

**Approved**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**March 7, 2016**  
**6:00 P.M. – Executive Session**  
**7:00 P.M.**  
**Council Chamber**  
**Town Hall**  
**85 Union Street**

**Councilors Present:** W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Daniel E. Harris, Jane F. Millett, Sarah E. Brayman, Kathy Wilson and Alison Harris

**Councilors Absent:** None

**Town Staff Present:** John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Paul Perzanoski, Superintendent of Schools; Steve Langsdorf, Town Attorney; Linda Smith, Business Development Manager; Julie Henze, Finance Director; Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer; and TV video crew

Chair Brayman called the meeting to order, asked for roll call, and acknowledged that the meeting was properly noticed.

**Executive Session:** [1 M.R.S.A. §405(6)(E)] on Consultation with legal counsel

**Chair Brayman moved, Councilor Walker seconded, to go into executive session for a consultation with legal counsel per 1 M.R.S.A. §405(6)(E). The motion carried with nine (9) yeas.**

The meeting resumed at 7:00 p.m. and Chair Brayman led the Pledge of Allegiance.

**Adjustments to Agenda:**

**Chair Brayman moved, Councilor Millett seconded, to suspend the rules to add an agenda item at the end of the meeting regarding enacting an emergency moratorium on development in the Natural Resources Protection Zone. The motion carried with eight (8) yeas. Councilor Perreault was opposed.**

**CONSENT AGENDA** *(This item was discussed at 7:06 p.m.)*

a) Approval of the minutes of February 16, 2016

**Councilor Millett moved, Councilor Walker seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

## **Town Council Minutes**

**March 7, 2016**

**Page 2**

### **Public Comments** *(This item was discussed at 7:10 p.m.)*

**Richard Fisco**, 2 Lincoln Street, spoke regarding the unnecessary replacement of the high school heating system, which should be addressed and discussed in public. He also expressed concerns about not being allowed to speak at the Human Rights Task Force meetings.

**Richard Knox**, 81 Simpsons Point Road, spoke regarding the lack of town permits for the Miller Point project and his concerns with the project. He also thought the Planning Board should have input on this project.

**Christopher St. John**, 14 Cedar Street, compared the Simpsons Point and Miller Point projects and noted how much time was spent on Simpsons Point, saying this also needs to be done on the Miller Point project. It will be a significant change to the shore in that area.

**Rob Manter**, 31 Magean Street, said he has concerns about the look of the Miller Point project since it has been stripped of trees.

**Henry Heyburn**, 215 Pennellville Road, said that the Miller Point project is setting a bad precedent and he requested the Town give it the oversight it deserves.

### **Correspondence** *(This item was discussed at 7:22 p.m.)*

Chair Brayman provided information on Curtis Library activities, including movies on Friday nights. She also discussed a comment from Will Van Twist about parking at Harriet Beecher Stowe school, the need for a satellite parking lot, and that students should be encouraged to walk.

Councilor Walker spoke regarding the need to make the crosswalk signs at Whittier Street and Maine Street more visible. Responding to a citizen, he clarified the upcoming revaluation will not be a “money maker”.

Councilor K. Wilson said she will not read correspondence unless it is signed by the person providing it.

Councilor Perreault spoke regarding the upcoming high school Play, “Bye, Bye Birdie,” on March 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>.

### **COMMITTEE REPORTS** *(This item was discussed at 7:26 p.m.)*

- **Bicycle and Pedestrian Committee**
- **Brunswick Development Corporation**
- **Finance Committee**
- **Human Rights Task Force**
- **Recycling and Sustainability Committee**
- **Rivers and Coastal Waters Commission**

Reports were given on the above committees.

**Town Council Minutes**

**March 7, 2016**

**Page 3**

**MANAGER'S REPORT**

**a) Council Activities Report** *(This item was discussed at 7:42 p.m.)*

Manager Eldridge provided this information.

**b) Miller Point** *(This item was discussed at 7:45 p.m.)*

Manager Eldridge and Steve Langsdorf, Town Attorney, spoke regarding this item.

Councilor Walker, Councilor Millett, Councilor Dan Harris, and Chair Brayman asked questions, to which Mr. Langsdorf responded.

Councilor S. Wilson spoke and asked questions, to which Mr. Langsdorf responded.

Councilor Walker, Councilor Millett, and Councilor Perreault spoke regarding this item.

