

Town Council Minutes

August 16, 2004

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b) MMA Legislative Policy Ballot

Manager Gerrish said this item is to appoint Brunswick's representative to the MMA Legislative Policy Committee. Councilor Galloupe has been Brunswick's representative for the last two (2) years and he has been the alternate.

Councilor Rice moved, Councilor Desmarais seconded, to nominate Robert Galloupe to serve on the MMA Legislative Policy Committee. The motion carried with eight (8) yeas.

c) Palesky Update

Manager Gerrish said the Superintendent of Schools, the municipal staff, and he have been meeting to understand the impacts in Brunswick if the Palesky Referendum is successful in November. They will be recommending a workshop in early September with the School Board to present their thoughts and recommendations on this issue. They believe the impact to Brunswick would be between ten million dollars (\$10,000,000) and eleven million dollars (\$11,000,000) in lost tax revenue.

d) Update on Cook's Corner Substation

Councilor Rice gave this update on the Cook's Corner Substation. They have met three (3) times and have determined they will go through a design build for the substation. They are still pursuing the CMP lot and would like to start construction in April 2005.

e) Report on Lowe's Groundbreaking

Councilor Watson said it was a nice ceremony with state representatives present. Lowe's will be an exciting addition to the town. The comments from Lowe's were very positive regarding the town and working with the town's staff.

f) Report on Regionalization of Fire Service

Councilor Priest gave this update. Unfortunately, there is a time problem since they needed to have a five (5) year period to do it properly. If the town wants to build a substation soon, they will not be able to do so through a regionalization approach. Regionalization may not work this time, but could work in the future for other things like solid waste and recycling.

Councilor Sartoris said, clearly, there was not enough time to do this. She felt with enough time it could have happened. There was a lot of good will around the table with the communities involved.

Adjustments to Agenda:

Add Item 148 regarding a poverty abatement.

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- 137. The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and will take any appropriate action.**

Full Time Malt

Kathleen Gagnon/Richard Alexander d/b/a Ye Olde Fish and Chip Shoppe

17 Bow Street

Kathleen Gagnon and Richard Alexander

Full Time Spirituous, Vinous and Malt

MacMillan & Co., LLC d/b/a MacMillan & Co.

94 Maine Street

John Hall

Chair Lowe opened the public hearing.

Mr. Ed Rogers, partner at MacMillan & Co., said they have been working with the Police Department to work through problems they have had with customers.

Councilor Desmarais requested that the bucket outside, which contains cigarette butts, be removed. (Mr. Rogers indicated that it would be taken care of.) Residents in her district have indicted there were noise issues the nights after the bar had two for one drinks.

Manager Gerrish said the calls have gone down and MacMillian's has been working with the Police Department and approval is recommended.

Chair Lowe closed the public hearing.

Councilor Sartoris moved, Councilor King seconded, to approve requests for Alcoholic Beverage Licenses from Ye Olde Fish and Chip Shoppe and MacMillan & Co. The motion carried with eight (8) yeas.

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

- 138. The Town Council will hear public comments on the following requests for a Food Service License and will take any appropriate action.**

Kathleen Gagnon/Richard Alexander d/b/a Ye Olde Fish and Chip Shoppe

17 Bow Street

Kathleen Gagnon and Richard Alexander

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

Councilor McCausland moved, Councilor Priest seconded, to approve the request for a Food Service License from Ye Olde Fish and Chip Shoppe. The motion carried with eight (8) yeas.

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

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139. The Town Council will receive public comments on the proposed location for a Central Fire Station on outer Pleasant Street (former Aubuchon Hardware site) and will take any appropriate action.

Chair Lowe shared calls from his constituents stating the property adjacent from the Post Office is for sale, and, along with town property there, the Central Station could be built downtown.

Councilor King said she had a call from a resident on Baribeau Drive inquiring if the road would be expanded to Pleasant Street. She wanted to make it clear she is very opposed to that happening. This was not discussed this time around.

