

**--APPROVED--**  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**December 17, 2007**  
**Municipal Meeting Facility**

**6:40 P.M.** Chair King called the meeting to order and asked for Roll Call.

**Councilors Present:** Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, and David C. Webb

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Assistant Town Manager; Fran Smith, Town Clerk; Clark Labbe, Fire Chief; Anna Breinich, Director of Planning and Development; Jeff Emerson, Deputy Fire Chief; John Foster, Public Works Director; Vanessa Levesque, Natural Resources Planner; and the TV video crew

**Executive Session:** Personnel Matter as per 1 M.R.S.A. § 405(6) (A)

**Councilor Favreau moved, Councilor Augur seconded, to go into executive session on a personnel matter per 1 M.R.S.A. § 405(6) (A). The motion carried with five (5) yeas. Councilor Watson, Councilor Sartoris, Councilor Daughtry, and Councilor Schneider arrived after the vote.**

**Meeting Continued: 7:00 P.M.**

Chair King called for the Pledge of Allegiance.

**Public Comment:**

None

**Correspondence:**

Chair King thanked Councilor Sartoris and Councilor Schneider for their work on the Council and presented them with plaques honoring their service.

Councilor Webb said he and other Councilors had received calls and emails on the Maine Street Station project. There have been some changes to the plan which should be discussed and he would like to have this issue put on a workshop. He has heard the concerns and wants to allow residents to have them addressed.

Councilor Augur suggested having a forum similar to what was done with the industrial park issue.

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Chair King said the town met with the Town of Topsham on regionalization. There were some preliminary discussions. The Selectman will discuss this at their next meeting to see if there is support to apply for a state grant to help with a regionalization plan. The town received a lukewarm response from Topsham.

### **Adjustments to the Agenda:**

There was a discussion of tabling Item 179, but it was decided to keep it on the agenda.

### **Manager's Report:**

#### **(a) Council Committee Updates**

Councilor Knight said the Maine Street Station group will be meeting with the Village Review Board to get their feedback and she is happy the Council will be looking at it again.

Councilor Daughtry said the Elementary School Building Committee met on December 6 and reviewed three different plans. Councilor Favreau added that from viewing the drawings, he thinks the project is starting to look good and will be an added feature to the area.

#### **(b) Donation from Bath Iron Works to purchase confined space rescue equipment**

Gary Brown, Assistant Town Manager, said Bath Iron Works has donated \$8,139.25 to the Fire Department for the purchase of confined space rescue equipment. He is asking the Council to accept this donation.

**Councilor Sartoris moved, Councilor Daughtry seconded, to accept the donation from Bath Iron Works in the amount of \$8,139.25 for the purchase of confined space equipment. The motion carried with nine (9) yeas.**

#### **(c) Resolution in support of the Downeaster Train Service**

Mr. Brown said this resolution is done to show support for the Downeaster train service. The Town of Falmouth and Brunswick Rotary have given their approval and the Train Riders Northeast would like the Town of Brunswick's approval, as well.

**Councilor Webb moved, Councilor Favreau seconded, to support the Downeaster Train Service resolution. The motion carried with nine (9) yeas.**

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

**(d) Presentation on Chimney Swifts**

**Steve Walker**, from Inland Fisheries and Wildlife, made this presentation and stated there are grant funds the town could apply for to assist with preservation of the Chimney Swifts.

**Mr. Walker** said, responding to Councilor Favreau's questions, they can work around the construction since the birds come in at dusk and are out by early morning. He added that the site cannot be removed under the Federal Migration Bird Act. As far as bird waste, it does not come across as a health issue due to flight height and the waste primarily being in the chimney.

**Mr. Walker** said, responding to Councilor Augur's question about distance of the replacement roost from the original, there has been 85% of the first season success if in the area of the existing one. He added they return to the same roost year after year and he suggests keeping it close to the original site. Mr. Walker added there are grant opportunities and would ask for letters of support from the Council.

Councilor Sartoris said this is a real opportunity for the community to apply for the Maine Heritage grant, with a deadline of January 31. Plus, they can work with other grants so something is in place prior to the chimney being removed. Her son did a petition at his junior high school, which many signed, and there is interest in the community to preserve the Chimney Swifts.

**Councilor Sartoris moved, Councilor Daughtry seconded, to have staff work with Inland Fisheries and Wildlife on applying for the Heritage Grant and on any other grant opportunities.**

Councilor Watson suggested looking at the whole list of grants and possible other chimneys.

Chair King said the school project continues whether or not there are funding sources found for the new chimney, and this is looking for a way to preserve the Chimney Swifts roost. She cannot see any drawback in doing this at this point.

Councilor Favreau supported seeking grants to build this replacement roost, and possibly others.

