins they are proposing to give to residents and requested that the Council allow them to accept donations from local merchants to make the bins.

Councilor Sartoris moved, Councilor Randolph seconded, to allow the Recycling Committee to solicit and accept donations to make and give out composting bins. The motion carried with eight (8) yeas.

Mr. Doherty also discussed how the committee is working on a recycling video, which is targeted toward third and fourth graders. He is requesting the Council allow them to seek corporate sponsorship to assist with the video's creation. There may also be state funding available to assist.

Councilor Sartoris moved, Councilor Randolph seconded, to allow the Recycling Committee to solicit and expend corporate donations to assist with the creation of the recycling video. The motion carried with eight (8) yeas.

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John Foster introduced Ben Jorgensen, who is the new deputy public works director. They discussed the hazardous waste collection, which is on October 12, 2002, from 9:00 a.m. to 1 p.m.

1) Financial Update

Manager Gerrish gave this update. Revenues for excise tax and state revenue sharing are slightly ahead of last year's figures.

3) Community Housing Forum

Manager Gerrish said a forum on community housing has been organized to give area citizens an opportunity to share their personal experiences with housing issues and problems in the community. The forum will take place on September 19 at 5:30 p.m. in the Council chambers.

7) (ADDED) September 11 Remembrance

Manager Gerrish discussed a remembrance for the September 11, 2001 attacks. The town, along with other communities' fire and police departments, will be having this September 11 at the town's mall area.

Adjustments to Agenda: To add Item 162 regarding authorizing a quit claim deed.

150. 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 Great Impasta, Inc. d/b/a The Great Impasta
42 Maine Street**

Alisa Baker Coffin

**Clare's Dolphin Restaurant, Inc. d/b/a Joshua's Restaurant and Tavern
123 Maine Street**

Thomas J. Siatras

**Dunbarton, Inc. d/b/a McGillicuddy's
103 Pleasant Street**

JoAnne Gillies

**Richard's Restaurant d/b/a Richard's Restaurant
115 Maine Street**

Richard Gnauck

Full Time Malt and Vinous:

**Bangkok Garden, Inc. d/b/a Bangkok Garden Restaurant
14 Maine Street**

Ornthao Vattaso

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

Councilor Sartoris moved, Councilor Randolph seconded, to approve requests for Alcoholic Beverage Licenses for the following: The Great Impasta, Joshua's Restaurant and Tavern, McGillicuddy's, Richard's Restaurant, and Bangkok Garden Restaurant. The motion carried with seven (7) yeas. Councilor Rice was temporarily absent.

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

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

Clare's Dolphin Restaurant, Inc. d/b/a Joshua's Restaurant and Tavern
123 Maine Street Thomas J. Siatras

Dunbarton, Inc. d/b/a McGillicuddy's
103 Pleasant Street JoAnne Gillies

Richard's Restaurant d/b/a Richard's Restaurant
115 Maine Street Richard Gnauck

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

Councilor Sartoris moved, Councilor Randolph seconded, to approve requests for Special Amusement Licenses from Joshua's Restaurant and Tavern, McGillicuddy's and Richard's Restaurant. The motion carried with seven (7) yeas. Councilor Rice was temporarily absent.

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

152. The Town Council will hear public comments on the proposed "housekeeping" amendments to the Zoning Ordinance and will take any appropriate action. These amendments are intended to correct errors and oversights, to clarify language and to address other technical issues within the Ordinance.

Chair Priest opened the public hearing.

Charlie Wiercinski, representing Goodwin's Chevrolet, said they favored the amendments.

Chair Priest closed the public hearing.

Councilor Lowe moved, Councilor Sartoris seconded, to adopt the proposed “housekeeping” amendments to the Zoning Ordinance, as recommended by the Brunswick Planning Board. The motion carried with eight (8) yeas.

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

153. The Town Council will hear public comments on the proposed amendment to the Zoning Map, to revise R4/CP2 Zone line and Growth/Rural line to follow Woodside Road and Church Road, and will take any appropriate action.

Chair Priest opened the public hearing.

Councilor McCausland moved, Councilor Crimmins seconded, to adopt the proposed amendment to the Zoning Map, to revise R4/CP2 Zone line and Growth/Rural line to follow Woodside Road and Church Road. The motion carried with eight (8) yeas.

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

154. The Town Council will consider designating the Old High School as the polling place for District 4 and will take any appropriate action.

Fran Smith, Town Clerk, explained this item.

(A copy of Ms. Smith’s memo will be attached to the official minutes.)

Councilor Sartoris moved, Councilor Lowe seconded, to designate the Old High School as the polling place for District 4. The motion carried with eight (8) yeas.