**Richard Knox** spoke on this item.

**Scott Bodwell**, Ocean Drive, spoke about this item.

*(A copy of the Town Attorney's memorandum to the Town Manager dated March 2<sup>nd</sup> will be attached to the official record.)*

**NEW BUSINESS**

**22. The Town Council will consider setting a public hearing for March 21, 2016, on an "Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Coffin Elementary School and the Brunswick Junior High School, with Total Project Costs Not to Exceed \$1,517,664, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$934,729 (following loan forgiveness of \$582,935)," and will take any appropriate action. (Manager)** *(This item was discussed at 8:21 p.m.)*

Manager Eldridge introduced this item.

**Bill Thompson**, Chair of School Board, spoke regarding an upcoming public forum on facilities.

**Paul Perzanoski**, Superintendent of Schools, spoke regarding this item and responded to questions from Councilor Millett, Chair Brayman, Councilor Perreault, and Councilor Watson.

Julie Henze, Finance Director, spoke regarding this item.

**Public input**

**Richard Fisco**, 2 Lincoln Street, asked questions, to which Manager Eldridge responded.

**Sarah Singer**, School Board member, spoke regarding this item.

**Councilor Walker moved, Councilor Watson seconded, to set a public hearing for March 21, 2016, on an “Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Coffin Elementary School and the Brunswick Junior High School, with Total Project Costs Not to Exceed \$1,517,664, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$934,729 (following loan forgiveness of \$582,935).” The motion carried with nine (9) yeas.**

23. **The Town Council will consider setting a public hearing for March 21, 2016, on a CDBG MicroEnterprise Assistance Program grant application for Pathways Rehabilitation Services, and will take any appropriate action. (Manager) (This item was discussed at 8:40 p.m.)**

Linda Smith, Business Development Manager, spoke regarding this item.

**Councilor D. Harris moved, Councilor Perreault seconded, to set a public hearing for March 21, 2016, on a CDBG MicroEnterprise Assistance Program grant application for Pathways Rehabilitation Services. The motion carried with nine (9) yeas.**

24. **The Town Council will consider confirming the Town Manager’s action to provide a Letter of Intent for CDBG on behalf of MRRA to benefit Washburn & Doughty, and will take any appropriate action. (Manager) (This item was discussed at 8:45 p.m.)**

Manager Eldridge and Linda Smith spoke regarding this item.

Councilor Walker thanked staff for their work on this.

**Councilor Millett moved, Councilor K. Wilson seconded, to confirm the Town Manager’s action of sending of a Letter of Intent for a CDBG grant on March 4, 2016, on behalf of MRRA to benefit Washburn & Doughty, since the deadline was prior to this Council meeting of March 7<sup>th</sup>. The motion carried with nine (9) yeas.**

*(A copy of Manager Eldridge’s memo and letter of intent will be attached to the official minutes.)*

25. **The Town Council will consider the following requests for Sellers of Prepared Food on Public Ways licenses on the Brunswick Mall, and will take any appropriate action. (Manager) (This item was discussed at 8:50 p.m.)**

<b>Farmer’s Market</b>	<b>Danny’s Dogs</b>
<b>Taco the Town</b>	<b>Wrappers</b>
<b>BB’s Grill</b>	<b>Twist-N-Dip</b>

Fran Smith, Town Clerk, introduced this item.

Councilor K. Wilson, Councilor Millett, and Councilor S. Wilson asked questions, to which Ms. Smith responded.

**Town Council Minutes**

**March 7, 2016**

**Page 5**

Councilor Millett, Councilor S. Wilson, Councilor Perreault, and Councilor D. Harris spoke regarding this item.

**Councilor Perreault moved, Councilor Watson seconded, to accept all five vendors and to build an additional pad.**

Councilor Millett, Councilor K. Wilson, Councilor S. Wilson, and Councilor Perreault spoke regarding this motion.

**VOTE ON MOTION:**

**Councilor Perreault moved, Councilor Watson seconded, to accept all five vendors and to build an additional pad. The motion carried with eight (8) yeas. Councilor Millett was opposed.**

The Council also provided direction to the Town Manager that this item should come back as a public hearing to change the ordinance from four vendors to five vendors.

- 26. The Town Council will consider requests for Sellers of Prepared Food on Public Ways license for outdoor seating, and will take any appropriate action. (Manager) (This item was discussed at 9:15 p.m.)**

**Big Es, 111 Maine Street  
Frosty's Donuts, 54 Maine Street  
Gelato Fiasco, 74 Maine Street  
Shere Punjab, 46 Maine Street  
The Great Impasta, 42 Maine Street**

Fran Smith, Town Clerk, introduced this item.