Councilor Rice said he received a letter with a similar concern. Last time MDOT came before the Council, they indicated in order for that to happen another road like Church Road would not be allowed access anymore.

Chair Lowe opened the floor for public comments. He also stated at the last meeting the majority of the Council supported the Aubuchon site.

Peggy Shiels, 9 Stanwood Street, asked the Council to pick the best site and the preferred site was the Aubuchon site over Stanwood Street.

(A copy of Ms. Shiels' comments will be attached to the official minutes.)

Lucille Bernier, 11 Stanwood Street, said she wants to have Stanwood Street taken off the table as a possible site and supports the Aubuchon site.

Laura Brann, 25 River Road, said busy Pleasant Street generally is not a good location for a fire station with the heavy traffic there. It is an artery for the coast. It makes more sense to have the fire station in the downtown area.

Nancy Randolph, 47 Maine Street, speaking for Citizens for a Better Way, said they support the Aubuchon site and listed the reasons why they supported it. They include: support from the Fire Department, it does not effect housing units, there would be no zoning issues, and it does not destroy a neighborhood. They felt voter support would be with the Aubuchon site.

Louis Thibeault, 19 Turner Street, said Turner Street is very short for any emergency vehicles to use it. He does not support the Aubuchon site. Pleasant Street is a business district and the Fire Station is a service. He recommended rebuilding the current Central Fire Station.

Ron Dumont, 10 Hemlock Road, said he did not support the Aubuchon site since there is no place for the traffic to go. Ernie's Drive-In was once suggested and he does not understand why that was not being considered any more.

Cathy Barter, Chair of Brunswick Downtown Association, read key points of a prepared letter from that group supporting the Aubuchon site.

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(A copy of the Brunswick Downtown Association's letter will be attached to the official minutes.)

Claudia Knox, 36 Cumberland Street, explained all the improvements made to the downtown area, and the investments made by businesses and churches there. She would like to see the fire station at the Aubuchon site. She talked about the legacy of the Council, which will include choosing the Aubuchon site.

Macky Bennett, 25 Thomas Street, supported the Stanwood Street site with its shorter response time, and said less road changes would be needed.

Jennifer Ouellette, 10 Wadsworth Road, supported the Aubuchon site. The old fire station should be saved for historical purposes. She wants to make sure there is a substation. She opposed the Stanwood Street site since it would displace people.

Mike Austin, McKeen Street, said he is very positive about the time lines with a one year start date for the substation, but the town needs to take an option on the Aubuchon site at this point, while other details are worked out.

Ted Crooker, 44 Storer Road, spoke in support of the Aubuchon site with infrastructure improvements. The west part of town is going to continue to grow. The Aubuchon site is the actual center of the town.

Charles Washington, 1 MacMillan Drive, said he supports the substation. A central station would be better located on the Stanwood Street site as far as station requirements, but it is not perfect with the required zoning change. He supports the Thibeault Energy fuel site and said it would not require the building to be a "pretty" fire station so it could be built less expensively and this spot would have good access.

Chester Swain, 435 Bath Road, said the town needs to get the substation up and going before it can determine what the needs are for the town. The town should buy the Aubuchon site, hold onto it and see if it fits into the plan.

Frank Heller, 12 Belmont Street, said the town needs substations in downtown, east and west in order to have response times less than six (6) minutes. He suggested getting the Topsham site and having separate EMS service.

(A copy of Mr. Heller's letter will be attached to the official minutes.)

Bill Bodwell, 121 Pleasant Street, explained what money the town spent this summer and how it adds up to ten million dollars (\$10,000,000), which would increase taxes on a one hundred thousand dollar (\$100,000) home by two hundred forty dollars (\$240) per year. The EMS service should be downtown. He spoke against the Aubuchon site.

William Bodwell, Sr., owner of the Aubuchon site, said he purchased it in part to keep the Salvation Army there and to expand his business. He does not think it is the best

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location for a fire station. He explained that his business would generate tax dollars at the Aubuchon site.