**Bruce Amstutza**, 71 Mathew Drive, spoke in support of this; he has been a member of Merrymeeting Audubon group, with 850 family members in Brunswick, who would support continuing to have a roost. The community is lucky to have this roost.

**Councilor Sartoris moved, Councilor Daughtry seconded, to have staff work with Inland Fisheries and Wildlife on applying for the Heritage Grant and on any other grant opportunities. The motion carried with nine (9) yeas.**

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- 175. The Town Council will hear public comments regarding the proposed ban on new wood boilers and to set guidelines on existing wood boilers, and will take any appropriate action.**

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

Councilor Augur asked if this ordinance can be changed in the future and Councilor Webb asked if in the future the Council could choose to make it stricter than state law. Mr. Brown responded “yes” to both questions.

Chair King said this would be a good first step and if it has to come back in the future the Council could make it stricter.

Councilor Sartoris agreed with Chair King.

Councilor Daughtry said in the future when there are more environmentally friendly boilers the Council can look at this issue again.

Jeff Emerson, Deputy Fire Chief, said that the state regulations are phased in with emissions getting stricter over two years. Those set for April 2009 are better than those what is currently being manufactured.

**Councilor Sartoris moved, Councilor Daughtry seconded, to ban new wood boilers and to set guidelines on existing wood boilers. The motion carried with seven (7) yeas. Councilor Favreau and Councilor Watson were opposed.**

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

- 176. The Town Council will consider sending a letter to Congressional Delegations regarding environmental conditions, seeking funds to pay for the remediation at Brunswick Naval Air Station, and will take any appropriate action.**

Chair King said at the last meeting a representative from the Restoration Advisory Board stated there should have been better funding from the federal government for the clean-up of the base. She suggested sending a letter to the Congressional delegations requesting funding for the cost to remediation of the contaminated sites at the Brunswick Naval Air Station.

Councilor Sartoris suggested adding language to the letter regarding the public health of their constituents.

**Councilor Daughtry moved, Councilor Webb seconded, to send a letter to the Congressional delegations requesting funds to pay for the remediation at Brunswick Naval Air Station. The motion carried with nine (9) yeas.**

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

**177. The Town Council will discuss the Economic Feasibility Study regarding a proposed traffic study from Pleasant Street to River Road as a part of Fox-Run Industrial Park, and will take any appropriate action.**

Gary Brown, Assistant Town Manager, said this item comes as a result of a meeting with MDOT. The town asked them what information they needed to allow a road to be built. They have data and feel comfortable with an access road. The town wants to be able to send an RFQ to look at both properties, Fox Run and the Moore Property, and come back to the Council with additional information. The Feasibility committee will be overseeing this.

Chair King said by reviewing both sites the town will be in a better position when doing the negotiating on the chosen site.

Councilor Augur said by doing two locations at once, this would not double cost of the study. Mr. Brown agreed with Councilor Augur. Councilor Augur continued, agreeing that both sites should be looked at so the town will have options.

Councilor Sartoris agreed that the town needs to look at both sites since the cost also has to do with the cost of traffic improvements.

Councilor Webb requested that the citizen members continue their work with the Economic Feasibility Committee.

**Councilor Sartoris moved, Councilor Augur seconded, to move forward with an RFQ on the two sites per the report from the Economic Feasibility Study Committee. The motion carried with nine (9) yeas.**

**178. The Town Council will consider the request pursuant to the Town's open space and recreation plan to establish a trails committee, and will take any appropriate action.**

Councilor Sartoris said she had provided a draft proposal for the trails committee. The Council has expressed concerns about the number of committees, but she is still asking the Council to discuss this at their retreat. The trails work needs to have a coordinated approach. The Open Space Plan listed trails as one of the priorities that the town should consider. There is a lot of trail use in Brunswick; with a lack of coordinating effort they are not been prioritized. The town needs to seek grants. Staff needs some help with citizens helping and coordinating the approach. Other communities have good committees, and she wanted the staff to look at them to see how they are structured.

*(A copy of the draft of the committee will be attached to the official minutes.)*

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**179. The Town Council will discuss a conservation easement on the land of John Coon, and will take any appropriate action.**

**Lorraine Kohorn**, Conservation Commission, and Vanessa Levesque, Natural Resources Planner, explained the easement. John and Helen Coon are offering to donate a conservation easement of 100 acres of their property on the Raymond Road, to the town. It is in the Smart Growth area and this would offer protection of this land. This is close to other conservation lands, which, all together, makes considerable acreage. The Conservation Commission has walked this property and supports it. There are tax breaks, expiring in 2007, that will happen for this conservation easement.

**Ms. Kohorn** said, responding Councilor Schneider's question about public use, in this case landowners do not want to allow public access, but if there was a trail across in the future it may be used.

