

-Approved-
BRUNSWICK TOWN COUNCIL
Minutes
April 1, 2013
6:15 P.M.
Municipal Meeting Room
Brunswick Station
16 Station Avenue

Councilors Present: Chair Suzan Wilson, W. David Watson, Benjamin J. Tucker, John M. Perreault, Gerald E. Favreau, Margo H. Knight, Sarah E. Brayman, and John Richardson, Jr.

Councilors Absent: Councilor Benet Pols

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; John Eldridge, Finance Director; Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Code Enforcement Officer; Jeff Emerson, Deputy Fire Chief; Don Koslosky, Deputy Fire Chief; Dan Devereaux, Marine Resource Officer; Pat Maher, Police Officer; and TV video crew

Chair Wilson called the meeting to order and asked the Town Clerk for Roll Call.

Executive session – Economic Development to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C) and labor negotiation per §405(6)(D)

Councilor Tucker moved, Councilor Watson seconded, to go into executive session to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C). The motion carried with eight (8) yeas.

Councilor Favreau moved, Councilor Tucker seconded, to go into executive session to discuss labor negotiations per §405(6)(D). The motion carried with eight (8) yeas.

MEETING RESUMES

Chair Wilson asked for the Pledge of Allegiance.

Public Comment:

Dan Sullivan, 24 Bouchard Drive, spoke about the proposed AMTRAK layover facility and read a letter from Senator Gerzofsky opposing its location.

Claudia Knox, 36 Cumberland Street, spoke in support of the layover facility.

John Maciejewski, 11 Bouchard Drive, spoke against the idling trains and the noise, and said the Town should enforce the noise ordinance. Councilor Perreault spoke regarding these comments, saying the Town cannot enforce a Town ordinance over NNEPRA.

Councilor Favreau and Councilor Richardson spoke in response to Senator Gerzofsky's letter.

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Correspondence:

Councilor Perreault spoke regarding the sold out play at the High School. He also had been asked if the Council could have a workshop with NNEPRA and the Bouchard Drive neighborhood to work out issues on the layover facility.

Councilor Knight spoke on the train idling and the measures being taken to minimize the noise. The advisory committee will be revitalized and does include Bouchard drive residents. Councilor Favreau and Councilor Richardson also spoke regarding the layover facility.

Councilor Knight requested that the Council send a letter on behalf of the Town for the delegation going to Trinidad, Cuba. The Council agreed to send the letter to Brunswick's sister city.

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

Councilor Perreault asked what is happening with Cumberland Farms on Pleasant Street, to which Manager Brown responded that the property has been listed for sale.

Councilor Brayman spoke regarding the Finance Director, John Eldridge, being interviewed in the Maine Townsman.

Adjustments to the Agenda:

To add Item 41 regarding the Police Union Contract.

MANAGER'S REPORT:

(a) Council Committee Updates

A report was given on the CIP Committee.

(b) Report from the Downtown and Outer Pleasant Street Master Plan Implementation Committee

Councilor Knight provided this report.

Councilor Perreault, Councilor Favreau, Councilor Watson, and Councilor Richardson spoke regarding this item.

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

(c) Announcement for Route 24 Corridor Study public meeting

Councilor Knight informed the public of this upcoming meeting

(d) **"Poem in Your Pocket" Proclamation (*Action Required*)**

Kathy Koerber, the organizer, spoke regarding this item.

Councilor Perreault moved, Councilor Watson seconded, to adopt the "Poem in Your Pocket" Proclamation. The motion carried with eight (8) yeas.

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

(e) **Schedule for budget**

Manager Brown provided the draft schedule.

PUBLIC HEARINGS

33. **The Town Council will hold a public hearing on the following special amusement license, and will take any appropriate action.**

Byrnes Irish Pub LLC

D/B/A: Byrnes Irish Pub LLC

16 Station Ave

Joe Byrnes

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Knight moved, Councilor Tucker seconded, to approve a special amusement license for Byrnes Irish Pub, located at 16 Station Avenue. The motion carried with eight (8) yeas.

34. **The Town Council will hear public comments on amendments to Chapter 11 "Marine Activities, Structures, and Ways" to allow bushel licenses, and will take any appropriate action. (Chair Wilson)**

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Chair Wilson, Councilor Favreau, and Councilor Watson spoke regarding this item.

Officer Dan Devereaux spoke regarding this item. He responded to questions from Councilor Brayman and Councilor Tucker.

Chair Wilson moved, Councilor Tucker seconded, to adopt amendments to Chapter 11 "Marine Activities, Structures, and Ways" to allow bushel licenses. The motion carried with eight (8) yeas.

(A copy of the adopted ordinance amendments will be attached to the official minutes.)

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- 35. The Town Council will hear public comments on amendments to the Zoning Ordinance regarding amending the MU3 column of “Table 206.1 Use Table” to change Residence Hall from a prohibited use (X) to a special permit use (-), and will take any appropriate action. (Councilor Favreau)**

Chair Wilson opened the public hearing.

The following people spoke:

Reed Bartlett, Harpswell Place
Ruth Thibodeau, 17 McLellan Street
Catherine Longley, Bowdoin College
Bob Burgess, abutter to Stevens Home

Chair Wilson closed the public hearing.

First Motion

Councilor Favreau moved, Councilor Watson seconded, to adopt amendments to the Zoning Ordinance regarding amending the MU3 column of “Table 206.1 Use Table” to change Residence Hall from a prohibited use (X) to permitted use (P).