Robert Wixted, 29 Bouchard Street, spoke against the Aubuchon site and Stanwood Street site. The clear spot to put it is the current site with improvements.

Sue Blakemore, 36 School Street, expressed concerns about the Aubuchon site with the traffic issues there. Slow response time could cause multiple older homes to be lost to fire in her area.

Valerie Ricker, 8 Spring Street, expressed concerns if the Aubuchon site is not selected and what would happen if the Council started looking at other neighborhoods and displacing people there.

Karl Fattig, 8 Stanwood Street, said there needs to be traffic improvements on Pleasant Street with or without a fire station. He spoke against the Stanwood Street site and the loss of affordable housing.

Ervin Snyder, 1 Colonial Drive, said he would like to see the Aubuchon site be formally voted on. He read sections of the comprehensive plan to support that choice.

David Bellville, 4 Stanwood Street, spoke against the Stanwood Street site. The Council should never consider destroying neighborhoods or historical buildings for a municipal service.

Richard Nemrow, owner of three (3) properties in downtown Brunswick, spoke in support of the Aubuchon site. He felt that there will be proper studies done to determine ways to improve the traffic on that street. He does not want any buildings removed in the downtown area. He wants the Council to vote for the Aubuchon site tonight.

Shawn Larrabee, President of Brunswick Firefighters Benevolent Association, said the Union supports the Aubuchon site. They would like to see it built in less than five (5) years. He would like the Council to make a decision.

Leo Theberge, Old Portland Road, said there is not a perfect site for a central station. He supported building it at the old high school and armory sites.

Harold Emerson, 26 Peary Drive, spoke on the work of the Fire Station Building Committee and how they wanted to keep the station downtown. Then the Council hired another consultant, and the Council put the combined facility to referendum, which failed. As an individual, he feels the traffic on Pleasant Street would be a problem without major road improvements. He expressed concerns about the possibility of accidents involving firefighters trying to get to the fire station if at the Aubuchon site. He spoke of the increased cost to build at the Aubuchon site. He asked the Council to take another look at the downtown area for a station.

Four residents of Pejepscot Terrace spoke of the importance of EMS service being available to get to the senior citizens quickly.

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John Pulsifer, 3 Karen Lane, expressed concerns about the Aubuchon site and the increased response time. He encouraged the Council to continue to look at the Stanwood Street site.

John Gerard, 7 Jordan Avenue, said, responding to Mr. Emerson's comments, at no time did the Brunswick Downtown Association speak in support of the downtown site. He talked about the political clout that Brunswick has to assist in getting the Pleasant Street improvements done by the State.

Paul Caparrotto, owner of 5 Stanwood Street, spoke in support of the Aubuchon site - not the Stanwood Street site. Of the four hundred (400) people he surveyed, seventy six percent (76%) supported the Aubuchon site.

Chair Lowe closed the floor to public comment.

Chair Lowe suggested some discussion, but not to have the Council vote this evening since Councilor Galloupe was not present due to illness.

Councilor Sartoris moved, Councilor Rice seconded, to remove Stanwood Street from the list of sites for the proposed central fire station.

Councilor Sartoris said all of her constituents and most other residents will have an additional two (2) minute response time from the Aubuchon site. There will be between three hundred (300) and six hundred (600) new housing units in the Mere Point area, along with another ninety (90) plus at Botany Place. In addition, she cannot see how the town can afford the Aubuchon site. The downtown is not too good to host the central station. She voted against the downtown site in November due to cost and size. She asked the Council to reconsider looking at the downtown site and to have staff look at the downtown site with a smaller footprint.

Councilor Desmarais said she is frustrated since she had wanted to look at the downtown earlier, which was not done, and now the Council may be looking at it.

Councilor King said two firefighters who have worked in heavy traffic areas indicated that the traffic issue could be dealt with on Pleasant Street. There were multiple reasons for the failed November vote. The meetings afterward indicated there was support for a substation and the Aubuchon site. She does not want to disrupt homes.

