

APPROVED
BRUNSWICK TOWN COUNCIL MINUTES
December 1, 2003
Municipal Meeting Facility

7:30 P.M. Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

Councilors Absent: None.

Others Present: Donald H. Gerrish, Town Manager; Elin M. Gould, Deputy Town Clerk; Patricia Harrington, Assistant Town Manager; Rick Desjardins, Police Commander; several citizens, members of the press and TV video crew.

Minutes of Previous Meeting: November 17, 2003

Hearing no objection from the Council, Chair Priest declared the minutes of November 17, 2003, accepted as written.

Public Comment

Mike Austin, 57 McKeen St., thanked the Council for the opportunity for the public to participate.

Councilor Watson pointed out that the Chamberlain portrait, presented to the Town at a previous Council meeting, has been hung in the Council Chambers.

Manager's Report:

1) Financial Update

Manager Gerrish said that he would provide the financial update at the next regular Council meeting.

2) Holiday Hours: Christmas

Manager Gerrish requested permission from the Council to close the Town Hall on Friday, December 26, 2003. He noted that this has been done twice previously, once when Christmas fell on a Tuesday and the Town Hall was closed on the Monday prior, and once when Christmas fell on a Thursday, as this year, and the Town Hall was closed the day after the holiday. He noted also, that the State has given their employees off on December 26th this year. Additionally, Manager Gerrish recommended that the Town Hall remain open for a full regular business day on Christmas Eve, December 24, 2003. He has worked out compensatory time off for those who are required to work on the 26th.

Councilor Lowe moved, Councilor Watson seconded, to approve the request of the Town Manager to close Town Hall on Friday, December 26, 2003. The motion carried with nine (9) yeas.

3) Report from the Village Review Board

Emily Swan, Chair of the Village Review Board (VRB), gave a report on the work the VRB is doing. She said the Board is working on creating design guidelines, neighborhood by neighborhood, to make the review process a positive experience for property owners. In addition to the guidelines and the regular review process, the Board is also continuing to offer public education programs during Historic Preservation week each May.

Ms. Swan, responding to Chair Priest's question, said the village review zone has been divided into six neighborhoods for this process: Cumberland/High/Dunning St area; Maine/Pleasant St. commercial area; Franklin/School St. area; Federal St./Park Row area; Lincoln St. area; and Mill St. industrial area.

Councilor Sartoris said the question of the appropriateness of the boundaries of the village review zone was brought up at the Comprehensive Plan Review Committee.

Ms. Swan responded that they would be interested in pursuing a change in the boundaries.

Councilor Randolph said that she attended a VRB meeting where there was a discussion saying building additions should no longer look like the original. She asked Ms. Swan to explain.

Ms. Swan explained that the idea is that architecture is an evolving thing. It is not expected that additions in a different era can or should completely replicate the architectural style of the original building, but that it should have echoes of it, replicating themes or window patterns.

Manager Gerrish announced that there is a public participation guideline available to the public to assist with input from citizens at meetings.

4) Report on Industrial Park – Lot 6

Manager Gerrish explained that the Town sold a vacant lot on the corner of Greenwood and Industrial Park Rd. in 1989, to a potential developer of the site. That developer was unable to build on it. As part of the covenants in the Industrial Park, a lot must be built on within two (2) years of purchase, and the Town has the option to buy the lot back if that does not occur. The Town decided not to buy back the parcel at that time. In 1998, it was sold for a manufacturing business. Again, the lot was not built on, and now is for sale. The Town, once again, has the opportunity to purchase the parcel. The Town has

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forty-five (45) days to respond, and the legal research is being done at this time. Manager Gerrish anticipates bringing a recommendation to the Council at a special Council meeting.

Councilor McCausland said that the reason for the covenant was so there would not be speculative purchases in the Industrial Park. The real estate market has changed significantly in the past five (5) years, and it may be in the town's best interest at this time to purchase back the parcel.

Manager Gerrish, responding to Councilor Sartoris' question, said that the reason stated by Councilor McCausland was not in writing anywhere, but he agreed that had been the intent, as well as to make sure something was built in order to get property taxes and to have some control over what was built in the Industrial Park.

