

--APPROVED--
BRUNSWICK TOWN COUNCIL MINUTES
April 4, 2005
7:00 p.m.
Municipal Meeting Facility

7:00 P.M. Chair Lowe called the meeting to order and asked for the Pledge of Allegiance.

Councilors Present: Chair Forrest Lowe, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Louise V. Ansari, Barbara A. Desmarais, Ralph L. Tucker, and Joanne T. King.

Councilors Absent: None.

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Clark Labbe, Fire Chief; John Foster, Public Works Director; Steve Walker, Natural Resources Planner; Craig Worth, Deputy Public Works Director; and the TV video crew.

Approval of Minutes: **March 21, 2005**

Hearing no objection from the Council, Chair Lowe declared the minutes of March 21, 2005, approved as written.

Public Comment:

Ted Crooker, 44 Storer Road, commended the Council for selecting Clark Labbe as the new Fire Chief. As far as the substation, there is a lot to do in a small amount of time so the Council needs to continue working on it. The town will want to have the building closed in prior to winter. The Council has chosen a good builder. Any fire station on the base will continue to be private, whether run by the base or a private entity.

Calvin Taylor, 210 Bath Road, said he is happy with the way things are shaping up with the substation. There has been a need for it for many years. He hopes the Council supports the project's funding.

Correspondence: **Resignations**

Manager Gerrish said the town has received resignations from Red Adams (Personnel Board) and Sande Updegraph (CIP Committee). Letters thanking them for their service to the town will be sent.

Councilor Rice said he attended the American Legion Awards Breakfast which honored firefighters, junior firefighters, and public safety professionals. Brunswick had four (4) people receive awards and the town should be proud of them:

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- Ted Snowden (Firefighter/EMS) – Firefighter Award
- Peter Wild (Firefighter/Paramedic) – EMS award
- Justin Emmons (also a Brunswick Junior Firefighter) – Topsham Junior Firefighter Award
- Bruce Swanson (Police Officer) – Life Saving Award

Manager's Report:

1. Bowdoin College Annual Update

Barry Mills, President of Bowdoin College, gave an update on Bowdoin College. Life at the college is wonderful. They continue to prosper and they received over five thousand (5,000) applications for four hundred fifty (450) openings. Students are coming from all over America, with the largest number from Massachusetts, Maine, New York and California, in that order. Bowdoin is trying to become a more national school, while remaining committed to Maine. He talked about faculty achievements and students' involvement with the community.

President Mills said the college is about to start on its capital campaign. They hope to raise two hundred fifty million dollars (\$250,000,000); eighty five million (\$85,000,000) to provide financial assistance, which has been provided to forty two percent (42%) of the students, with an average of twenty two thousand dollars (\$22,000) per student. They also want to use the funds to hire an additional twelve (12) to fourteen (14) faculty members, without increasing student numbers. There is only one (1) building in this capital campaign. Campaigns are done once every five (5) years. These are the following proposed projects for this campaign:

- They are going to renovate the Art Museum.
- The Curtis Pool is going to be made into a concert hall.
- There is a new hockey rink proposed to be built near the Farley Field house.
- They are going to renovate the brick dorms.
- They need to solve the parking problem.

President Mills said Bowdoin has benefited from being in Brunswick. Their relationship with the town is important. They are committed to being respectful of the community when doing building, ensuring that the architecture fits the town. They want to maintain the small town feeling. He added that Bowdoin is the seventh largest taxpayer and provides fifteen million dollars (\$15,000,000) worth of wages to their employees. Bowdoin wants to continue to work cooperatively with the town.

Chair Lowe thanked Mr. Mills for coming and said, from the town's perspective, it is important to have a good relationship with the college.

2. Financial Update

Manager Gerrish gave this report. The town is seventy five percent (75%) through the fiscal year. State revenue sharing and excise tax continue to be where they should be.

