

## BRUNSWICK TOWN COUNCIL MINUTES

October 20, 2003

7:30 p.m.

Municipal Meeting Facility

**7:00 p.m. Executive Session: Union Negotiations**

**Councilor Watson moved, Councilor King seconded, to go into executive session to discuss union negotiations. The motion carried with seven (7) yeas. Councilors Sartoris and McCausland 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, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

**Councilors Absent:** None.

**Others Present:** Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Matthew Eddy, Economic Development Director; Tom Farrell, Parks and Recreation Director; Michael Robitaille, Deputy Fire Chief; Peter Baecher, Parks and Recreation Facilities Manager; Theo Holtwijk, Director of Planning and Development; Geoffrey Hole, Town Attorney; several citizens, members of the press, and TV video crew.

**Minutes of Previous Meetings: October 6, 2003**

Hearing no objection from the Council, Chair Priest declared the minutes of October 6, 2003, accepted as written.

**Manager's Report:**

### **1) Report on Fire Department Grant**

Manager Gerrish said the Fire Department has been awarded a grant of forty five thousand three hundred ninety dollars (\$45,390) to purchase equipment and to provide training for the Department. The grant does require a match of ten percent (10%) from the town – four thousand five hundred thirty nine dollars (\$4,539). Council will need to vote to accept these funds.

Deputy Chief Robitaille discussed this grant that the Fire Department has been awarded and explained that the funds will be used for Rapid Intervention Training. Those staff attending the training will be teaching other communities and the Navy Base personnel. It will be a source of revenue by training others.

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*(A copy of Deputy Chief Robitaille's memo and the fiscal impact will be attached to the official minutes).*

**Councilor Watson moved, Councilor Sartoris seconded, to accept and allow expenditure of the grant for forty five thousand three hundred ninety dollars (\$45,390) to purchase equipment and training for the Fire Department. The motion carried with nine (9) yeas.**

**2) Report on Police Department Grant**

This item was removed from the agenda.

**3) Receive a report on Cul de Sac Policy**

Manager Gerrish said the Recreation Department has developed a policy for landscaping by abutting owners in cul de sac islands owned by the town.

Peter Baecher, Parks and Recreation Facilities Manager, reviewed the proposed policy. It is a result of a citizen request to do planting in a cul de sac. It has been reviewed by the Town Attorney and the insurance company. It requires a drawn plan and the applicant needs to work with public works. The applicant agrees to take care of plantings except for the trees. If excavation is done for road maintenance, the town does not have to pay to replant any damaged plants.

Councilor Randolph suggested other public land locations that town residents work to improve and plant be included in the policy. This may encourage others to put something together for areas other than the cul de sacs.

Councilor Sartoris commented on how she liked the policy and thanked the town staff and residents of Baxter Lane for their work on it.

**Councilor Sartoris moved, Councilor Galloupe seconded, to support the Cul de Sac Policy as proposed. The motion carried with nine (9) yeas.**

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

**Correspondence**

None

**Adjustments to Agenda:**

Add item 187 – a sewer extension on Breckan Road

Add item 187 – a sewer extension for the Botany Gardens subdivision.

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- 175. The Town Council will hear public comments on the following requests for renewals of alcoholic beverage licenses and will take any appropriate action.**

**Full-time Spirituous, Vinous, and Malt**

**New**

**Thai House**

**207 Pleasant Street**

**Bounkien Thongsophaphone**

**Renewal**

**McGillicuddy's**

**103 Pleasant Street**

**Joanne L. Gillies**

**Henry and Marty**

**61 Maine Street**

**Edward M. Perry**

**Henry J. D'Alessandris**

**Paul H. Hollingworth**

**Full-time Malt**

**Renewal**

**Rosita's Mexican Food**

**212A Maine Street**

**Richard B. Goodenow**

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

**Councilor Rice moved, Councilor Randolph seconded, to approve the requests for alcoholic beverage licenses from Thai House, McGillicuddy's, Henry and Marty, and Rosita's Mexican Food. The motion carried with nine (9) yeas.**

