

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
March 5, 2007
Executive Session 6:30 P.M.
Meeting Continues 7:00 P.M.
Municipal Meeting Facility

6:30 P.M. Chair King called the meeting to order.

Executive Session: Consultation with Legal Counsel as per 1 M.R.S.A. § 405(6)(E)

Councilor Webb moved, Councilor Favreau seconded, to go into executive session to consult with Legal Counsel per 1 M.R.S.A. §405(6)(E). The motion carried with six (6) yeas. Councilor Sartoris, Councilor Ewing, and Councilor Augur were not present for the vote.

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Ryan E. Ewing, Newell A. Augur, and David C. Webb

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Mat Eddy, Director of Economic Development; Geoff Hole, Town Attorney; and the TV video crew.

MEETING CONTINUES AT 7:00 PM

Chair King resumed the meeting and asked for the Pledge of Allegiance.

Public Comments:

Pem Schaeffer, Crestview Lane, made several points:

- The school now is faced with the Governor's plan and whatever is cut will be used for other budget items.
- He is opposed to the new school. He added, based on the information about the School Department that was included in the Comprehensive Plan, the town is going to lose 1,000 students. Even though there were articles in the newspaper supporting it, he believes the School Department will now say there will be a growing school enrollment.
- He asked about the CIP process. (Manager Gerrish said the CIP process has been delayed. They have been working on it and hope to start the process again in the near future.)

Several citizens, including **Jim Russell, Hope Russell, Mary Ward**, and numerous Bowdoin students, came to support the idea of COOL Communities.

Katie Chapman, Bowdoin College student, along with a Brunswick student, spoke about why the town should get involved with COOL Communities. They talked about ways the town has incorporated elements already through its recycling, no idling of public vehicles

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policy, Smart Growth, and the Comprehensive Plan. They would like to request a workshop with the Council members on this issue.

Correspondence: Letter from Patricia E. Ryan

Chair King said this letter indicates Ms. Ryan is resigning from the Bicycle and Pedestrian Advisory Committee. A letter of thanks for her service will be sent to Ms. Ryan and the position will be advertised.

Councilor Ewing said he received information from Ben Swan regarding the make-up of the College Neighbors Association.

(A copy of the College Neighbors Association Principles and Purpose will be attached to the official minutes.)

Adjustments to Agenda:

Councilor Watson asked to table Item 15.

Councilor Augur asked to table Item 40.

Councilor Ewing asked to table Item 36.

Manager Gerrish wanted to table Item 41.

Manager's Report:

a) Council Committee Updates

Councilor Daughtry said the Elementary School Building Committee met on Thursday and discussed the Brunswick School Department Educational Specifications Committee Final Report, which is available on the web page.

Manager Gerrish said the Parks and Recreation Commission is meeting to discuss possibilities on the base and will be getting back to the Council at a workshop.

b) Financial Update

Manager Gerrish updated the Council on financial matters. On the revenue side, excise tax is \$15,000 less than last year for the same time period; the town did budget less so he is hoping to break even. For state revenue sharing, the town had a good month, but the town is down \$60,000 from last year; again, the town did budget less but he is hoping to make that amount. On the good side, investments are up \$100,000, and, by the end of the year, they could be up as much as \$300,000. On the expenditure side, he is watching overtime in the Fire Department, health insurance will be below budget by \$40,000 to \$50,000, and other areas should meet budgeted amounts.

c) Schedule budget discussion

Manager Gerrish said he is proposing two dates: a workshop with the School Board on May 14 and with the department heads on Saturday, May 12, in an all day workshop.

d) **Seat Belt Enforcement Grant**

Manager Gerrish said Commander Desjardins is sponsoring this item. This program is a safety belt education and enforcement program designed to target and increase safety belt use by adults. No matching funds are required.

Councilor Watson moved, Councilor Schneider seconded, to allow the Police Department to apply for the Seat Belt Enforcement Grant in the amount of \$2,000.00. The motion carried with nine (9) yeas.

(A copy of Commander Desjardins' memo and the grant application will be attached to the official minutes.)

e) **Maine Street Station Project**

Mat Eddy, Director of Economic Development, said this item is to extend the town's contract with Mactec to finish the remediation plan. This proposal accompanies the Modification 2 Change Order. They have the technology and knowledge of the project so it would cost more to bring someone else up to date. Responding to Councilor Webb's question about paving over the ash, the developer wanted the ash removed, and for the other section, Public Works said if they need to get into it again they would rather have it removed. Responding to Councilor Daughtry's question about what has been done, Mr. Eddy said originally the contract was for \$148,000 for work that was done from the initial stage up to the final report. The additional \$40,000 is to do additional work.

