

BRUNSWICK TOWN COUNCIL

Agenda

June 2, 2014

7:00 P.M.

Council Chambers

Town Hall

85 Union Street

Pledge of Allegiance

Roll Call

Acknowledgment that meeting was properly noticed

Public Comment

Correspondence

Council Committee Updates

Adjustments to the Agenda

MANAGER'S REPORT:

- a) Nomination to the MMA Legislative Policy Committee and ideas for legislation (*Action possible*)
- b) Election reminder for June 10th Primary and School Budget Validation Referendum
- c) Update on the Town Manager search, with a public forum set for June 23rd

PUBLIC HEARING

- 67. The Town Council will hear public comments on the following Special Amusement Licenses, and will take any appropriate action. (Manager)

Special Amusement

MCM Corp

D/B/A: Hacienda Pancho Villa Mexican Restaurant
164 Pleasant Street

Fernando Saldana

1337 Beer LLC

D/B/A: Ebenezer's Brew Pub (New Name)
112 Pleasant Street

Christopher & Jennifer Lively

JJ & M LLC

D/B/A: Benchwarmers Sports Pub

Jennifer Lewis

212 Maine Street

Jimbo's Catering
D/B/A: 1898 Bar & Grill
165 River Road

James Gallant

PUBLIC HEARING/ACTION

68. The Town Council will hear public comments on a "Resolution Amending the 2013-14 Budget to Appropriate an Additional \$150,000 for the Purpose of the Designing, Renovating, Equipping and Occupancy of the McLellan Building for Municipal Use," and will take any appropriate action. (Manager)

PUBLIC HEARING/ACTION

NEW BUSINESS

69. The Town Council will consider electing to exercise jurisdiction over the Bowdoin College Solar Array application for a Special Permit approved by the Planning Board on May 27th, and will take any appropriate action. (Councilor Favreau)

ACTION

70. The Town Council will consider approving the Pledge for the "International Charter for Walking" statement, and will take any appropriate action. (Manager)

ACTION

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

ACTION

CONSENT AGENDA

- a) Approval of the Minutes of May 19, 2014
- b) Approval of the Minutes of May 15, 2014
- c) Approval of utility permits from Maine Natural Gas for sections of Alder Drive, Tamarack Drive, Magnolia Lane, Huckleberry Lane, and Walnut Lane

Brunswick Town Council
Agenda
June 2, 2014
Council Notes and Suggested Motions

COUNCIL COMMITTEE UPDATES

Councilors with information on the Committees they are involved with will share information with the Council and public.

MANAGER'S REPORT:

- a) Nomination to the MMA Legislative Policy Committee and ideas for legislation (*Action Possible*) This is the Council's opportunity to make a nomination for a position on this Committee that is not exclusive to Brunswick, but can be a Brunswick official. Currently, Abbe Yacoben of Freeport and Elinor Multer of Harpswell share that position on the Committee. You are not required to provide a nomination, and you will appoint to the position that solely belongs to Brunswick at a future time. In addition, MMA is looking for ideas for MMA's 2015-2016 Legislative Agenda. If any Councilors have ideas you can either provide them at the meeting or via email to Fran Smith so they can be finalized prior to the deadline of June 20th. If necessary, we can bring this item back at your June 16th meeting for further discussion, if needed, prior to submitting ideas to MMA. Copies of the information on nominations and ideas are included in your packet.

Suggested motion:

The Council can opt to provide names for nominations, but are not required. The nominee(s) must complete a form giving consent to serve if selected.

- b) Election reminder for June 10th Primary and School Budget Validation Referendum: This is a reminder of the election: Absentee ballots are available until Thursday, June 5th in the Town Clerk's office. On Thursday, the office will be open until 7:00 p.m., with normal hours 8:30 a.m. to 4:30 p.m. The polls are open 7:00 a.m. to 8:00 p.m. at the Junior High School, 65 Columbia Avenue.

Suggested motion: None is required.

- c) Update on the Town Manager search, with a public forum set for June 23rd: This item is to inform the public that the Council will hold a public forum to get input regarding the Town Manager search.

Suggested motion: None is required.

PUBLIC HEARING

67. This item is the required public hearing on renewal Special Amusement Licenses for Hacienda Pancho Villa Mexican Restaurant, Ebenezer's Brew Pub (formerly Lion's

Pride), Benchwarmers Sports Pub, and 1898 Bar and Grill. Copies of the public hearing notice and applications, with planned activities listed, are included in your packet.

Suggested Motion:

Motion to approve Special Amusement Licenses for Hacienda Pancho Villa Mexican Restaurant, Ebenezer's Brew Pub (formerly Lion's Pride), Benchwarmers Sports Pub, and 1898 Bar and Grill.

68. This item is the required public hearing on the "Resolution Amending the 2013-14 Budget to Appropriate an Additional \$150,000 for the Purpose of the Designing, Renovating, Equipping and Occupancy of the McLellan Building for Municipal Use." This resolution will authorize the additional funds needed to cover the expenses beyond the original approved amounts. The process for amending the budget is outlined in the Town Charter Section 504. Upon the recommendation of the Town Manager, the Town Council may amend the budget. The Council shall hold a public hearing at least 10 days prior to the adoption of any amendment. Any amendment that seeks to increase the amount of the total budget appropriations for the year shall only be made from unappropriated available revenue. Copies of a memo from Mr. Eldridge, the draft resolution, and public hearing notice which appeared in the newspaper on May 22nd, are included in your packet.