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

- 176. The Town Council will hear public comments on the following requests for Victualer Licenses and will take any appropriate action.**

**Domino's (Some Pizza, Inc.)**

**208 Maine Street (new location)**

**Pat Provost**

**Thai House**

**207 Pleasant Street (new owner)**

**Bounkien Thongsophaphone**

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

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**Councilor Lowe moved, Councilor Watson seconded, to approve the requests for Victualer licenses from Thai House and Domino's Pizza. The motion carried with nine (9) yeas.**

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

**177. The Town Council will hear public comments on proposed amendments to Chapter 14 (Streets, Sidewalks and Other Places) regarding Section 14-124 (Description of Parks and Facilities) and will take any appropriate action.**

Tom Farrell, Parks and Recreation Director, explained the proposal which would add some parks and facilities to the list in the current ordinance.

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

**Councilor Sartoris moved, Councilor Randolph seconded, to approve the proposed amendments to Chapter 14 – Streets, Sidewalks and Other Places, regarding Section 14-124, Description of Parks and Facilities, on an emergency and regular basis. The motion carried with nine (9) yeas.**

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

**178. The Town Council will hear public comments on proposed amendments to Chapter 14 (Streets, Sidewalks and Other Places) regarding the addition of Section 14-143 (Removal and Disposal of Animal Waste on the Androscoggin River Bicycle Path) and will take any appropriate action.**

Tom Farrell said this item will establish a policy and an enforcement procedure for the removal and disposal of animal waste on the Androscoggin River Bicycle Path.

Councilor Randolph brought this to the Council's attention to take care of an existing problem on the bike path. The problem is worse in the winter. They have tried to educate people, but it has not worked so it is time to have an ordinance in place with a fine for violation. Additional receptacles will be added to the bike path.

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

**Councilor Randolph moved, Councilor Watson seconded, to approve to approve the proposed amendment to Chapter 14- Streets, Sidewalks and Other Places, regarding the addition of Section 14-143, Removal and Disposal of Animal Waste on the Androscoggin River Bicycle Path, with the amendments to sections 150 and 151. The motion carried with nine (9) yeas.**

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

**179. The Town Council will hear public comments on the Town's intention to apply for a \$500,000 grant from the Maine Investment Trust Fund to be used to supplement the rehabilitation of the NAPA building.**

Matt Eddy, Director of Economic Development, said this item authorizes the town's application to the Maine Investment Trust Fund for five hundred thousand dollars (\$500,000) to be used to supplement the rehabilitation of the NAPA building. He explained the process and improvements that are being proposed, such as making the building handicap acceptable and making sidewalk improvements.

Chair Priest opened the public hearing.

**Phil Cousineau**, Belmont Street, discussed the approved CIP and his disagreement with the recent changes. The CIP calls for five hundred thousand dollars (\$500,000) to improve the NAPA building for Cable TV and the Council Chambers. Now the town is requesting another five hundred thousand dollars (\$500,000) in a grant for additional improvements.

Chair Priest closed the public hearing.

Mr. Eddy, responding to Councilor Randolph's question asking if the grant is additional funding, said he did not know the numbers yet, but it requires a one to one match and may need all budgeted five hundred thousand dollars (\$500,000). Mr. Eddy, responding to Councilor King, said the town is not obligated to take the grant if the building is not good enough to improve.

Councilor Sartoris commented that she has been through the building and it appears to be structurally strong.

Manager Gerrish said this is just to allow the town to apply for the grant and if it gets it, the Council will need to approve it. This is an opportunity to try to get this project funded in part with a grant.

Councilor Randolph said Mike Austin, along with other contractors, indicated in an e-mail this building is not worth fixing.

Pem Schaeffer wished to speak on this item under Council rule 11D.

Councilor Sartoris asked for a point of order.

Chair Priest said Mr. Schaeffer could not speak since the period for public hearing was over.

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Manager Gerrish discussed how the NAPA building is the proposed location to move the Council Chamber and Cable TV since the cost to maintain the old high school is too high. Money was put in this year to keep the old high school building opened.

Councilor Sartoris said she is going to vote to go ahead with the grant application. The old high school wing with the chamber is not being considered for keeping.