5) (ADDED) Regional Dispatch

Manager Gerrish said the Town has been asked if they are interested in being part of a study with the towns of Falmouth, Freeport, Yarmouth, North Yarmouth and Cumberland regarding regional dispatch. He said that Brunswick had been part of another study with Bath, Topsham, Sagadahoc County and the Navy base about five (5) years ago that did not go anywhere. Brunswick now has two (2) proposals to consider as Bath and Sagadahoc County have gone in together, Topsham has voted to join them, and they may be interested in going in with Brunswick again, as well. The cost to participate in the study with the southern neighbors is about five thousand dollars (\$5,000). The cost to participate in the Topsham/Sagadahoc study is unknown at this time. Manager Gerrish said he will come back to the Council with a recommendation.

Councilor McCausland said that Brunswick has nothing in common with its neighbors to the south, no history or relationship with them, and our immediate neighbors are the ones we should be talking with.

Manager Gerrish agreed that our ties are with Topsham, Bath and Sagadahoc, however, there is difficulty in that Brunswick is in Cumberland County and the other towns involved are not.

Councilor Randolph agreed with Councilor McCausland that Brunswick has closer ties with its immediate neighbors and she thought that the issue of the county barrier could be overcome.

Correspondence:

Chair Priest said he had gotten several letters from citizens regarding the public safety building and he appreciated them and encouraged more people to send comments to their Councilors.

Adjustments to Agenda:

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Manager Gerrish requested to add item #204 to consider a pole permit application from Central Maine Power for the Brunswick Industrial Park.

Hearing no objection from the Council, Chair Priest added item #204.

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

**Brunswick BPO Elks #2043
179 Park Row**

Michael Nory

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

Manager Gerrish recommended approval.

Councilor Watson moved, Councilor Galloupe seconded, to approve the application for a special amusement license from the Brunswick BPO Elks #2043. The motion carried with nine (9) yeas.

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

199. The Town Council will consider an amendment to Chapter 14 (Streets, Sidewalks and Other Places) concerning unreasonable noise on public ways and will take any appropriate action.

Councilor Randolph said this is the culmination of many months of meetings with a downtown night noise focus group. A full report will come to the Council at a later date. This amendment deals only with noise on public ways.

Councilor Randolph moved, Councilor Sartoris seconded, to set a Public Hearing on December 15, 2003 to hear comments on the proposed amendment to Chapter 14, regarding unreasonable noise on public ways.

Manager Gerrish, responding to Councilor Rice's question, said that Police Commander Desjardins was present at the meetings and was a part of the discussion. Mr. Gerrish pointed out, also, that in addition to noise on public rights of way, the amendment also talks about engine brakes being prohibited in Brunswick.

Commander Desjardins said that they had talked with other communities and found that they, too, were dealing with this issue. The noise issues this amendment deals with are less than a criminal violation but an effective measure in dealing with nuisance noises, repetitive drive and loud exhaust systems that technically meet the standards but because of the way people are operating the vehicle, would be offensive.

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Councilor Randolph thanked Commander Desjardins and his two colleagues who participated in the meetings and provided additional assistance, as well.

Councilor Rice asked for, and received, confirmation that signs could be posted regarding engine brakes if this amendment were to come into effect.

Councilor Sartoris questioned why radios and boom boxes were not mentioned in the proposed amendment.

Councilor Randolph said they were covered in the section that says “No person...shall emit any noise or operate any noise-creating device...” Since technology is constantly changing, it would be inadvisable to list individual items to be restricted.

Councilor Sartoris would like it covered more specifically and pointed out that certain prohibited activities are mentioned in another section of the proposed amendment. She said boom box noise is a very frequent complaint.

Commander Desjardins pointed out that there is a state law concerning audio noise from a motor vehicle but there must be measured decibel levels obtained. He said he would be comfortable issuing citations based on this ordinance as proposed. He responded to Chair Priest that this is enforceable on any public way in the Town of Brunswick, but would only be by Brunswick police, not a deputy sheriff or park ranger, although parks such as the bike path would be covered as a public way.