VOTE ON MOTION:

Councilor Sartoris moved, Councilor Rice seconded, to remove Stanwood Street from the list of sites for the proposed central fire station. The motion carried with eight (8) yeas.

Councilor Sartoris suggested the Council send the downtown and Aubuchon sites out to the voters to allow for complete citizen input.

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Councilor Desmarais said she wanted to have three (3) sites sent to voters earlier in the year and that was rejected; now it is being suggested that it be looked at for two (2) of the sites.

Councilor King said she would like to vote this evening.

Chair Lowe moved, Councilor Priest seconded, to wait to vote until the September 7 meeting to vote on the Aubuchon site.

Councilor McCausland said the Council should wait for Councilor Galloupe to be present for this vote.

VOTE ON MOTION:

Chair Lowe moved, Councilor Priest seconded, to wait to vote until the September 7 meeting to vote on the Aubuchon site. The motion failed for lack of a majority with the vote at four (4) yeas and four (4) nays. Opposed were Councilors Watson, Rice, King, and Desmarais.

Councilor Rice said if the Council cannot make a decision, then have it decided by the voters. It does not matter where it is moved, there will be increased response time for some residents.

Councilor Rice moved, Councilor Sartoris seconded, to have a question on the November ballot whether the Aubuchon site or a downtown site should be selected for the Central Fire Station.

Councilor Watson said the Council does not make decisions and they are not serving the community. After taking the Stanwood Street site off, that leaves the Aubuchon site. If the Council cannot decide, let the people make the decision. This motion may be the correct decision and way to go.

Chair Lowe said the reason for waiting until the September meeting is due in part to Councilor Galloupe's absence and partly to allow the Council to think about all the public comments that have been made tonight, prior to making a decision. He does not support putting the question out to referendum since the Council can make this decision shortly. This is a Council decision to make. He added that the Council has been pretty action oriented this year.

Councilor Priest said, responding to Councilor Watson's comments, the Council has taken action and made a decision regarding the public safety area and in other areas. He wanted to wait until Councilor Galloupe was here to take a vote.

Councilor Priest moved, Councilor Sartoris seconded, to table the motion until the September 7 meeting.

Councilor Rice said there have been more comments in support of the Aubuchon site and a few for the downtown and Stanwood Street sites.

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Councilor Sartoris said the comments in support of downtown were made with the discussion supposed to be on the Aubuchon site. This shows some dissatisfaction with the Aubuchon site.

Manager Gerrish and the Town Clerk, Fran Smith, indicated if there was going to be a referendum question for November, the decision would need to be made by September 7 so absentee ballots could be ready at the same time as the state ballot.

VOTE ON TABLING MOTION:

Councilor Priest moved, Councilor Sartoris seconded, to table the motion until the September 7 meeting. The motion carried with seven (7) yeas. Opposed was Councilor King.

Councilor McCausland left the meeting.

132. The Town Council will consider amendments to the Weapons Ordinance and will take any appropriate action.

Manager Gerrish said the Council tabled this item at the last meeting and asked that Councilor Watson meet with interested parties to discuss the proposal. A meeting was held on August 10 and Councilor Watson will report on the results of that meeting.

Councilor Watson said, as a result of the meeting, the first few paragraphs of the draft ordinance were slightly changed. More information on the meeting is included in the Police Department memo.

(A copy of a report from the Police Department will be attached to the official minutes.)

Councilor Watson moved, Councilor Sartoris seconded, to hold a public hearing on September 20, 2004, on the Weapon Ordinance amendments.

Councilor Priest said he would like a workshop on this ordinance to go over it step by step.

After more discussion, **Councilor Watson withdrew his motion** since the ordinance would be discussed at a workshop in September.

Peter Footer, 261 Old Bath Road, said he does a lot of shooting and this ordinance has happened as a result of one occurrence. He opposed both having to send registered letters to neighbors if someone is going to shoot and the time in the evening when shooting must be stopped.