Councilor McCausland asked for a brief history of the purchase of the NAPA building, and how the town has looked at other town facilities for meeting space and a chamber.

Manager Gerrish discussed the process and what is being proposed. The NAPA building was selected as a possible place to move the chamber closer and provide additional office space. This item is only to apply for the grant.

Councilor Randolph said she has some real concern about spending one million dollars (\$1,000,000) on a building bought originally to provide more parking.

Councilor Watson said he also has concerns, but will vote to apply for the grant.

Councilor Rice said if the town has the ability to help fund the project, it should try to get those funds.

**Councilor Sartoris moved, Councilor Rice seconded, to approve the application to the Maine Investment Trust Fund for a five hundred thousand dollar (\$500,000) grant to be used to supplement the rehabilitation of the NAPA Building. The motion carried with eight (8) yeas. Councilor Randolph was opposed.**

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

**170. The Town Council will consider approving a new contract with the Police Union and will take any appropriate action.**

Manager Gerrish explained what was being proposed. It is in line with other contracts, with a cost of ninety thousand dollars (\$90,000) to one hundred thousand dollars (\$100,000) each year over the two year life of the contract.

**Councilor Galloupe moved, Councilor Watson seconded, to approve the contract with the Police Union. The motion carried with nine (9) yeas.**

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

**180. The Town Council will discuss the Municipal Consequences of Tax Reform Legislation and will take any appropriate action.**

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Councilor Randolph said this item was put on the agenda so Pem Schaeffer could speak as a citizen on this issue. Responding to Chair Priest's question, she indicated that she had no specific action she was requesting on this item.

Chair Priest cited under Council rule 23 (Personal Privilege) and rule 43 (Permission Required to Address Town Council) as to why he was not going to allow Mr. Schaeffer to speak on this item.

Councilor Randolph challenged the ruling of the Chair. She believes the Council needs to listen to citizens more.

Chair Priest read Council rule 19 (Right of Appeal) as to how to address the challenge.

**Councilor Randolph moved, Councilor Watson seconded, to challenge the Chair's ruling.**

**Chair Priest asked "Shall the decision of the Chair be sustained?" A vote was taken, with six (6) yeas. Councilors King, Randolph and Watson were opposed. The decision of the Chair was upheld.**

Chair Priest said if there is no proposal for Council action, he is not going to recognize public comment.

Mr. Schaeffer asked to under Council Rule 11D (Decorum and Order) to be allowed to speak.

Chair Priest said Mr. Schaeffer will not be recognized.

**181. The Town Council will consider endorsing the Sewer District Referendum and will take any appropriate action.**

Manager Gerrish said this item would have the Council endorse the Sewer District Referendum and the expansion of the Sewer District line to the Growth Line of the town. The sewer district will be sending out letters explaining the question.

Councilor Sartoris said she and Councilor Rice worked with the Sewer District on the informational letter. She explained how the Council voted to support the legislation to allow for this expansion in the growth zone and where public safety issues arose. The possible additional rate payers will help create savings for current payers. There is plenty of capacity at the sewer plant and expansion is not necessary.

**Ed Benedikt**, 45 Harding Road, spoke against the sewer question. He is concerned that those outside the district were not able to vote, yet the change will effect them. He discussed the Comprehensive Plan and how it is against expansion. This should be part of the Comprehensive Plan planning process.

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Councilor Randolph said she would answer some of the concerns. This will barely expand the sewer district line. This will allow the town to have a line that is consistent. There are methods and means to be helpful with possible problem.

Councilor Sartoris said this change makes the Comprehensive Plan growth line consistent with the Sewer District's boundary line. It is not inconsistent with the Plan.

Councilor Galloupe said the present sewer district lines are out of compliance with the Comprehensive Plan. The Sewer District Charter determines how the vote is to be done and who gets to vote.

Councilor Rice said there was a discussion to go to the town's boundary line and this was a compromise. A developer has to put in the infrastructure that meets the Sewer District's standards.

Manager Gerrish said the legislature required the vote and set guidelines and if the district is expanded, it does not mean the sewer will expand.