Councilor Watson moved, Councilor Sartoris seconded, to accept the Change Order for the Maine Street Station Project. The motion carried with nine (9) yeas.

(A copy of Mr. Eddy's memo and contract information will be attached to the official minutes.)

37. **The Town Council will hear public comments on the proposed amendment to Section 207.1 of the Zoning Ordinance to allow an Educational Facility as a permitted use in the Industrial Zone 1 (I1) Zone, and will take any appropriate action.**

Manager Gerrish said this item is for public comments on the proposed amendment to Section 207.1 of the Zoning Ordinance to allow an Educational Facility as a permitted use in the Industrial Zone 1 (I1) Zone. This will be to make this a permanent ordinance.

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

Councilor Favreau moved, Councilor Webb seconded, to approve an amendment to Section 207.1 of the Zoning ordinance to allow an Educational Facility as a permitted use in the Industrial Zone 1 (I1). The motion carried with nine (9) yeas.

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

30. The Town Council will consider the next steps in adopting the Comprehensive Plan Update recommendation, and will take any appropriate action.

Chair King said she likes the idea of doing the feasibility study separate from the Comprehensive Plan adoption so the Council would have the information to make the best decision for the town's economic future. She felt the feasibility process in the plan was good and they could use it without passing the plan first. If the Council fights the Comprehensive Plan issue prior to the feasibility study, they will not resolve anything on the broad economic outlook for the town as a whole. Therefore, she wants a vote on whether to do the Comprehensive Plan first or the feasibility study first. She asked each Councilor for their opinion.

Councilor Webb said he appreciated the work the Comprehensive Plan Committee did. He agreed on waiting on the Comprehensive Plan until after the feasibility study was done. Information from the feasibility study will be helpful with the economic development process.

Councilor Augur said his preference is to adopt the Comprehensive Plan first with the process as laid out since the Comprehensive Plan Committee did a great deal of work and it is a well written document. Yet, he will support the feasibility study being done first.

Councilor Ewing supported doing the feasibility study first and likes the process as laid out since the town needs to get these questions answered.

Councilor Favreau said the Comprehensive Plan is a good plan, but he feels the feasibility study should be done first since many questions will be answered by the study.

Councilor Schneider said the town should do the study prior to the Comprehensive Plan out of respect for those residents in District 3 and District 4.

Councilor Daughtry said the Comprehensive Plan is a good document and she supports most of it, except for the industrial park plan. If the Council attempts to adopt it prior to the study, the town will get bogged down. She wants to pull out the feasibility study and do it first.

Councilor Sartoris offered some comments. The Comprehensive Plan laid out a plan and did not determine if and where the park goes. She has not decided if this should happen, but she needs to have the answer to the question if the Council has the will to change the Growth Zone. She has a growing concern the Council is moving away from an issue and not taking a tough stand so if this can end it quicker rather than later, the results of the study may end the concerns of those in that area. She is supportive of moving forward with 99% of what is in the Comprehensive Plan so she would like to make sure this work gets done this year.

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Councilor Watson said he can see both sides of the issue. He is leaning toward a feasibility study with a direct time limit so the Comprehensive Plan is not held hostage.

Chair King said she was concerned with a four to five vote on the Comprehensive Plan and this would not serve any purpose. The Council has as one of its goals to set economic development goals, and the Council should have moved on the feasibility study prior to the Comprehensive Plan adoption.

Councilor Webb moved, Councilor Ewing seconded, to proceed with the feasibility study absent the adoption of the Comprehensive Plan. The motion carried with nine (9) yeas.

The Council had a discussion on citizens being added to the feasibility study committee. All supported having two citizens.

Councilor Watson said he would like one pro and one con on the industrial park.

Councilor Sartoris said she is concerned about having a pro/con since it is not just the Route One site that is being reviewed; it is about economic development and not a neighborhood.

Councilor Favreau agreed that economic development should be the priority for those who volunteer.

Councilor Augur said one person should be an abutter or from the citizen's group.

Councilor Webb agreed one should be a stakeholder in this process.

Manager Gerrish said, responding to Councilors' comments on staff, he will be the chief staff person for this committee.

Councilor Augur suggested language such as "to the extent the committee is unsure how to address an issue refer back to this document for guidance as to how to do the feasibility study."