155. The Town Council will consider adding a section concerning a “Fiscal Note” to the Council’s Rules and Procedures, and will take any appropriate action.

Chair Priest read the proposal.

Councilor Randolph said she felt it was unnecessary.

Councilor Lowe moved, Councilor Rice seconded, to add a section “Fiscal Note” section to the Council’s Rules and Procedures. The motion carried with seven (7) yeas. Opposed was Councilor Randolph.

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

- 156. The Town Council will receive a report from the Town Manager concerning the final 2002/03 Budget numbers and will take any appropriate action.**

Manager Gerrish reported that with additional valuation of \$4.7 million more than anticipated in June, the tax rate will be reduced from the estimated \$21.10 to \$21.00. This represents a 2.44% increase instead of 2.93%. Upon Councilor Sartoris' request, Manager Gerrish defined "new valuation" as new or renovated homes and businesses, and new personal property added throughout the year.

- 157. The Town Council will consider an abatement of 1998 and 2000 real estate property taxes which remain on tax acquired property and will take any appropriate action.**

Manager Gerrish said the property in question was tax acquired in 2001. The abatement will clear up town records.

Councilor McCausland moved, Councilor Randolph seconded, to abate the 1998 and 2000 year taxes on Account Y0115R, in the amounts of \$272.63 and \$238.76 respectively. The motion carried with eight (8) yeas.

(A copy of a memo from the Tax Office and letter from Bay Bridge Estates will be attached to the official minutes.)

- 158. The Town Council will consider a Discharge of Lien under Title 22, M.R.S.A. § 4320, and will take any appropriate action.**

Manager Gerrish said this lien was placed as a result of General Assistance payments. The amount in question has been repaid to the town so the Council is being asked to discharge the lien.

Councilor Lowe moved, Councilor Crimmins seconded, to approve the Discharge of Lien as presented. The motion carried with eight (8) yeas.

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

- 159. The Town Council will consider requests from Maine Natural Gas for utility location permits and will take any appropriate action**

Councilor Rice excused himself on this item since Maine Natural Gas is a client of the company he works for.

John Foster explained these two requests.

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(A copy of memos from John Foster regarding these utility location permits requested by Maine Natural Gas will be attached to the official minutes.)

Councilor Sartoris moved, Councilor Galloupe seconded, to approve the utility location permits requested by Maine Natural Gas. The motion carried with seven (7) yeas. Councilor Rice abstained.

160. The Town Council will consider the following requests to hang a banner over Maine Street and will take any appropriate action.

New Balance Distance Festival 6/30 – 7/3/2003

National Kidney Foundation Annual Walk 9/13 – 9/21/2002

Councilor Rice moved, Councilor Randolph seconded, to approve requests from the New Balance Distance Festival and the National Kidney Foundation Annual Walk, to hang banners over Maine Street. The motion carried with eight (8) yeas.

161. The Town Council will consider appointments to Board and Committees, as follows, and will take any appropriate action.

Fifty Five Plus Center Board of Trustees

One Full Member Topsham or Harpswell Term to expire 7/1/05

Marine Resource Committee

Resident Recreational Harvester Term to expire 5/1/05

Water District Trustee

One Full Member Term to expire 9/13/05

Councilor Crimmins moved, Councilor Sartoris seconded, to nominate Mary Anne Lawler to serve on the Water District Board of Trustees, to ask that the Chair cease nominations, and to cast one vote for Ms. Lawler. The appointment carried with eight (8) yeas.

Councilor Sartoris moved, Councilor Randolph seconded, to nominate Katherine Schmidt to serve on the Fifty-Five Plus Board of Trustees as a Topsham resident, to ask that the Chair cease nominations, and to cast one vote for Ms. Schmidt. The appointment carried with eight (8) yeas.

Councilor Sartoris moved, Councilor Lowe seconded, to nominate Frederick Wigand to serve on the Marine Resource Committee as a Recreational Harvester, to ask that the Chair cease nominations, and to cast one vote for Mr. Wigand. The appointment carried with eight (8) yeas.

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162. (ADDED) The Town Council will consider authorizing a Quit Claim Deed for the property located on Map 21, Lot 11 and take any appropriate action.

Manager Gerrish said the property owner had paid their back taxes and the Council needs to quit claim deed the property back to them.

Councilor Galloupe moved, Councilor Sartoris seconded, to authorize a Quit Claim Deed for the property located on Map 21, Lot 11. The motion carried with eight (8) yeas.

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

The meeting adjourned at 9:50 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
September 12, 2002*

September 16, 2002

Date of Approval

Charles R. Priest

Council Chair