Councilor McCausland questioned the town wide ban on engine brakes, as they are used for safety purposes.

Commander Desjardins confirmed that the ban would be town wide but said that it would be enforced in response to complaints.

Councilor McCausland thought a town wide ban is a little overboard if looking to deal with noise only in certain areas. Brunswick has some major thoroughfares in which the engine brakes might be needed.

Councilor Lowe commented that some of the complaints regarding engine brakes specifically came from Pleasant St. He said that the use of such brakes is less to do with safety than with cutting vehicle maintenance costs for the trucking companies. He strongly favors not allowing them anywhere in Brunswick.

Councilor Rice said that the safety aspect is covered in the wording of the proposal.

Councilor McCausland said he will vote to put this to public hearing but will be interested to hear the public's response. There is an expectation that some areas, such as the downtown, are going to be noisier.

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Restated motion: Councilor Randolph moved, Councilor Sartoris seconded, to set a Public Hearing on December 15, 2003 to hear comments on the proposed amendment to Chapter 14, regarding unreasonable noise on public ways. The motion carried with nine (9) yeas.

200. The Town Council will discuss the schedule and process for Councilors holding meetings concerning the results of the Public Safety Facility referendum and will take any appropriate action.

Chair Priest announced that the meetings soliciting citizen input into the public safety building issue will be held as follows:

District 6	Thursday, Dec. 11, 2003	7:30 p.m.	First Parish Vestry
Districts 1 & 5	Wednesday, Jan. 7, 2004	7:00 p.m.	Atrium
Districts 2, 3, 4	Thursday, Jan. 8, 2004	7:00 p.m.	Old High School
Districts 6 & 7	Thursday, Jan. 15, 2004	7:00 p.m.	Old High School

Councilor Randolph explained that District 6 is offering two meetings, one in December with the outgoing Councilor, and another with the incoming Councilor, in January, in conjunction with District 7. She also said that arrangements have already been made for the December meeting of District 6 to have a volunteer trained facilitator.

Manager Gerrish said that arrangements have been made for someone to take notes at each of the meetings, and he asked whether or not the Councilors wanted facilitators for their meetings. He also asked the Council for direction regarding the questionnaire.

Consensus among the Councilors was that they would like facilitators at the meetings. The meetings are for the people and it would be useful and allow the Councilors to listen more effectively. The meetings should be informal and low-key.

Councilor Sartoris was concerned about whether or not the people had enough information to make a decision on the question. She thought it was important to know what the voters need to know for next time.

Councilor Lowe suggested each Councilor determine what questions are needed to draw out the necessary information and ask the facilitator to ensure they are covered in the discussion, or have the Council reach a consensus for common questions at each meeting.

Chair Priest, responding to Councilor Watson's question, said it would be up to the Council when the insert would be put in the paper listing the meeting locations, dates and times, as well as the questionnaire.

Councilor Lowe recommended an open-ended feedback form on the back of the flyer in the paper or available at various places such as the Town Hall or the library. He prefers doing the questionnaire or survey after the series of meetings.

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Councilor Galloupe agreed that the questions could be better formulated after the series of meetings. He thought the critical question was if there should be a combined public safety building or not.

Councilor Sartoris agreed with the open-ended form at this point, although she thought it may still be important to develop a survey that gives statistically valid results, after the series of meetings. She encouraged the public to participate, not only by attending the meetings, but by getting in touch with Councilors through other methods such as letter, phone or e-mail, as well.

After Chair Priest summed up what had been said so far, Councilor Randolph asked to hear from the citizen who had proposed the questionnaire.

Connie Lundquist, 11 Longfellow Ave., said that you need to decide first what you want to find out to give people some parameters or you will get useless information.

Councilor King expressed the opinion that the Council should stick to the meetings first, then move on to the survey if they feel it is necessary.

Councilor McCausland thought it was a mistake not to televise the meetings to get as much information as possible out to the public. He said this is a forum to listen to the voters of Brunswick and this begins the process to decide where to go from here.

