

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
August 7, 2006
6:15 p.m. Executive Session
7:00 p.m. Regular Meeting
Municipal Meeting Facility

6:15 P.M. Chair King called the meeting to order.

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, Newell A. Augur, and Forrest Lowe.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Mat Eddy, Director of Economic Development; James Fortune, Town Planner; Peter Baecher, Facilities Manager for Parks and Recreation Department; and TV video crew.

EXECUTIVE SESSION: 6:15 P.M. Real Property per 1 MRSA Sec. 405(6)(c)

Councilor Watson moved, Councilor Schneider seconded, to go into executive session pursuant to MRSA 1 §405(6)(c) to discuss property matters. The motion carried with six (6) yeas. Councilors Sartoris, Daughtry, and Augur arrived after the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment: None.

Correspondence:

Cumberland County letter/Tri-Town County set date for meeting

Manager Gerrish said the County Commissioners want to set up a meeting with the Council, along with the Freeport and Harpswell governing bodies, in September. The Council suggested either September 11 or September 26, and Manager Gerrish is going to set it up.

Resignation – Councilor Ansari

Councilor Ansari said she was speaking to her constituents. She will not be seeking reelection and will be resigning effective September 5, 2006. With a new

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child, she has not been getting the necessary sleep and is dealing with other health issues. Her time has not been spent with her family as it should have been. She thanked her family and those who voted for her, and hoped others would come forward. The town has a very dedicated staff, including John Foster, John Eldridge, Pat Harrington, and Don Gerrish. Councilor Ansari gave a special thanks to Chair King for whom she has a high level of respect.

Manager's Report:

(a) Safe Routes to Schools Proposal

Jim Fortune, Town Planner, said this proposal is for a grant for a sidewalk on Richards Drive between Maine Street and Barrows Street. He provided the Council with the proposal for the Safe Routes to Schools Program and a detailed map showing the routes. The Bicycle and Pedestrian Committee supports it. This would be a 100% grant, with no matching funds, except that continued maintenance would be required, as is done for other town sidewalks.

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

Councilor Sartoris said this would provide a pedestrian connection.

Mr. Fortune said, responding to Councilor Lowe's request, to add granite curbing would be an additional \$50,000 so they are likely to apply with the asphalt curbing.

Councilor Lowe suggested possibly considering granite curbing in a future budget.

Councilor Daughtry said that granite curbs can be dangerous for bicyclists and she has known of two fatalities resulting from hitting it.

Councilor Ansari said hopefully granite curbing is more visible at night.

Manager Gerrish said the plan is to apply for \$70,000 with asphalt curbing.

Councilor Sartoris said granite curbing is not a vanity issue; there is a long term maintenance issue with asphalt curbing requiring more maintenance.

Councilor Ewing said since Maine gets \$1 million, the town should apply for the full cost to see if that could get funded. If the Bicycle and Pedestrian Committee feels that would not be appropriate, they do not have to apply for that amount.

Mr. Fortune said that could be included in the discussion with the Committee.

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Councilor Augur said there are many students who only use a portion of MacMillan Drive. Erin Martin owns a home there and has concerns about losing some privacy with loss of a tree. He would like her to be contacted.

Councilor Watson wanted maintenance and plowing costs.

Councilor Sartoris moved, Councilor Daughtry seconded, to allow the Bicycle and Pedestrian Committee to apply for the Safe Routes to School Grant for a sidewalk on Richards Drive and that they look at applying for the granite curbing at the higher cost. The motion carried with nine (9) yeas.

(b) Vote to accept OEA Funds for LRA

Manager Gerrish asked the Council to formally accept the \$1 million OEA Grant, plus a match made by the Economic Development Department through the CDBG program in the amount of \$100,000. This money will be used to pay for the LRA employees.

Councilor Sartoris moved, Councilor Ansari seconded, to accept and expend the OEA Funds for the LRA in the amount of the \$1,000,000 and the match grant from the Economic Development Grant in the amount of \$100,000. The motion carried with nine (9) yeas.