Councilor Walker, Chair Brayman, Councilor Perreault, and Councilor Millett spoke regarding this item.

**Councilor D. Harris, Councilor K. Wilson seconded, to approve licenses for Sellers of Prepared Food on Public Ways on a Sidewalk for Big Es, 111 Maine Street; Frosty's Donuts, 54 Maine Street; Gelato Fiasco, 74 Maine Street; The Great Impasta, 42 Maine Street; and Shere Punjab, 46 Maine Street. The motion carried with nine (9) yeas.**

- 27. The Town Council will consider sending a letter of support for the reappointment of Lois Skillings and appointment of Sharon Eggleston to the Midcoast Regional Redevelopment Authority, and will take any appropriate action. (Chair Brayman (This item was discussed at 9:31 p.m.)**

Manager Eldridge spoke regarding this item.

Councilor S. Wilson spoke regarding this item.

**Town Council Minutes**

**March 7, 2016**

**Page 6**

**Councilor D. Harris moved, Councilor Millett seconded, to send to the Governor's Office a letter of support for the reappointment of Lois Skillings and appointment of Sharon Eggleston to the Midcoast Regional Redevelopment Authority Board. The motion carried with nine (9) yeas.**

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

28. **The Town Council will consider adopting a method to tally write-ins for local elections as required under 30-A M.R.S.A. §2501, and will take any appropriate action. (Manager/Town Clerk) *(This item was discussed at 9:37 p.m.)***

**Councilor Perreault moved, Councilor D. Harris seconded, to table this item. The motion carried with seven (7) yeas. Councilor Walker and Councilor S. Wilson were opposed.**

29. **The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee) *(This item was discussed at 9:45 p.m.)***

Councilor K. Wilson made the following nominations:

Cable TV Committee

Chance Stevens-Griffeth for a term to expire on 09/06/2018. He was supported by nine (9) yeas.

Recycling and Sustainability Committee

Benjamin Martens for the balance of a term to expire on 01/01/2017. He was supported by nine (9) yeas.

Conservation Commission

Stephen Tibbetts for a term to expire on 05/01/2019. He was supported by nine (9) yeas.

Davis Fund

Annee Tara for a term to expire on 06/30/2018. She was supported by nine (9) yeas.

Planning Board

Dale King for the full term to expire on 2/23/2019

Sande Updegraph for the balance of a term to expire on 02/23/2017

Councilor D. Harris nominated the following:

Planning Board

Jane Arbuckle for the full term to expire on 2/23/2019

Jessica Flaherty for the balance of term to expire on 02/23/2017

Councilor A. Harris, Councilor D. Harris, Councilor K. Wilson, and Councilor Walker spoke regarding the process.

**Vote on Planning Board Nominations**

Dale King received votes from Councilor Watson, Councilor S. Wilson, Councilor K. Wilson, and Councilor A. Harris

Jane Arbuckle received votes from Councilor Walker, Councilor Perreault, Councilor D. Harris, Councilor Millett, and Chair Brayman

Ms. Arbuckle was appointed for the full term to expire on 2/23/2019.

Sande Updegraph received votes from Councilor Watson, Councilor S. Wilson, Councilor Perreault Councilor K. Wilson, and Councilor A. Harris. Receiving five votes Ms. Updegraph was appointed to the balance of a term to expire on 02/23/2017. There was no need for a vote on Ms. Flaherty.

- 30. (ADDED) The Town Council will consider “An Emergency Ordinance Imposing A Moratorium on New Development in the Natural Resources Protection Zone,” and will take any appropriate action. (This item was discussed at 10:08 p.m.)**

Councilor Perreault abstained due to a conflict, as he has a building project in the area.

Manager Eldridge spoke regarding this item.

*(Note for record: An emergency ordinance needs six votes to be enacted this evening and is good for 50 days prior to expiring. In order continue it, the ordinance will need to go through the process of a public hearing and enactment on a regular basis.)*

Councilor Millett, Councilor S. Wilson, and Chair Brayman asked questions, to which Mr. Langsdorf responded.