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The amount of interest on town money will be higher than expected. On the expenditure side, there are two (2) areas that will be over budget. The winter maintenance budget will be over by sixty thousand dollars (\$60,000), but this does not include money the town will be getting back from FEMA for two (2) storms. The legal account is over, primarily due to a number of cases and the Mere Point Boat Launch. The fees for the launch will total around thirty five thousand dollars (\$35,000). The good news is there will be savings of seventy five thousand dollars (\$75,000) in health insurance cost. All in all, the town should be able to break even.

5. (ADDED) Grant for New Meadows River Watershed Project

Manager Gerrish said the New Meadows River Watershed Project, in cooperation with the Maine Department of Environmental Protection and Friends of Casco Bay, has been awarded six thousand eight hundred dollars (\$6,800) through the Maine State Planning Office's Shore Steward Grants program. The money will be used to document the relationship between nutrient levels in the New Meadows "lake" and growth of macro-algae. In the past, the decay of the macro-algae along the shoreline of the "lake" has contributed to the unpleasant odors reported by area residents. This grant requires no town funds, with an in-kind match.

Councilor Rice moved, Councilor Watson seconded, to accept and expend a grant from the Maine State Planning Office's Shore Steward Grants program in the amount of six thousand eight hundred dollars (\$6,800) for the New Meadows River Watershed Project. The motion carried with nine (9) yeas.

3. Brunswick Spring Clean-up

Craig Worth, Deputy Public Works Director, updated the Council on the spring clean up. There are a number of events in April. From April 19 to 30, 2005, the landfill will be opened from 8 am to 4 pm. Yard waste and wood will be free. Tires will be half price. Household Hazardous Waste Collection Day will be on April 23, 2005, in Bath. Citizens will need to register ahead of time. They hope to have one (1) in Brunswick in October.

4. Committee Updates:

a) Cook's Corner Substation Committee

Councilor Rice explained the budget for the construction of the fire substation, including land cost, professional services, and construction cost. The ordinance had been drafted and the public hearing had been postponed from an earlier meeting. The total project cost will be about two million five hundred thousand dollars (\$2,500,000). The committee wants to continue with the planning process to get the project before the Planning Board.

(A copy of the Total Cost Based on the Revised Ouellet Proposal sheet will be attached to the official minutes.)

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Manager Gerrish said, responding to Councilor Ansari's question about debt service on the projected amount, it will be around two hundred sixty three thousand dollars (\$263,000) each year for twenty (20) years.

Manager Gerrish said, responding to Chair Lowe's question about proceeds from selling the land originally purchased for a site, the funds will go toward reducing the project's cost.

Councilor King said there are also some impact fees, which will be used to reduce the project's cost. Manager Gerrish added there is approximately one hundred seventeen thousand dollars (\$117,000) in total impact fees for use.

Councilor Rice hoped the project would cost the town more in the two million dollar (\$2,000,000) range. Manager Gerrish said this would make the debt service closer to two hundred ten thousand dollars (\$210,000) per year.

Councilor Watson pointed out that the experts two (2) years ago provided that figure as a total cost.

Manager Gerrish said, responding to Councilor Sartoris' question on where this project fits into the CIP, it is scheduled to be built next year, and what is being asked is a public hearing to be held on it.

Councilor Sartoris expressed her concerns about taking this project out of context of the rest of the budget.

Councilor Watson said they are trying to move as quickly as possible to save funds by getting the building closed in before winter. This will provide quality work and better structure.

Manager Gerrish said, responding to Councilor Ansari's question about where the cost fits into the state cap on property taxes, the total amount for the operational and debt service cost could be as much as five hundred thirty five thousand dollars (\$535,000) and the tax cap would allow the town to expend an additional five hundred thousand dollars (\$500,000) per year. The project would put the town over the tax cap, but the new revenue from the Navy housing would help with this expense and other ones.

Councilor Rice said the committee had the same concerns as Councilor Sartoris about taking this project out of context of the budget, but the intention is to phase in the operational cost through the hiring of firefighters and not opening to the end of year. He would like to see impact fees continue to be collected on new construction at Cook's Corner.

Councilor King moved, Councilor Watson seconded, to set a public hearing for April 19, 2005, on the proposed bond ordinance for the fire substation. The motion carried with nine (9) yeas.