(c) Parking Deck Structure

Manager Gerrish said the Brunswick Downtown Association has voted to raise \$4,000 in private funds to match municipal funds to conduct a preliminary design and feasibility study for a parking deck structure to be located between the Municipal Building and the Lincoln Building. They are asking that the funds be made payable to the Town of Brunswick as a tax deductible donation.

Nancy Hory, Executive Director of the Brunswick Downtown Association, said the study would be about \$8,000 with them raising \$4,000 and the town contributing \$4,000. The study would be to see if a parking deck, with open parking on the top deck, in the downtown area, is feasible. There will be a drawing of the deck provided.

Manager Gerrish said, responding to Councilor Sartoris' questions, through the CIP process the deck was not supported. The staff does not know if it is feasible since it was not looked at.

Councilor Sartoris said she supports the study, but is not necessarily saying she wants a garage deck.

Manager Gerrish said, responding to a question, the town did have a discussion about a parking deck at Fort Andross, but they are not at a point to go further with it.

Councilor Sartoris moved, Councilor Ansari seconded, to accept Brunswick Downtown Association's request for funds raised to be made payable to the Town of Brunswick as a tax deductible donation and to match their funds. The motion carried with nine (9) yeas.

(d) Support for Mural

Manager Gerrish said the Brunswick-Trinidad Sister City Association and the Mid-Coast Regional Arts Program request support for a celebration of life community outdoor mural.

Susan Weems, who is coordinating this mural with the MidCoast Regional Arts Association, said they have been working on it for a year and there is much work to be done, including writing grants to get the funding for it. She described the project and who would do it, including students at local schools and Bowdoin College, and local artists. She displayed a sketch of what will happen in Brunswick. She is asking the Council for a letter of support to include with the grant applications and when looking for a place for the mural.

Councilor Ansari said it sounds exciting.

Councilor Augur suggested some changes to the letter provided in the packet, and the Council agreed to the grammatical changes.

Councilor Ansari moved, Councilor Daughtry seconded, to support the mural and the signing of a letter of support by the Chair. The motion carried with eight (8) yeas. Councilor Schneider was opposed.

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

(e) RAB (Restoration Advisory Board) NASB

Suzanne Johnson, Restoration Advisory Board member, updated the Council on environmental actions at NASB. The Board is funded by an EPA grant and it oversees actions toward the superfund clean-up on the Base. In 1992 the EPA added the Base to a Superfund site and it is a candidate for clean-up. The issues of contaminants on the Base effected citizens due to groundwater and Mere Brook. She gave a history of waste on the site and highlighted pesticides, chemical wastes, oils, and expositive compounds. The Base has twenty sites in the Superfund and there is to be ongoing clean-up of groundwater, but they are still spreading things that should not be spread. There are serious toxic waste issues on the site. Many sections have not been reviewed to see if they have contaminants. She is not sure of the future with the Base closure since the Department of Defense is trying to transfer early and the property may be "dirty."

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Ms. Johnson added that the Navy issued a report regarding the cost to clean up the site, and Maine EPA is disputing the cost, which it feels should be higher. The Navy report does not include the groundwater contamination. There were violations of a Record of Decision agreement, including what was being used on recreation fields. The biggest issue is the institutional controls boundary, there are restricted areas that cannot be dug up and the Navy is looking to change the boundary. She cautioned the Council on what environmental issues the town may face.

Ms. Johnson said, responding to Chair King's question, the Department of Defense is trying to transfer the property quickly and is not seeing where the ongoing funding to clean up will come from. This is not normal undeveloped land and there are contamination issues.

Councilor Sartoris said the same issues were there three years ago and she is concerned about notification of the Board's meetings. She asked that the Council get e-mail notifications on these meetings. She is concerned about not having a second Council meeting in August because of major issues.

Chair King said the Declaration of Surplus Property has been pushed out and the schedule is okay.

(f) United States Tennis Association Grant

Peter Baecher, Facility Manager for Parks and Recreation Department, is requesting the Town Council accept the \$2,500 grant from the United States Tennis Association. It will be used to do repairs on courts four and five.

Councilor Augur moved, Councilor Ewing seconded, to accept and expend the United States Tennis Association Grant in the amount of \$2,500. The motion carried with nine (9) yeas.