**Councilor Walker moved, Councilor D. Harris seconded, to adopt the “Emergency Moratorium on New Development in the Natural Resource Protection Zone (NRPZ)” with the following amendment to the paragraph beginning with “Now Therefore” as stated below:**

**“ NOW THEREFORE, be it ordained by the Town Council of Brunswick that no filling and earth moving activity within the NRPZ shall be reviewed, allowed or permitted by Town Staff, the Planning Board or under any other authority pursuant to the Brunswick Zoning Ordinance unless earth moving has been substantially completed unless the activity is currently underway and approved by the Maine Department of Environmental Protection, or associated with an activity that is currently subject to Development Review pursuant to Section 402 of the Brunswick Zoning Ordinance, or within areas where principal and accessory structures are allowed with a building permit from the Town of Brunswick unless located within 125 feet, horizontal distance, of the normal high water line of a river or within 125 feet, horizontal distance, of the upland edge of a coastal or fresh water wetland or 75 feet, horizontal distance, of the normal high water line of a stream. This does not prevent the Code Enforcement Officer or Planning Board from allowing such activities if necessary to prevent immediate and irreparable environmental harm.”**

**Town Council Minutes**

**March 7, 2016**

**Page 8**

Councilor Millett and Councilor Walker spoke regarding the motion.

**Richard Fisco**, 2 Lincoln Street, spoke regarding this item.

**Richard Knox**, 81 Simpsons Road, spoke regarding this item.

**John Perreault**, 295 Hacker Road, spoke as a citizen regarding this item.

Manager Eldridge and Attorney Langsdorf spoke regarding this item.

Councilor K. Wilson, Councilor Millett, and Chair Brayman spoke on this item.

**Councilor Millett moved, Councilor K. Wilson seconded, to amend the motion to change the 180 days to 90 days in the last sentence. They withdrew their motion.**

**VOTE ON MOTION:**

**Councilor Walker moved, Councilor D. Harris seconded, to adopt the “Emergency Moratorium on New Development in the Natural Resource Protection Zone (NRPZ)” with the following amendment to the paragraph beginning with “Now Therefore” as stated below:**

“ NOW THEREFORE, be it ordained by the Town Council of Brunswick that no filling and earth moving activity within the NRPZ shall be reviewed, allowed or permitted by Town Staff, the Planning Board or under any other authority pursuant to the Brunswick Zoning Ordinance unless earth moving has been substantially completed unless the activity is currently underway and approved by the Maine Department of Environmental Protection, or associated with an activity that is currently subject to Development Review pursuant to Section 402 of the Brunswick Zoning Ordinance, or within areas where principal and accessory structures are allowed with a building permit from the Town of Brunswick unless located within 125 feet, horizontal distance, of the normal high water line of a river or within 125 feet, horizontal distance, of the upland edge of a coastal or fresh water wetland or 75 feet, horizontal distance, of the normal high water line of a stream. This does not prevent the Code Enforcement Officer or Planning Board from allowing such activities if necessary to prevent immediate and irreparable environmental harm.”

**The motion failed with two (2) yeas. Councilor Watson, Councilor S. Wilson, Chair Brayman, Councilor Millett, Councilor K. Wilson, and Councilor A. Harris were opposed.**

**SECOND MOTION:**

**Councilor Millett moved, Councilor K. Wilson seconded, to adopt the “Emergency Moratorium on New Development in the Natural Resource Protection Zone (NRPZ)” as proposed by the Town Attorney, except changing the days in effect from 180 days to 90 days.**

Councilor Watson asked questions, to which Manager Eldridge responded.

Councilor Walker, Chair Brayman, and Councilor K. Wilson spoke regarding the second motion.

Richard Knox, 81 Simpsons Road, spoke on the item.

**VOTE ON SECOND MOTION:**

**Councilor Millett moved, Councilor K. Wilson seconded, to adopt the “Emergency Moratorium on New Development in the Natural Resource Protection Zone (NRPZ)” as proposed by the Town Attorney, except changing the days in effect from 180 days to 90 days. The motion carried with seven (7) yeas. Councilor D. Harris was opposed and Councilor Perreault abstained from the vote.**

**Chair Brayman moved, Councilor Walker seconded, to set a public hearing for March 21, 2016, for “An Ordinance for a Moratorium on New Development in the Natural Resource Protection Zone (NRPZ).” The motion carried with nine (9) yeas.**

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

The meeting adjourned at 10:38 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT [WWW.BRUNSWICKME.ORG](http://WWW.BRUNSWICKME.ORG).**

*Frances M. Smith  
Town Clerk  
March 14, 2016*

March 21, 2016  
*Date of Approval*

---

*Council Chair*