

--Approved--
BRUNSWICK TOWN COUNCIL
MINUTES
April 7, 2008
Municipal Meeting Facility
44 McKeen Street

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, and David C. Webb.

Councilors Absent: Councilor Hallie Daughtry.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; John Eldridge, Finance Director; Tom Farrell, Director of Parks and Recreation Department; Peter Baecher, Parks and Recreation Facilities Manager; Mat Eddy, Director of Economic Development; Kevin Schofield, Police Commander; Dan Devereaux, Marine Resources Officer; and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment:

Pem Schaeffer, 36 Crestview Lane, said he has a long record of speaking before the Council and has not received many responses. He has had some negative comments made about him. Yet, he is still cheerful. The Council has indicated a goal of 0% tax increase but it is meaningless if they are not willing to actually do it. He gave ways for the Council to achieve this goal.

Ben Bevilacqua, 76 Federal Street, talked about three issues at the last Council meeting. The Cleveland Street issue is not going to mediation as discussed, instead it is going to Superior Court. The Court will not rewrite the definition of boarding house, and waiting until the Comprehensive Plan is done will not make any difference. Enforcement is a problem, but the basic problem is the zoning ordinance. Many of the Councilors, Zoning Board of Appeals, Village Review Board, and Planning Board members, said this is a boarding house, which is not allowed in this zone. He discussed a party that was held there and 6 police cars came. He wants the Council to take leadership to keep neighborhoods intact. He encouraged the Council to follow Boston's ordinance.

Tom Fusco, 66 Board Road, said he would like a definition for "disparage individual Town Councilors, Town staff or other citizens" in the Council rules. With the fuel costs as such, the town needs to have parking if it is encouraging people to take the train, so when developing the downtown station that really needs to be looked at. There is a need for both day and long-term parking.

Patty Dunning, Brackett Road, asked about the article in the Times Record about property negotiations and if it is customary to have the amounts public. Chair King and

Town Council Minutes

April 7, 2008

Page 2

Councilor Augur responded there was no executive session as this information was in the paper and it is not customary to put this information in the newspaper.

Laura Moon, 4 Wadsworth Road, asked for clarification on the public comments section of the Council Rules and hopes it is not censorship of freedom of speech.

Correspondence: Bike Fair on Mall

(A copy of the letter from the Bicycle and Pedestrian Advisory Committee will be attached to the official minutes.)

Adjustments to the Agenda:

Councilor Tucker asked to table item 28 until April 22, 2008.

Councilor Favreau asked to remove the executive session at the end of the meeting.

Manager's Report:

(a) Financial Updates

Manager Gerrish said the town is 75% through the fiscal year and on the expenditure side, the town is \$200,000 over budget on winter works and trying to make it up in other areas of the budget. On the revenue side, excise tax is holding its own and state revenue sharing is a little bit ahead.

(b) Council Committee Updates

Councilor Knight said there will be a site walk of the Maine Street Station project with the Planning Board on April 10, 2008, and the Oversight Committee will meet at 5:00 p.m.

Councilor Favreau said the Elementary School Committee will be meeting on April 10, 2008, to discuss preparation for the Election.

Councilor Klatt said the Teen Center Board still needs a person on the board. They received \$1,500 from a common good grant for an SAT prep class. The Recycling Committee will be meeting tomorrow to discuss whether they want to take charge of the COOL community project, and they still need people.

(c) Androscoggin to Brunswick River Walk Committee

Nancy Randolph, committee member, said they are working on connecting the swinging bridge and Frank Wood Bridge, creating a 1.25 mile loop. She introduced those members who were at the meeting tonight. They have gotten a \$20,000 grant from Senter's Fund for technical assistance.

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

(d) OUI Enforcement Grant & “2008” Speed Enforcement Grant

Officer Wrede said the OUI Enforcement Program runs from August 15 to September 1, 2008. In order to receive grant funds, the Police need to conduct roadblocks, special patrols, or both during the “2008” OUI Enforcement Program.

Councilor Augur moved, Councilor Watson seconded, to authorize the Police Department to apply for an OUI Enforcement Grant and the “2008” Speed Enforcement Grant. The motion carried with eight (8) yeas.

(A copy of information on the grant will be attached to the official minutes.)

(e) Spring Clean up

Manager Gerrish said between April 22 and May 3, citizens are allowed to go to the landfill without a sticker and there is a reduced cost for some things. There is also a swap area. There will be no special roadside pick-up of larger items.

(f) Retirement of Town Employees

Manager Gerrish said Clifford McKenney will retire on April 4, 2008, from the Department of Public Works after 40 years of service. Mary Reindl will retire on April 11, 2008, from the Department of Human Services after 31 years of service. Manager Gerrish wishes to thank them for their many years of dedicated service.