**Councilor Sartoris moved, Councilor Rice seconded, to endorse the Sewer District Referendum and the expansion of the Sewer District line to the Growth Line of the town. The motion carried with nine (9) yeas.**

**182. The Town Council will receive a recommendation from the Planning Board regarding proposed amendments to the Zoning Ordinance pertaining to Roads and will take any appropriate action.**

Manager Gerrish said the Planning Board has reviewed the proposed amendments to the Zoning Ordinance pertaining to roads. The Council action would be to set a public hearing.

Theo Holtwijk, Director of Planning and Development, gave an overview of what is being proposed. The Road Acceptance Committee proposed language, and then the Planning Board reviewed and made a few changes. The town is updating the rules for public and private roads. For public roads, it lays out a process as to what is expected. This will create a new chapter on street development in the Zoning Ordinance.

Councilor Randolph said she wanted to hold a Council workshop first, prior to holding a public hearing.

Mr. Holtwijk explained further the process and steps the Planning Board took in reviewing this proposed language.

Councilor Sartoris said she supported the workshop. She suggested a change with the following amendment to section 807.1.2: "Developments on proposed town ways shall not restrict home occupations or accessory apartments if otherwise permitted by the ordinance in that zone."

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The Council set a workshop for November 10, 2003, to discuss this matter more.

**183. The Town Council will discuss having a Consent Agenda at its meetings and will take any appropriate action.**

Councilor Randolph requested that the Council consider having a Consent Agenda at their meetings. The idea would be to have items that were not controversial, or common items like Banner Approval – approved as one item at the beginning of the meeting. If a Councilor wanted to take an item off the Consent Agenda they could. This would help them get out earlier.

Councilor Lowe said it would just be a few minutes for the items and he could not find items other than the banner that he would want on the consent agenda.

Councilor McCausland spoke in support of it since he wished to do it earlier. There may be a few things that could shorten the agenda like banners and poles. Under boards, there could be just one motion if there was only one nomination per vacancy.

Councilor Galloupe said he felt there would be more time deciding what to goes on the consent agenda than to vote on the separate items.

The Council decided not to go forward with a consent agenda at this time.

**184. The Town Council will receive a report from the Marine Resource Committee on amendments to the Shellfish Ordinance and will take any appropriate action.**

Fran Smith, Town Clerk, discussed the proposed amendments which were primarily housekeeping and for clarity.

**Councilor Rice moved, Councilor Sartoris seconded, to set a public hearing for November 3, 2003, on proposed amendments to the Shellfish Ordinance. The motion carried with nine (9) yeas.**

**185. The Town Council will consider approving the Election Clerks, Wardens and Deputy Wardens for the November 4, 2003 Election and will take any appropriate action.**

**Councilor Lowe moved, Councilor Watson seconded, to approve the Election Clerks, Wardens and Deputy Wardens for the November 4, 2003 Election. The motion carried with nine (9) yeas.**

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

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- 186. The Town Council will consider signing the Election Warrant and Notice of Election and approving the voting locations for the November 4, 2003 State, County and Municipal Election and will take any appropriate action.**

**Councilor Sartoris moved, Councilor Watson seconded, to approve the Election Warrant, and to approve the voting locations for the November 4, 2003 Election. The motion carried with nine (9) yeas.**

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

- 187. (ADDED) The Town Council will consider authorizing a sanitary sewer extension for Breckan Road and will take any appropriate action.**

**Councilor Randolph moved, Councilor Sartoris seconded, to approve the sewer extension for Breckan Road. The motion carried with nine (9) yeas.**

- 188. (ADDED) The Town Council will consider authorizing a sanitary sewer extension for the Botany Gardens' Subdivision and will take any appropriate action.**

**Councilor Sartoris moved, Councilor Watson seconded, to approve the sewer extension for the Botany Gardens' Subdivision. The motion carried with nine (9) yeas.**

**Councilor Watson moved, Councilor Sartoris seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:35 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  
November 10, 2003*

November 17, 2003

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*Date of Approval*

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*Council Chair*