Suggested Motion:

There is no action at this meeting since the Charter requires at least ten days from the date of the public hearing to amend the budget. This item will come back to the Council for action at the June 16th meeting.

NEW BUSINESS

69. This item is sponsored by Councilor Favreau for the Council to consider electing to exercise or not exercise jurisdiction over the Bowdoin College Solar Array application for a Special Permit approved by the Planning Board. In addition to Development Review approval, a Special Permit was required for approval of the Bowdoin College Solar Array application. The proposed use, a renewable energy generating system as a principal use, is an omitted use in the Brunswick Zoning Ordinance and as such, requires a Special Permit. During the review process, staff missed a public hearing notification deadline for the Planning Board's Public Hearing, thereby delaying action by the Planning Board by 2 weeks. By ordinance, a public hearing is required for all Special Permit applications and requires a 10-day notification period, compared to the 7-day required notification for any other larger-scale major development review proposals. As Special Permit requests are not submitted very often, staff assumed the same public hearing notification timeframe applied but caught the error in time to remove the solar array project from the Planning Board meeting agenda. Consequently, the project was rescheduled for consideration by the Planning Board 2 weeks later than originally scheduled.

Section 701.1.G. gives the Town Council 30 days from the date of Planning Board approval of the Special Permit to exercise jurisdiction over the application. If Council exercises jurisdiction by a majority vote, the Council must then schedule a public hearing at which time it may ratify, reverse or modify the decision on Planning Board. If Council considers exercising jurisdiction and refrains from doing so within the 30 days, the Planning Board's decision is deemed ratified by the Council. Either way, the required 30-day review period by Town Council would be shortened by either action of Council. Staff recommends Town Council consider exercising jurisdiction over the Special Permit application. The approved findings of fact and staff memo are included in your packet.

Suggested Motion:

Option 1: Motion to exercise jurisdiction over the Bowdoin College Solar Array application for a Special Permit approved by the Planning Board on May 27, 2014, and set a public hearing for June 16, 2014.

OR

Option 2: Motion to not exercise jurisdiction over the Bowdoin College Solar Array application for a Special Permit approved by the Planning Board on May 27, 2014.

70. This item is for the Council to consider approving the Pledge from the "International Charter for Walking." This request comes from the Bicycle and Pedestrian Advisory Committee. This pledge does not require the Town to spend any money nor mandate any specific actions. Rather, it sets forth a series of principles and recommended actions – most of which the Town appears to be pursuing or implementing already. Copies of a memo from Jeremy Doxsee and the pledge, along with supporting materials, are included in your packet.

Suggested Motion:

Motion to approve the Pledge for the "International Charter for Walking."

71. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the applications are included in your packet.

Suggested Motion:

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

CONSENT AGENDA

- d) Approval of the Minutes of May 19, 2014: A copy of the minutes is included in your packet. Please note the minutes reflect the time the discussion on each item began.
- e) Approval of the Minutes of May 15, 2014: A copy of the minutes is included in your packet.
- f) Approval of utility permits for Maine Natural Gas for sections of Alder Drive, Tamarack Drive, Magnolia Lane, Huckleberry Lane, and Walnut Lane: Copies of the memo and permits are included in your packet.

In application ULP 2014-07, Alder Drive Maine Natural Gas seeks authorization to install a 2” gas main from the existing gas main located on the west side of Sumac Drive, the proposed gas main will run easterly across Sumac Drive to the sidewalk on the north side of Alder Drive, continuing under the sidewalk to Tamarack Drive. Approximately 625 feet of 2” gas main.

In application ULP 2014-08, Tamarack Drive Maine Natural Gas seeks authorization to install a 2” gas main from the proposed gas main to be located on the north side of Alder Drive at Tamarack Drive. The new gas main will run from the proposed gas main outside the pavement behind the curb around the full circle of Tamarack Drive back to the point of beginning. Approximately 2500 feet of 2” gas main.

In application ULP 2014-09, Magnolia Lane Maine Natural Gas seeks authorization to install a 2” gas main from the proposed gas main to be located on the south side of Magnolia Lane at Tamarack Drive. The new gas main will run from the proposed gas main outside the pavement behind the curb around to the back side of the cul-de-sac on Magnolia Lane. Approximately 300 feet of 2” gas main.

In application ULP 2014-10, Huckleberry Lane Maine Natural Gas seeks authorization to install a 2” gas main from the proposed gas main to be located on the east side of Huckleberry Lane at Tamarack Dr. The new gas main will from run the proposed gas main outside the pavement behind the curb around to the back side of the cul-de-sac on Huckleberry Lane. Approximately 300 feet of 2” gas main.

In application ULP 2014-11, Walnut Lane Maine Natural Gas seeks authorization to install a 2” gas main from the proposed gas main to be located on the north side of Walnut Lane at Tamarack Drive. The new gas main will run from the proposed gas main outside the pavement behind the curb around to the back side of the cul-de-sac on Walnut Lane. Approximately 325 feet of 2” gas main.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.