(g) (ADDED) Forum on Midcoast Housing

Manager Gerrish said there will be a forum and panel discussion this Saturday on the state of Midcoast housing.

40. The Town Council will hear public comments on the following Special Amusement License, and will take any appropriate action.

Special Amusement

Claire's Dolphin Restaurant, Inc.

**D/B/A: Joshua's Restaurant & Tavern
123 Maine Street**

Mr. T.J. Siatras

Columbus Club, Inc.

**D/B/A: Knights of Columbus, Sekenger Council #1947
2 Columbus Drive**

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

Councilor Favreau moved, Councilor Knight seconded, to approve Special Amusement License Applications for Joshua's Restaurant and Tavern and Knights of Columbus. The motion carried with eight (8) yeas.

41. The Town Council will hear public comments on amendments to Chapter 11 (Marine Activities, Structures and Ways) of the Municipal Code of Ordinances relative to housekeeping changes for the shellfish harvesting section, and will take any appropriate action.

Suzan Wilson, Chair of the Marine Resources Committee, said the committee discussed them already. Sunday closures are a win-win and there will be no air boats on Sunday. This also protects the resources. They would like the no Sunday harvesting to be adopted on an emergency basis.

Officer Dan Devereaux talked about increasing licensing fees since there has been no increase in 15 years and harvesters recognized it.

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

Councilor Watson moved, Councilor Tucker seconded, to adopt the proposed amendment to Chapter 11 relative to housekeeping changes for shellfish harvesting on an emergency and regular basis. The motion carried with eight (8) yeas.

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

42. The Town Council will hear comments on amendments to Chapter 14 (Streets, Sidewalks, and Other Public Places) of the Municipal Code of Ordinances to add the Mere Point Boat Launch to the list of Town parks, and will take any appropriate action.

Tom Farrell, Director of Parks and Recreation Department, said this is to request to amend the existing parks ordinance to add the Mere Boat Launch so the rules can be applied to this launch. The proposed change also reduces the time a boat can be moored from 1 hour to ½ hour.

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

Councilor Webb moved, Councilor Augur seconded, to adopt the proposed amendment to Chapter 14 to add Mere Point Boat Launch to the list of Town parks. The motion carried with eight (8) yeas.

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

- 28. (Tabled) The Town Council will consider developing a plan regarding the U.S. Mayors Climate Protection Agreement adopted on April 23, 2007, and will take any appropriate action.**

Councilor Tucker asked that this item be tabled.

- 43. The Town Council will discuss the Declaration of Intent for the School to get reimbursement for future expenditures against the bond, and will take any appropriate action.**

John Eldridge, Finance Director, said this allows the town to reimburse itself for future expenditures against the bond.

Councilor Watson moved, Councilor Favreau seconded, to adopt the Declaration of Official Intent Pursuant to the Treasury Regulation §1.150-2 relative to the Elementary School Project. The motion carried with eight (8) yeas.

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

- 44. The Town Council will set a public hearing on the Elementary School Bond Ordinance, and will take any appropriate action.**

Manager Gerrish said the Council needs to set a public hearing on ordinances, along with the Council's recommendation that will appear on the ballot. The School Board's recommendation will also be there.

Councilor Webb moved, Councilor Watson seconded, to set a Public Hearing for April 22, 2008, on the Elementary School Bond Ordinance. The motion carried with eight (8) yeas.

- 45. The Town Council will discuss options on new business park locations, and will take any appropriate action.**

Manager Gerrish said the Council asked staff to negotiate options on both properties. They have an option in draft form for the Moore Property in the amount of \$1.5 million; it is good for 6 months, with an extension allowed at a cost. The decision to purchase the property is up to the Council. The option for the Fox Run property is for \$5 million. Those numbers are more than the town had in the report. He is concerned with the cost of the Fox Run property being \$3 million more, it may make it harder to make work. He pointed out there was a memo that should not have gone out to the general public and was printed in the newspaper and that is why the Council did not have executive session and are talking about this publicly instead.

Councilor Webb said the Council asked for options prior to spending more on site development. The properties are for sale. He is a little concerned the prices are higher than their estimates and appraisals done a couple of years ago. His sense is the town

Town Council Minutes

April 7, 2008

Page 6

should continue to do the study to get a better idea of the cost to develop the site and possibly use that information to negotiate a better price. He wanted to add language to the option. He suggested having town staff look at other infill properties like the one on Church Road. It is smaller but is in an allowable zone. He presented a draft letter asking Topsham to get them involved in a regional effort. He would like to execute the options and do more study of the sites.

Chair King opened the floor to comments.