140. The Town Council will discuss the CDBG Grant for a project in the Industrial Park in conjunction with BEDC and Harbor Technologies and will take any appropriate action.

Mat Eddy, Director of Economic Development, explained this request as outlined in his memo.

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(A memo from the Town Manager and Director of Economic Development will be attached to the official minutes.)

Manager Gerrish said the town still needs to work out three (3) agreements and would come to the September 7 meeting with the final documents that will protect the town.

Councilor Priest moved, Councilor King seconded, to authorize the Town Manager to proceed with phase two of the CDGB Grant and to approve in concept the agreement with BEDC and Harbor Technologies for the project. The motion carried with seven (7) yeas.

141. The Town Council will discuss the EPA Brownfield Grant and Work Plan and will consider authorizing the Town Manager to enter into the final contract with the EPA, and will take any appropriate action.

Mr. Eddy explained the town's work plan to meet the requirements of the EPA so the town can move forward with the Maine Street Station project. The work plan is broken down into seven tasks and the town will be adding the train riders.

(A memo from the Director of Economic Development will be attached to the official minutes.)

Chair Lowe moved, Councilor Priest seconded, to approve the EPA Brownfield Grant, adding train riders, and to authorize the Town Manager to enter into the final contract for the Grant. The motion carried with seven (7) yeas.

142. The Town Council will consider a recommendation from the Planning Board for an amendment to the Zoning Ordinance regarding Mobile Homes and will take any appropriate action.

Manager Gerrish said the Planning Board has reviewed this request to amend the mobile home zoning ordinance to create an exception for a disabled person in the growth area.

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

Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing on September 7, 2004, to hear comments on the proposed amendment to the Zoning Ordinance regarding mobile homes. The motion carried with seven (7) yeas.

143. The Town Council will consider a recommendation from the Tax Assessor for an abatement of personal property tax and will take any appropriate action.

Councilor Priest moved, Councilor Desmarais seconded, to abate personal property tax assessed in error for the 2002 tax year in the amount of \$27.30. The motion carried with seven (7) yeas.

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

144. The Town Council will consider a request from Verizon for a pole location permit on Casco Road and will take any appropriate action.

Councilor Priest moved, Councilor Watson seconded, to approve the request from Verizon for a pole location permit on Casco Road. The motion carried with seven (7) yeas.

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

145. The Town Council will consider a request from Maine Natural Gas for a utility location permit on Bath Road and will take any appropriate action.

Councilor Rice excused himself from the discussion since Maine Natural Gas is one of his clients.

Councilor Priest moved, Councilor Desmarais seconded, to approve the request from Maine Natural Gas for a utility location permit on the Bath Road. The motion carried with six (6) yeas.

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

146. The Town Council will consider a request from Central Maine Power for a pole location permit (two poles) on the Bunganuc Road and will take any appropriate action.

Chair Lowe moved, Councilor Desmarais seconded, to approve the request from Central Maine Power for a pole location permit on the Bunganuc Road. The motion carried with seven (7) yeas.

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

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

Councilor Desmarais moved, Councilor Priest seconded, to nominate John Shea to serve on the Fifty-Five Plus Center Board of Trustees for a term to expire on July 1, 2006, Matthew MacLeod to serve on the Marine Resource Committee as a no license holder member for a balance of a term to expire on May 1, 2005, Gerald May, III, to serve on the Zoning Board of Appeals as an associate member for a term to expire on October 1, 2007, and Pauline Brillant to serve another term on the Fair Hearing Authority for a term to expire on October 1, 2006, and to ask that nominations cease and the Chair cast one vote for the nominees. The motion carried with seven (7) yeas.

148. (ADDED) The Town Council will consider a poverty tax abatement and will take any appropriate action.

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Chair Lowe moved, Councilor Rice seconded, to deny the poverty abatement. The motion carried with seven (7) yeas.

The meeting adjourned at 11:31 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

August 20, 2004

September 7, 2004

Date of Approval

Council Chair