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b) Times Record Building Committee

Councilor Galloupe presented this report. The present figures in the CIP will not be enough for police reconstruction, and storage was another issue both here and at the other locations they toured.

(A copy of a memo from the Times Record Building Committee will be attached to the official minutes.)

c) Capital Improvement Plan Committee

Chair Lowe gave a brief update. The committee has gone through the five year plan and looked at the town's needs. The next step is to review the criteria of how to evaluate projects and then whittle down the projects and figure out of the cost.

d) Maine Street Station Committee

Councilor Desmarais said the Maine Street Station had a great meeting with the design team, selected from thirteen (13) applicants. This was the first meeting all the members could attend. This project started as a result of a Brownfield grant. The public education and design process will have public input. This is the last chance to do something strategic in this area. There will be three (3) educational sessions, on May 5, May 19 and June 2. On June 18, there will be an all day planning and designing process session. On Thursday, July 14, the two (2) plans will be reviewed, and the committee hopes to have a final design in either September or October.

Councilor Desmarais also commented on the success of the Comprehensive Plan Community Fair.

Adjustments to Agenda: Item 53 was taken before item 51.

51. The Town Council will hear public comments on the following application for a Food Service License and will take any appropriate action.

Wayne and Kathleen Parent, d/b/a Wrappers

On the Mall

Wayne and Kathleen Parent

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

Councilor Rice moved, Councilor Sartoris seconded, to approve the application for a Food Service License for Wrappers. The motion carried with nine (9) yeas.

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

52. The Town Council will hear public comments on proposed amendment to the Marine Activities, Structures and Ways Ordinance relative to Harbor,

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Coastal, Tidal and Navigable Fresh Waters and will take any appropriate action.

Steve Walker, Natural Resources Planner, explained the proposed changes. They require registering existing moorings, defining moorings, and providing rules for town launch facilities. All current moorings will need to be registered within ninety (90) days of adoption of the ordinance. The town would like to get their locations on the GIS system.

Mr. Walker said, responding to Councilor King's question about current mooring holders losing rights, he will look at moorings' locations and apply the rules. The owner may have to move the mooring or replace it if it does not meet standards. He said this ordinance is not being put in effect to take any moorings. Mr. Walker went on to explain the various locations in which the moorings are located throughout Brunswick's coastline and river way.

Chair Lowe opened the public hearing.

Roger Howell, 14 Cushnoc Lane, said he did not support an earlier mooring ordinance since he was not convinced there was a need for such an ordinance. Now he is convinced of the need with the eel grass that is being impacted by existing moorings. This ordinance will protect it. He wants to see some annual or semiannual inspection of moorings added to the ordinance.

Chair Lowe closed the public hearing.

Mr. Walker said the issue of inspections is not included in the proposal, but it could be looked into.

Geoffrey Hole, Town Attorney, said up to this point the town has not had a process for moorings. This is a modest step to determine what is out there. He and Mr. Walker did discuss inspection and they feel it may not have to happen each year.

Councilor King agrees there is a need for a harbor ordinance, but she will not vote for it, with the uncertainty of the mooring issue and the possibility of them being taken away.

Mr. Walker said, responding to Councilor Watson's request for a definition of navigable waters, any water above the dam is considered navigable waters.

Councilor Sartoris moved, Councilor Tucker seconded, to adopt the proposed amendments to the Marine Activities, Structures and Ways Ordinance relative to Harbor, Coastal, Tidal and Navigable Fresh Waters. The motion carried with eight (8) yeas. Councilor King was opposed.

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

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- 53. The Town Council will hear public comments on a Community Development Block Grant application for a Public Service Project to benefit the Tedford Shelter and will take any appropriate action.**

This item was taken before Item # 51.

Manager Gerrish said the Tedford Shelter is seeking funds from the State CDBG program to hire a full time facilities manager during the construction and lease-up phase of a 16-unit supportive housing project. Since West Bath is the municipality that will receive the grant, all the Council needs to do is hold the public hearing as their part of this process.

Don Kniseley, Executive Director of the Tedford Shelter, explained the purpose for this grant. It will allow them to hire a facilities manager to manage the housing project. He stated again that this grant will actually go to the Town of West Bath.