(g) Council Committee Updates

Councilor Ewing said the Recycling Committee will be going out to local groups to get as much information out as possible on the pay-per-bag program.

Councilor Lowe said the Maine Street Station Implementation Committee has an August 18 deadline for proposals and will be meeting afterward to discuss them.

Councilor Sartoris said the Planning Board has approved the final application for the Mere Point Boat Launch and thanked the Advisory Committee and town staff for all their work on this project. The next issue is to draft a Memorandum of Understanding.

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Councilor Watson said the town will be having an event to thank committee members. It will happen on Saturday, September 16 from 1 pm to 5 pm at Thomas Point Beach.

Councilor Augur said the Old High School Implementation Committee has approved an RFQ to get a consultant, with requests due by the end of the month. There will be a public meeting on August 31. The public input session will be sometime in September.

Councilor Watson said the Elementary School Building Committee is in the process of selecting a design firm, with four to be interviewed.

(h) LRA Update

Councilor King said the LRA did sign a resolution in late July supporting a joint services location for the Marines, Air National Guard, and Maine Army Guard.

Councilor Sartoris said the location is in an environmentally sensitive site and suggested the LRA use town staff and State experts to help make sure the site is developed to reflect the environmental issues.

(i) (ADDED) Railroad Crossing Update

Manager Gerrish said the islands on Maine Street will have plants instead of pavement. As far as whistle blowing, the town will be making application to not have to blow the whistle, but this cannot be done until after the crossing is complete.

Adjustments to Agenda:

PUBLIC HEARING:

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

Special Amusement

Bowdoin College

D/B/A/ Bowdoin College Dining Service-Magee's Grill

David Saul Smith Union

Ms. S. Catherine Longley

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

Councilor Augur moved, Councilor Ewing seconded, to approve a Special Amusement License for David Saul Smith Union at Bowdoin College. The motion carried with nine (9) yeas.

135. The Town Council will hear public comments on the Pine Tree Zone, and will take any appropriate action.

Mat Eddy, Director of Economic Development, said he is asking the Council to pass a resolution to nominate a number of parcels to the Military Redevelopment Zone. In the region there will be a total of five hundred acres. There is a steering committee that has been established. The Pine Tree Zones are great for development in the form of tax benefits to telecommunications, composites, and other industries. He explained the tax reimbursements that would go with this zone. The most important thing is to get jobs in the area. One hundred seventy acres is being proposed for Brunswick, including the following lots:

- Bill Moore's lot in case the growth zone is expanded and there is a possibility of a business park there.
- Other lots in the business park.
- Current businesses that may want to expand in the future.
- Quantum Racing is included so it will not go out of the state.
- The Maine Street Station and Fort Andross are also included as their telecommunication and financial services could take advantage of the zone benefits, if included.
- The Times Record building and a series of properties in East Brunswick.

He asked the Council to move forward with the zone. This program, and lots, can be amended in the future. The town needs to move quickly since this needs to be in place by August 30, when the state law becomes effective regarding the Base.

Councilor Ewing said earlier the Maine Street Station could not be included and asked what had changed.

Mr. Eddy said it was going to be more retail, but there are a number of office spaces and financial services company, biotech office space, and telecommunication companies which could be part of the project.

Councilor Schneider said he is reluctant to include Lots 34/32 on the Old Portland Road (Moore property), but he is supportive of this zone as a whole.

Chair King opened the public hearing.

Phyllis Maringer, 161 Moody Road, commented on property taxes and how citizens are effected. Research shows that development increases property taxes. Due to short notice and vacations, this meeting has not been attended as well as it may have been. Many citizens have concerns about the proposed business park. The Moore industrial site will take away from acres in the existing growth zone and the town will not be able to put in as much property so she is asking that it not be included in the redevelopment zone.

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John Perreault, 295 Hacker Road, said the Moore property should not be included since it is not in the current growth zone. The Pine Tree Zone should be focused on the current growth zone area.

Annette Haas, 105 Durham Road, said she is concerned with the Moore Property and how this proposal came about. It has not been done fairly and neighbors were not contacted. The Council needs to be aware of this.