Chair Priest said it was his understanding that there would be a televised meeting after this series of meetings concludes. He said, also, that the comments from the meetings will be distributed to all Councilors and available to the public, as well.

Councilor Galloupe suggested that Bowdoin College may be willing to do a survey at no cost.

Councilor Lowe said that there seemed to be consensus about a detailed questionnaire after the series of meetings making sense, however, for the meetings themselves a simple sheet of paper asking to share ideas would be a vehicle for those who chose not to speak.

Councilor Sartoris, talking about the format of the forums, said that each part of the question that was voted on needs to be broken down and discussed at each of the forums. She needs to know what issue made the decision for the voters: the price, location, combined facility, building both a sub-station and downtown facility. She will work with Councilors Galloupe and Rice to come up with a series of questions for their forum.

Chair Priest asked that the three (3) Councilors bring back their questions at the next Council meeting for consideration by the others for possible use at their forums. He thought that to put an insert in the paper in time for the first forum on the 11th leaves too much of a gap between then and the time of the next forums.

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Councilor Randolph offered to deliver the notice and request for feedback to every household in District 6 since her meeting will be held before the next Council meeting and consideration of the questions.

Councilor Sartoris announced that she would be discussing the questions with Councilors Galloupe and Rice at a previously scheduled public meeting of the Appointments Sub-Committee on Wednesday night.

Manager Gerrish said that he will have an ad placed in the newspaper for the December 11, 2003 District 6 meeting and will come back at a later date to establish a time for the insert. He suggested putting notification in the paper as soon as possible and putting the insert in at a later date.

Councilor Randolph suggested doing the same method for her meeting since the cost of the insert will be quite inexpensive.

Manager Gerrish agreed to work with Councilor Randolph regarding her meeting.

201. The Town Council will consider extending the Franchise Agreement with SusCom Cable for three months and will take any appropriate action.

Manager Gerrish explained that the Town's current agreement with Suscom expires on December 31, 2003. Suscom has asked for a three (3) month extension to continue negotiations. Town Attorney Pat Scully recommends the three (3) month extension.

Councilor McCausland, Chair of the franchise committee, added that the extension would keep things as they are during that time.

Councilor McCausland moved, Councilor Watson seconded, to authorize the Town Manager to enter into an extension of the Franchise Agreement with SusCom Cable for an additional three months. The motion carried with nine (9) yeas.

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

202. The Town Council will consider the six month Bingo licenses and will take any appropriate action.

Manager Gerrish said that the only change from previous approvals is that Evergreen Senior Citizens Club would like to change their Friday time from 6:30 p.m. to Noon. This presents no conflict with any of the other licensees operating in Brunswick.

Councilor Randolph moved, Councilor Rice seconded, to approve the six month Bingo Licenses, as requested. The motion carried with nine (9) yeas.

(A copy of the list of licensees and a letter from Evergreen Senior Citizens Club is attached to the official minutes.)

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- 203. The Town Council will consider an appointment to the Voter Registration Board of Appeals and will take any appropriate action.**

Manager Gerrish read a memo from Town Clerk Fran Smith regarding this appointment.

Councilor Lowe moved, Councilor Randolph seconded, to appoint former Councilor Michael Feldman to the Voter Registration Board of Appeals. The motion carried with nine (9) yeas.

(A memo from Fran Smith, Town Clerk, will be attached to the official minutes.)

- 204. (ADDED) The Town Council will consider a request from Central Maine Power for a pole permit in the Brunswick Industrial Park.**

Councilor Randolph moved, Councilor Sartoris seconded, to approve the request from Central Maine Power for a pole permit in the Brunswick Industrial Park. The motion carried with nine (9) yeas.

(A copy of the pole permit application is attached to the official minutes.)

Councilor Randolph remarked on the dog waste receptacles on the bike path and the cleanliness of the path.

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

The meeting adjourned at 9:08 p.m.

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

*Elin M. Gould
Deputy Town Clerk
December 4, 2003*

December 15, 2003

Date of Approval

Council Chair