After Council comments, the motion was removed by Councilor Favreau and Councilor Watson.

Second Motion

Councilor Brayman moved, Councilor Tucker seconded, to adopt amendments to the Zoning Ordinance regarding amending the MU3 column of “Table 206.1 Use Table” to change Residence Hall from a prohibited use (X) to a special permit use(-).

Charles Frizzle, Planning Board Chair, spoke regarding this item and responded to questions from Councilor Richardson, Councilor Brayman Councilor Perreault.

Ms. Longley responded to questions from Councilor Tucker, Councilor Favreau, and Councilor Perreault.

Anna Breinich responded to questions from Councilor Brayman and Chair Wilson.

Councilor Richardson, Councilor Perreault, and Manager Brown spoke regarding this item.

Vote on Motion

Councilor Brayman moved, Councilor Tucker seconded, to adopt amendments to the Zoning Ordinance regarding amending the MU3 column of “Table 206.1 Use Table” to change Residence Hall from a prohibited use (X) to a special permit use(-). The motion failed with two (2) yeas. Councilor Watson, Councilor Tucker, Councilor Favreau, Chair Wilson, Councilor Knight, and Councilor Richardson were opposed.

Third motion:

Councilor Favreau moved, Councilor Watson seconded, to adopt amendments to the Zoning Ordinance regarding amending the MU3 column of “Table 206.1 Use Table” to change Residence Hall from a prohibited use (X) to permitted use (P). The motion carried with six (6) yeas. Councilor Perreault and Councilor Brayman were opposed.

(A copy of the adopted ordinance amendments will be attached to the official minutes.)

36. **The Town Council will hear public comments on amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices, and will take any appropriate action. (Manager)**

Manager Brown spoke regarding this item.

Chair Wilson opened the public hearing.

Heather Blease, business owner, spoke on the item.

Chair Wilson closed the public hearing.

Councilor Richardson and Councilor Perreault asked questions, to which Manager Brown responded.

Councilor Favreau asked a question, to which Steve Levesque, Executive Director of MRRA, responded.

Councilor Richardson and Councilor Favreau spoke regarding this item.

Councilor Favreau spoke, Councilor Watson seconded, to adopt amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices. The motion carried with eight (8) yeas.

(A copy of the adopted ordinance amendments will be attached to the official minutes.)

NEW BUSINESS

37. **The Town Council will consider adopting the following resolutions: “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department**

Rescue Vehicle” and “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution,” and will take any appropriate actions. (Manager)

Manager Brown spoke regarding this item.

Councilor Watson moved, Councilor Favreau seconded, to adopt “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle.” The motion carried with eight (8) yeas.

Councilor Perreault, Councilor Brayman, Chair Wilson and Councilor Tucker spoke regarding this item.

Councilor Watson moved, Councilor Favreau seconded, to adopt “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution.” The motion carried with seven (7) yeas. Councilor Perreault was opposed.

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

- 38. The Town Council will consider a request from Five Rivers Arts Alliance for music in front of Cool as A Moose when the ArtWalks occur, and will take any appropriate action. (Councilor Knight)**

Maria Castellano-Usery, Five Rivers Arts Alliance, spoke regarding this item.

Councilor Favreau moved, Councilor Watson seconded, to approve the request from the Five Rivers Arts Alliance for music in front of Cool as A Moose when the ArtWalks occurs and to waive the \$500 fee. The motion carried with eight (8) yeas.

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

- 39. The Town Council will consider a request from the Brunswick Downtown Association for use of the Lower Mall for the Taste of Brunswick Event, to be held on June 22, 2013, and will take any appropriate action. (Councilor Knight)**

Councilor Knight spoke regarding this item.

Councilor Knight moved, Councilor Favreau seconded, to approve the BDA's request for the Taste of Brunswick event to be held on June 22, 2013. The motion carried with eight (8) yeas.

Councilor Knight moved, Councilor Favreau seconded, to permit the sale of alcohol at the Taste of Brunswick Event on June 22, 2013. The motion carried with eight (8) yeas.

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

- 40. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee)**

Councilor Watson nominated the following persons:

Mark Worthing to serve as the Fence Viewer

Thomas Green to serve on the Sewer District Board of Trustees

The Council voted eight (8) yeas to appoint them.

Planning Board

Councilor Watson nominated the following people to the Planning Board:

William Dana

Dale King

Councilor Perreault nominated the following person to the Planning Board:

John Bouchard

The Council voted on the nominations:

William Dana received eight votes

Dale King received six votes (not receiving votes from Councilor Brayman or Councilor Perreault)

Since they received the majority of the votes, voting ended.

- 41. (ADDED) The Town Council will consider approving the Police Union's contract, and will take any appropriate action. (Manager)**

Manager Brown spoke regarding this item.

Councilor Favreau moved, Councilor Watson seconded, to approve the Police Union contract. The motion carried with eight (8) yeas.

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

CONSENT AGENDA

- (a) Approval of the Minutes of March 18, 2013**

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Councilor Tucker moved, Councilor Favreau seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.

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

The meeting adjourned at 9:53 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

*Frances Smith
Town Clerk/Assistant to the Town Manager
April 11, 2013*

April 22, 2013
Date of Approval

Council Chair