14. The Town Council will discuss a revised Town Boards, Commissions, and Committees Policy, and will take any appropriate action.

Councilor Watson said this item is for discussion of a revised Town Boards, Commissions and Committees Policy. This a proposal started back in 2003.

Councilor Augur said the Appointments Subcommittee reviewed this at the last meeting and the only change he suggested is to the language under #6 to remove "After the deadline for applications" since there is the thought that that once the deadline has passed, no more applications can be taken.

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Councilor Sartoris said that #12 needs to be changed to People Plus and should talk more about conflict of interest. There are spouses who currently serve on different boards and the Council needs to go back and address that information. She had concerns about the recommended change by Councilor Augur since it gives the appearance of leaving the process open, so, if someone the Council does not like puts in an application, they will continue to look until they find someone they would like to appoint.

Ms Smith, Town Clerk, said the Zoning Board of Appeals is the only board that, by Town Charter, does not allow a spouse of a Councilor to be on. She talked about the need for some type of deadlines for applications so interview times can be set up.

The Council asked Ms. Smith to work on the deadline wording and make it more clear.

Councilor Sartoris said if the Council is not happy with the pool of applicants, they can choose not to appoint and open it up to another application process. There is a need for a deadline so interview appointments can be made.

Councilor Watson moved, Councilor Favreau seconded, to table this item. The motion carried with nine (9) yeas.

- 15. The Town Council will discuss the creation of the Transportation Advisory Committee, and will take any appropriate action.**

This item was tabled.

- 36. The Town Council will consider the composition of the BEDC, and will take any appropriate action.**

This item was tabled.

- 29. The Town Council will consider electing a new Council Vice Chairperson, and will take any appropriate action.**

This item is for the Council to consider electing a new Council Vice Chair.

Councilor Schneider nominated Councilor Daughtry.

The Council voted nine (9) yeas to elect Councilor Daughtry as the Council Vice Chair.

- 34. The Town Council will consider approving Council goals, and will take any appropriate action.**

Manager Gerrish explained the grading system and response from the Council members. The number one priority was to finalize the town's facilities plan.

Councilor Ewing moved, Councilor Augur seconded, to approve Council goals as presented. The motion carried with nine (9) yeas.

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

- 38. The Town Council will consider the following requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall, and will take any appropriate action.**

**Brunswick Farmer's Market Association
Danny's Dogs-Sean McDonald
Wrapper's-Wayne & Kathleen Parent
Downeast Hot Dogs-Carol Sloan**

Manager Gerrish said this item is to approve Sellers of Prepared Food on Public Ways for the Brunswick Farmer's Market Association, Danny's Dogs, Wrappers, and Downeast Hot Dogs on the Mall.

Councilor Favreau moved, Councilor Augur seconded, to approve the requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall as listed above. The motion carried with nine (9) yeas.

- 39. The Town Council will consider setting a public hearing on amendments to the Coastal Protection Zone regarding the use of bio-solids, and will take any appropriate action.**

Councilor Sartoris said these are the amendments to the Sludge and Residual Free Zone regarding the use of biosolids and other residuals. She explained that her proposal would bring this ordinance in line with state law. It would allow the use of class A biosolids and other products approved for general distribution under Chapter 419 for Agronomic Utilization of Residuals. This includes some organic products. Responding to Councilor Ewing's question, Councilor Sartoris said changing this has no bearing on the Land Care Ordinance issue. This is to be consistent with state law and allows citizens to use these items on private property.

Councilor Watson moved, Councilor Favreau seconded, to set a public hearing for March 19, 2007, on amendments to the Coastal Protection Zone regarding the use of biosolids. The motion carried with nine (9) yeas.

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

This item was tabled.

- 41. The Town Council will consider an appointment to the Local Redevelopment Authority, and will take any appropriate action.**

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This item was tabled.

CONSENT AGENDA

- a) **Minutes of January 8, 2007**
- b) **Minutes of January 16, 2007**
- c) **Minutes of January 23, 2007**
- d) **Minutes of January 29, 2007**
- e) **Minutes of February 5, 2007**
- f) **Change Fence Viewer term to three years**

Councilor Sartoris moved, Councilor Watson seconded, to approve the consent agenda. The motion carried with nine (9) yeas.

Councilor Ewing moved, Councilor Webb seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 8:50 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
April 11, 2007*

May 7, 2007

Date of Approval

Council Chair