Nat Wheelright, Durham Road, said he was surprised to see the article on draft options and the magnitude of the costs. He has concerns about being backed into a corner on just these two sites. He does not want to have an option on the Moore property. Bill Moore purchased the property in April 2000, for \$500,000, and has sold off parcels; his current price is very high compared to its assessed value of \$330,000, which is 1/3 of the asking price. He has concerns about the town being in real estate. The Moore property has an additional cost of \$7 million to develop and Mr. Wheelright feels those funds could be better spent funding sites in the growth zone. He has concerns about expanding the growth zone. He would not support the next item to spend more money on studies, but would favor Item #47 for regional development.

Patty Dunning, Brackett Road, said she is concerned about spending money at this time. She questioned if this is the time to be doing this.

Manager Gerrish discussed the options for funding, such as grants, TIFs, and trying to do something collectively with other communities to share the cost.

Councilor Webb said the report did talk about municipal ownership of lots to take advantage of grants and other funding options. This allows the town to bring in business when it may not have been able to do so otherwise, as a way to replace lost jobs. If Brunswick can find a shared site with Topsham, that will also work.

Councilor Knight asked about finance options. Mr. Eddy said the issue is what the market can bear and collect over time. He added that getting better engineering numbers will help make decisions as to how to fund it, whether with bonds, grants, or working with other communities.

Chair King advised the Council by voting on these options they are spending money and if not supporting the sites, or having not ruled out a site(s), they may not wish to support the option. She is comfortable that the town needs a business park. If a Councilor does not feel comfortable with either site, say it now so additional funds are not spent. This is the moment of truth if the Council intends to study and pursue a site. She is asking for option sites as separate votes and she does not support the Fox Run site.

Councilor Augur asked what the reduced cost is to study one site. Manager Gerrish believed the cost for one site would be around \$35,000.

Town Council Minutes

April 7, 2008

Page 7

Councilor Webb said the owner of Fox Run may be open to some other options so the town does not have to fund the full purchase cost. Plus, if the Council has more data, that may help when negotiating a final price if development comes in higher. He hopes to get help from other communities. He will support both options. Councilor Webb proposed language to add to the options: "The purchase price stated in this option agreement does not reflect the town's belief of the fair market value of this property. If the town finds after it conducts its own inspection and appraisals of the property that the purchase price or the costs to develop the property is excessive, the town may terminate this option at any time and in its sole discretion."

Councilor Augur said the town was backed into a corner with the base closure and it should have all options on the table to make a better plan for the town whether one of these sites or one in Topsham. The feasibility study was part of the Comprehensive Plan and funds were spent to see if infill sites would make up for lost jobs, the report indicated that they would not.

Councilor Watson asked if the information about the Fox Run project in the past is available. Manager Gerrish said it is available, but it was more retail, a big box site, and that information was not as specific as what is now wanted.

Councilor Watson was going to make the motion, but Chair King asked to separate the two options.

Councilor Klatt asked the assessed value of the Fox Run Property. Manager Gerrish responded the current owner purchased it about 2 years ago for around \$1.2 million. She asked who did the negotiations this time and if any Councilors were involved. Manager Gerrish responded he handled both of them and the owners gave the town their bottom line. Councilor Klatt was concerned about acting on the options without appraisals. Manager Gerrish said the town offered to do them, but both owners refused to do it. He added this property (Fox Run) is in a development fund so the owner can hold onto it and develop it now, or 10 years or 20 years from now.

Manager Gerrish said, responding to Councilor Klatt's question about what is going on with MDOT, they are waiting to see if the town wants to pursue the project. MDOT believes there is a process to make the Fox Run project happen with a connection to River Road.

Councilor Klatt said the town should wait to see if there is going to be a regional park before spending more money on this. The problem is the money in this bad budget year.

Councilor Tucker thanked Manager Gerrish for doing this tough negotiation; the merits of the options are different questions. He negotiated them well and this is what the owners are willing to do. He will be voting for both options.

Chair King said she is not voting for the Fox Run property because of price and the owner's unwillingness to negotiate.

Councilor Tucker moved, Councilor Augur seconded, to authorize the Town Manager to execute an option on the Moore Property with the additional language as proposed by Councilor Webb. The motion carried with seven (7) yeas. Councilor Klatt was opposed.

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

Councilor Augur moved, Councilor Tucker seconded, to authorize the Town Manager to execute an option on Fox Run with the additional language as proposed by Councilor Webb. The motion failed with three (3) yeas. Councilor Watson, Councilor Klatt, Councilor Favreau, Chair King and Councilor Knight were opposed.