**Ms. Kohorn** said, responding to Councilor Schneider's question about why give a tax benefit if not allowing public access, the owners are doing this first to preserve this land. By doing this it protects wildlife habitat.

Councilor Sartoris said the tax difference between open space and a conservation easement is not much, but it also is valuable as conservation for wildlife habitat. She would like to support this tonight.

Councilor Daughtry asked about the map and wants a more accurate look. She would like a list of conservation easements in the town. This case is fairly new to the Council and she would prefer to see a more accurate map.

Ms. Levesque said this is an old tax map and she is working to get it better. The Coon property is accurate. She has been working on a list of conservation easements since she started working for the town. The stream goes into a shellfish area and preserving the land protects it.

Councilor Webb thanked the Conservation Commission and Ms. Levesque and added the property is in the Smart Growth area.

Councilor Watson asked how it affects the tax interest of the town. Ms. Levesque responded that the difference is from \$800 per acre to \$500 with the easement so the total tax difference is around \$600. If the town does not take it, the owner will seek out other groups, so the tax difference would be the same.

Chair King said she is going to vote for this. She was against Smart Growth since it told people what to do with land, but she will support this since this it is voluntarily giving land. If this is rushed again, she would not support similar ones. She will vote for this one for the greater good.

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Councilor Watson said he was concerned with the late hour, but that does not take away from the nice offer from the Coons. He hopes for better public access to the property.

Councilor Daughtry is concerned about the eleventh hour request and that they would have to come back to negotiate for trails.

**Councilor Sartoris moved, Councilor Augur seconded, to accept the 100 acre conservation easement on the land of John and Helen Coon. The motion carried with eight (8) yeas. Councilor Schneider was opposed.**

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

**180. The Town Council will consider approval of an option on the Armory Building on Stanwood Street from Bowdoin College, and will take any appropriate action.**

Mr. Brown said as part of the elementary school project the town needs to have an option on the Armory Property owned by Bowdoin. The projected price is \$387,666 which is the average of three appraisals. The option runs until December 31, 2008, and can be extended for another three months, if necessary.

Councilor Daughtry said if the referendum is successful the state will fund this acquisition. Councilor Favreau added the state will pay for the demolition of the Armory.

**Councilor Favreau moved, Councilor Webb seconded, to approve the option to purchase the Armory building from Bowdoin College. The motion carried with nine (9) yeas.**

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

**181. The Town Council will consider adopting a resolution for an emergency appropriation of \$20,000 from unappropriated available general fund revenues to finance the cost of repairing a portion of the storm drain system on Pleasant Street, and will take any appropriate action.**

Chair King said this is asking the Council to consider approval of a resolution for an emergency appropriation of \$20,000 from unappropriated available general fund revenues to finance the cost of repairing a portion of the storm drain system on Pleasant Street.

John Foster said it has been fixed because it broke and repairs could not wait.

**Councilor Watson moved, Councilor Sartoris seconded, to adopt a resolution for an emergency appropriation of \$20,000 from unappropriated available general fund revenues to finance the cost of repairing a portion of the storm drain system on Pleasant Street. The motion carried with nine (9) yeas.**

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

**182. The Town Council will discuss the Town Manager's evaluation, and will take any appropriate action.**

*This item was taken up after Item 183 and after the executive session.*

Councilor Webb was pleased to report on the Council's evaluation of the Town Manager. Out of the seven areas they looked at, six met or exceeded expectations. Manager Gerrish has presented a plan to deal with the one area. Councilor Webb thanked him for his hard work. The Council is recommending a 2.5% salary increase and an annual contribution at 12% to his deferred compensation plan.

Councilor Daughtry added they reviewed ten similar towns and he is right where he should be. This increase will be retroactive to July.

Chair King thanked Councilor Daughtry and Councilor Webb for their work on this. She added Manager Gerrish is hard working, ethical, and accessible. Councilor Sartoris agreed.

**Councilor Sartoris moved, Councilor Watson seconded, to approve the Town Manager's salary to increase of 2.5% and to make an annual contribution of 12% to his deferred compensation account, retroactive to July 1, 2007. The motion carried with nine (9) yeas.**

**183. Consent Agenda**

- ♦ Minutes of September 17, 2007
- ♦ Minutes of October 1, 2007
- ♦ Minutes of October 15, 2007
- ♦ Minutes of November 19, 2007
- ♦ Minutes of December 4, 2007

**Councilor Augur moved, Councilor Favreau seconded, to approve the consent agenda. The motion carried with nine (9) yeas.**

**Councilor Augur moved, Councilor Knight seconded, to go back into executive session. The motion carried with nine (9) yeas.**

Council came out of executive session and took up Item 182.

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

The meeting adjourned at 10:14 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*  
*February 9, 2008*

February 20, 2008

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*Date of Approval*

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*Council Chair*