Chair King closed the public hearing.

Mr. Eddy said, responding to Councilor Watson's question, this resolution establishes 500 acres outside of the Base, with the hopes of creating 2,000 jobs between now and 2011. The LRA deals with inside the base.

Councilor Schneider moved, Councilor Daughtry seconded, to adopt the Military Redevelopment Zone Resolution with Lots 32 and Lot 34 removed from the list of properties.

Councilor Sartoris, Councilor Ansari and Councilor Daughtry said they would support the motion if those lots were removed.

Mr. Eddy said, responding to Councilor Ansari's question, Fox Run was not included since the overpass that would be needed would cost \$6 million, and with the possibility of MDOT having to make improvements to the Base area, it was not felt it should be added.

VOTE:

Councilor Schneider moved, Councilor Daughtry seconded, to adopt the Military Redevelopment Zone Resolution with Lots 32 and Lot 34 removed from the list of properties. The motion carried with nine (9) yeas.

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

136. The Town Council will hear public comments on the proposed changes to Lincoln Street, and will take any appropriate action.

Manager Gerrish said this item is for a public hearing for the removal of the taxi stop and extension the loading zone on Lincoln Street.

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

Councilor Ewing moved, Councilor Augur seconded, to adopt the proposed changes to Lincoln Street to remove a taxi stop and extend the loading zone. The motion carried with nine (9) yeas.

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

- 137. The Town Council will consider the following request from Carol Sloan of Down East Hot Dogs for Sellers of Prepared Food on Public Ways on the Brunswick Mall, and will take any appropriate action.**

Fran Smith, Town Clerk, explained this item is for approval for the Down East Hot Dogs Vendor to sell prepared food on the Mall. The business has been sold to Carol Sloan, who must apply for a new license as a result of the change of ownership.

Mr. Sloan said they would like to keep it going as it has been run in the past.

Councilor Sartoris moved, Councilor Augur seconded, to approve the application for Down East Hot Dogs under the ownership of Carol Sloan for a Seller of Prepared Food on a Public Way (Mall) License. The motion carried with nine (9) yeas.

- 138. The Town Council will consider setting a public hearing on the changes to Fitch Place, and will take any appropriate action.**

Manager Gerrish said this item is to set a public hearing for September 5th and is proposed by Mike Smith of the Brunswick Police Department in order to comply with the changes the State is implementing relative to turns onto Fitch Place.

Councilor Sartoris moved, Councilor Schneider seconded, to set a public hearing on the changes to Fitch Place for September 5, 2006. The motion carried with nine (9) yeas.

- 139. The Town Council will consider installation of two utility poles on the west side of Baribeau Drive, and will take any appropriate action.**

Manager Gerrish said this item is a request from Central Maine Power for a utility location permit. The permit proposes two service poles be installed on the west side of Baribeau Drive. The poles will be used to deliver power from the main entrance of Thornton Oaks to the construction being proposed about 600 feet north of Thornton Oaks.

Councilor Schneider moved, Councilor Daughtry seconded, to allow CMP to install two utility poles on the west side of Baribeau Drive. The motion carried with nine (9) yeas.

- 140. The Town Council will discuss ordinance changes to the Business License Ordinance relative to allowing events on public ways, and will take any appropriate action.**

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Manager Gerrish said this item, sponsored by Councilor Ewing, is to change the ordinance to allow non-profit corporations to have sales or exhibits in public places.

Councilor Ewing said he was approached by the Brunswick Downtown Association about it. This ordinance change is in response to a request from the Brunswick Downtown Association which would like to hold sidewalk art sales. It would allow nonprofits to do events on sidewalks.

The Council discussed what fee to set. Manager Gerrish suggested \$500 for a single day and \$1,200 for three days. It could be lowered after the public hearing, but could not be increased without holding another hearing.

Councilor Sartoris, Councilor Daughtry seconded, to set a public hearing for September 5, 2006, relative to amending the ordinance to allow non profit corporations to hold sidewalk art sales in public places. The motion carried with nine (9) yeas.