46. **The Town Council will consider a recommendation from the Economic Feasibility Committee to select the firm of Wright-Pierce to evaluate the two proposed sites for a business park, and will take any appropriate action.**

Gary Brown, Assistant Town Manager, said this item is to consider a recommendation from the Economic Feasibility Committee to select the firm of Wright-Pierce to evaluate the Moore site. They will look at vernal pools, transportation requirements, and will do geotechnical work. They will come back with actual detailed costs to go forward with the development of the site.

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

Councilor Webb wanted to see how much more it would cost to look at infill sites. Mr. Brown and Manager Gerrish felt it could be done for the original \$50,000 amount.

Councilor Klatt asked if the town had the \$50,000 to do it. Manager Gerrish said yes, it is in the fund balance.

Councilor Watson moved, Councilor Favreau seconded, to adopt the Resolution for an Emergency Appropriation of \$50,000 from Unappropriated Available General Fund Revenues to Fund an Economic Development Study of Potential Business Park Locations in Brunswick, Maine. The motion carried with seven (7) yeas. Councilor Klatt was opposed.

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

47. **The Town Council will consider sending a letter to the Town of Topsham supporting working together on a regional business park, and will take any appropriate action.**

Councilor Webb said there is draft letter to extend a hand to help develop a park with Topsham.

Councilor Watson moved, Councilor Tucker seconded, to send a letter to Topsham to seek support for working together on a regional business park. The motion carried with eight (8) yeas.

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

- 48. The Town Council will set a public hearing to discuss the submission of a “2008” Maine Infrastructure Trust Fund application to the State of Maine CDBG Program, and will take any appropriate action.**

Mr. Eddy said, regarding Item 48 and Item 49, the town is applying for both to allow some mixing and matching of funds to go to infrastructure development. Both items are to set public hearings to discuss the submission of a “2008” Maine Infrastructure Trust Fund Application to the State of Maine CDBG Program and a “2008” Economic Development Program Grant Application to the State of Maine CDBG Program. The purpose of these applications is to request grant assistance in development of the remediation, infrastructure and streetscapes for the Maine Street Station development.

Councilor Watson moved, Councilor Tucker seconded, to set a Public Hearing for April 22, 2008, to discuss the submission of a “2008” Maine Infrastructure Trust Fund application to the State of Maine CDBG Program. The motion carried with eight (8) yeas.

- 49. The Town Council will set a public hearing to discuss the submission of a “2008” Economic Development Program application to the State of Maine CDBG program, and will take any appropriate action.**

Councilor Watson moved, Councilor Favreau seconded, to set a Public Hearing for April 22, 2008, to discuss the submission of a “2008” Economic Development Program application to the State of Maine CDBG Program. The motion carried with eight (8) yeas.

- 50. The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action.**

Councilor Favreau nominated Charles Priest to serve on the Sewer District Trustees and Suzan Wilson to serve as a No license holder member of the Marine Resources Committee.

Hearing no other nominations, the Council voted eight (8) yeas to appoint those two People.

Councilor Favreau nominated the following to the Personnel Board:
Jane Millett as a full member

Town Council Minutes

April 7, 2008

Page 10

Kathleen Kacinski as an alternate member

Arthur Boulay as an alternate member

Councilor Klatt nominated Thomas Fusco to the board.

The Council voted:

Jane Millett as full member received 8 votes.

Kathleen Kacinski as an alternate member received 7 votes from all Councilors except Councilor Klatt.

Arthur Boulay as an alternate member received 8 votes.

Thomas Fusco as an alternate member received 1 vote from Councilor Klatt.

Councilor Favreau nominated Kathleen Kacinski to serve on the Teen Center Board of Trustees.

Hearing no other nominations, the Council voted eight (8) yeas to appoint Ms. Kacinski.

Consent Agenda:

- (a) **Appointment of Jeff Hutchinson as Codes Office and Local Plumbing Inspector for terms to expire on 05/03/2009**
- (b) **Appointment of Carl Adams as alternate Codes Office and alternate Local Plumbing Inspector for terms to expire on 05/03/2009**
- (c) **Appointment of Jeff Emerson as the Health Inspector for a term to expire on 04/19/2011**
- (d) **Appointment of Dan Devereaux as the Harbor Master for a term to expire on 04/30/2011**
- (e) **Approval of the games of chance for the St. John the Baptist Parish Bazaar from June 13 and June 14, 2008**
- (f) **MDOT Over limit Movement Permit Request**

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

Councilor Favreau moved, Councilor Knight seconded, to adjourn. The motion carried with eight (8) yeas.

The meeting adjourned at 9:10 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.

Town Council Minutes
April 7, 2008
Page 11

Frances M. Smith
Town Clerk
July 1, 2008

July 7, 2008

Date of Approval

Council Chair