Chair Lowe opened public hearing.

Jeff Sneddon, Mid-Coast Business Development and Planning, said if West Bath is the lead for this grant, then next year a Brunswick nonprofit can apply, with there being a restriction on how often a town can apply.

Chair Lowe closed the public hearing.

Councilor Sartoris moved, Councilor Galloupe second, to support the application for a Community Development Block Grant for a Public Service Project to benefit the Tedford Shelter moving forward. The motion carried with nine (9) yeas.

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

- 54. The Town Council will receive a recommendation from the Planning Board concerning an amendment to the Zoning Ordinance, regarding the use of “Big Box” fees and will take any appropriate action.**

Manager Gerrish said this is a clarification of how the fees that are collected can be used in the Cooks Corner area.

(A copy of a memo from the Director of Planning and Development will be attached to the official minutes.)

Councilor Rice moved, Councilor Sartoris seconded, to set a public hearing for April 19, 2005, on the proposed amendment to the Zoning Ordinance, regarding the use of “Big Box” fees. The motion carried with nine (9) yeas.

- 55. The Town Council will discuss amending the Town’s Ordinance concerning Sellers of Prepared Food on a Public Way and will take any appropriate action.**

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Manager Gerrish said Councilor Desmarais has requested a review of the town's Seller's of Prepared Foods on Public Ways Ordinance. The town charges a fee of five hundred dollars (\$500) if a vendor wants to sell food on a public way. This is mostly used by businesses in front of their building if they do not own sufficient property and need to be on town property.

Councilor Desmarais said she would like to eliminate the fee to encourage this use, but she would also like to maintain permitting by the town.

Councilor King said she is concerned about taking away any license fees, especially with the increases to the mall vendors. She likes it the way it is already. It is a question of equity.

Councilor Desmarais moved, Councilor Sartoris seconded, to set a Public Hearing for April 19, 2005, to amend the Town's Ordinance concerning Sellers of Prepared Food on a Public Way.

Councilor Desmarais said she was thinking about a sidewalk café that may want to put out some tables outside.

Councilor Sartoris said she would like language that allows a store front to have some control over who is front of their business.

Councilor Rice said he is concerned about those who want to set up something on a sidewalk in front of an existing business.

Chair Lowe said there seemed to be some issues that needed to be worked out prior to going to a public hearing.

Chair Lowe moved, Councilor King seconded, to table this item. The motion carried with nine (9) yeas.

56. The Town Council will receive a recommendation from the Town Manager to appoint Clark Labbe as Fire Chief and will take any appropriate action.

Manager Gerrish said he is pleased to request confirmation of Clark Labbe as Brunswick's Fire Chief. Mr. Labbe brings many years of experience to this position and with his enthusiasm, leadership and energy, he will be a great Fire Chief for the town.

Councilor Desmarais moved, Councilor King seconded, to approve the Manager's recommendation to appoint Clark Labbe as the Town of Brunswick's Fire Chief. The motion carried with nine (9) yeas.

57. The Town Council will consider a request from St. John's Church for Bingo/Games of Chance Licenses for the annual bazaar and will take any appropriate action.

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Councilor Sartoris moved, Councilor Rice seconded, to approve the Bingo/Games of Chance license applications for St. John's School for the annual bazaar. The motion carried with nine (9) yeas.

58. The Town Council will consider appointments to the Town's Boards and Committees and will take any appropriate action.

Councilor King nominated William Ferdinand Jr. and Joy Prescott to serve on the Conservation Commission, and John Lemont to serve on the Marine Resources Committee as the commercial shellfish harvester representative, asked the Chair to cease nominations and asked the Chair to cast one vote for the nominees. The Council voted nine (9) yeas to appoint Mr. Ferdinand, Ms. Prescott, and Mr. Lemont.

Chair Lowe suggested reviewing the board appointment process.

Chair Lowe reminded the Council about the April 11 workshop on the possible base closure.

The meeting adjourned at 9:15 pm.

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 19, 2005*

May 2, 2005

Date of Approval

Council Chair