141. The Town Council will discuss consideration of a referendum on the November 7, 2006 election regarding a business park in West Brunswick, and will take any appropriate action.

Manager Gerrish said the Council has heard many comments from concerned citizens regarding a proposed business park in west Brunswick. This item is an opportunity for the Council to discuss the possibility of requesting a referendum on the subject at the November 7, 2006 election.

Chair King said it would not serve the town well to just have the Council vote on this item as part of the Comprehensive Plan Update. The idea is to discuss this as an advisory referendum question if this would guarantee peace of mind for citizens. She felt it would be highly recommended to have public sessions on this issue.

Councilor Sartoris said she would welcome that type of dialogue on both sides of this issue. Making the question advisory makes sense; it does not preclude the Council from taking a vote one way or another. There is another ballot issue with biosolids and that should be included in an information night. She will be supporting this.

Manager Gerrish explained that the Council needs to adopt the Comprehensive Plan, which will result in a new growth zone. This is an advisory question about the business park.

Councilor Lowe supports this idea. He hopes the staff puts forward language and information for the September 5, 2006 meeting. This is not a conflict, since the vote will give additional information.

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Councilor Ansari said this is nonbinding and the public needs to know this.

Councilor Daughtry said it would be easy to put this out to vote, but, on the other hand the Council is the elected board to make decisions. She could support the question to get public input.

Councilor Sartoris gave information on the process. The Comprehensive Plan does not recommend developing a business park at the Moore site. This is a highly political issue, when presented to the Council, information should be provided about the recommendation for this site since there are several steps to take.

Councilor Augur had some concerns. He is not sure how effective the referendum will be with all the steps being recommended by the Comprehensive Plan Committee; it is not simply if a business park should be there.

Councilor Sartoris said the fundamental question is should the growth zone be expanded to allow a business park there. The way the question is phrased needs to be very clear. The Council wants to know if there is support or not before spending more time on the issue.

Councilor Augur said he liked Councilor Sartoris' suggestion, which would be making an assumption other conditions are met.

Councilor Lowe said it is important to communicate more information and what the question would look like; a few more facts are needed to know what that is. He would like to get something ten days before the meeting.

Manager Gerrish said he will provide the Council with information on key areas in the Comprehensive Plan.

Councilor Sartoris said it should include information about how the site could be developed as currently zoned.

John Perreault, 295 Hacker Road, said there are traffic issues to be addressed; there are other items not on referendum such as the status of the old high school. He questioned if 2 ½ months is enough time to make the citizens aware of the facts in order to make this decision. Citizens need information before making a decision at referendum.

Scott Howard, Chair of the Brunswick Economic Development Corporation, asked for support on a referendum on the park. He congratulated the committee for the great job they did. They support this recommendation. A healthy economy does address Brunswick needs, and the objections are clear, but meeting them will be challenging. The need of an additional business park needs to be aired before a decision is made. The BEDC supports this part going to referendum. The referendum process will provide the Council with information

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to make this decision. This one issue should not derail the rest of the Comprehensive Plan and the good it does.

Councilor Sartoris said the fact the BEDC took a vote in August should have been told to the Council in the information provided in tonight's packet of materials.

Chair King and Councilor Lowe said they had not attended the August meeting when the vote was taken.

142. The Town Council will discuss appointments to boards and committees, and will take any appropriate action.

Councilor Watson nominated the following persons to be considered as one slate:

Cable TV Committee: Phyllis Maringer, Charles Priest, Richard Rennie, and Joan Viles

Conservation Commission: Loraine Kohorn

Marine Resource Committee: Raymond Tromblay (Harvestor)

Councilor Watson moved, Councilor Sartoris seconded, to appoint the people listed above. The motion carried with nine (9) yeas.

143. Consent Agenda:

(a) Minutes of July 10, 2006

(b) Minutes of July 17, 2006

Councilor Ewing moved, Councilor Watson seconded, to accept the Consent Agenda. The motion carried with nine (9) yeas.

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

The meeting adjourned at 9:42 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
August 29 , 2006

October 2, 2006

Date of Approval

Council Chair