

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
December 6, 2004
7:00 p.m.
Municipal Meeting Facility

Councilor Priest moved, Councilor Galloupe seconded, to go into executive session to discuss a poverty abatement. The motion carried with nine (9) yeas.

7:00 P.M. Chair Lowe called the meeting to order and asked for the Pledge to the Flag.

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

Councilors Absent: None.

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Clark Labbe, Acting Fire Chief; Sandra Carleton, Deputy Fire Chief; Jerry Hinton, Police Chief, and the TV video crew.

Approval of Minutes: **October 18, 2004**
 November 1, 2004
 November 15, 2004

Hearing no objection from the Council, Chair Lowe declared the minutes of October 18, 2004, November 1, 2004, and November 15, 2004, accepted as written.

Public Comment: None.

Correspondence:

Councilor Priest asked the Town Manager if he had received a response from the Water District about televising their meetings. Manager Gerrish responded that the Water District will discuss that at their meeting on December 13 and get back to the Council with a decision.

Councilor Rice said he hoped to have something on the December 20, 2004, agenda regarding guidelines when the town is involved with a situation similar to what happened with the Cox Pinnacle easement request.

Manager's Report:

a) Financial Update

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Manager Gerrish said the town is through five (5) months of the fiscal year and is in good shape. Excise taxes are even with last year and state revenue sharing is a little ahead of last year. Under expenditures, the town is in good shape.

b) Frank Woods Bridge: MDOT Meeting

Manager Gerrish said there will be a meeting on Thursday night at the Topsham Public Library on improvements to the bridge. The state will be spending one million dollars (\$1,000,000) to do some repairs. The project is funded in the current state budget.

c) Law Enforcement Terrorism Prevention Grant

Manager Gerrish explained the Police Department has received a Law Enforcement Terrorism Protection Grant in the amount of eighty five thousand seven hundred seventy dollars (\$85,770). The Police will be putting together a plan as to how the funds will be used.

(A copy of a letter from the Maine Emergency Management Agency explaining the grant will be attached to the official minutes.)

d) Fire Department Grants

Clark Labbe, Acting Fire Chief, introduced Sandra Carleton, the new Deputy Fire Chief.

Deputy Chief Carleton explained that a citizen, Todd Mueller, made a donation of five hundred dollars (\$500) to the Fire Department. Deputy Chief Carleton said that the department would like to purchase a rescue mannequin with the donation, supplemented by funds in their equipment budget.

Acting Chief Labbe explained that the Fire Department has received a grant in the amount of two thousand dollars (\$2,000) from the Alfred M. Senter Fund, which the department would like to use to purchase an LCD TV to complete the fire safety education trailer project.

Acting Chief Labbe also told the Council that the Fire Department is applying for a grant in the amount of one hundred twelve thousand eight hundred thirty one dollars (\$112,831) of federal funds for a pilot project in pre-incident planning. If received, the local match would be twelve thousand five hundred thirty six dollars (\$12,536).

Councilor Galloupe moved, Councilor Desmarais seconded, to accept and allow expenditure of a five hundred dollar (\$500) donation from Todd Mueller for a rescue training mannequin for the Fire Department. The motion carried with nine (9) yeas.

Councilor Watson moved, Councilor Desmarais seconded, to accept and allow expenditure of a grant from the Alfred M. Senter Fund in the amount of two

thousand dollars (\$2,000) for an LCD TV for the safety education trailer for the Fire Department. The motion carried with nine (9) yeas.

(A copy of a letter from the Senter Place Management Office explaining the grant, and a memo from the Fire Department will be attached to the official minutes.)

e) (ADDED) – NAPA Building update

Manager Gerrish said that the NAPA building has been removed and the gravel lot will be used by municipal employees until it is finished and paved next spring. This will free up the municipal lot for the public.

f) (ADDED) Update on Council meetings

Manager Gerrish said that in addition to the Inaugural meeting on January 3, 2005, the Council will meet on the tenth, since no business will be taken up at the January third Inaugural meeting. The Council retreat will be either January 8 or 15, 2005, and there will be a workshop next Monday on the aquifer protection zone.

Councilor King asked Manager Gerrish if he had an answer on the question of the difference between a sign and a political sign. Manager Gerrish replied that he has received an answer and he will get that information out to the Council.

Adjustments to Agenda: None.

194. The Town Council will hear public comments on the following request for an Alcoholic Beverage License and will take any appropriate action.

Full Time Vinous and Malt

**Rajan Chahal d/b/a Shere Punjab Restaurant
46 Maine Street**

Rajan Chahal

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

Councilor Priest moved, Councilor King seconded, to approve a request for an Alcoholic Beverage License for Shere Punjab Restaurant. The motion carried with nine (9) yeas.

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

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

**Brunswick Lodge of Elk's #2043 d/b/a Brunswick Elk's Lodge
179 Park Row**

Regis Leclair, Trustee

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

Councilor Desmarais moved, Councilor Watson seconded, to approve a request for a Special Amusement License for Brunswick Elk's Lodge. The motion carried with nine (9) yeas.

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

196. The Town Council will hear public comments on the following requests for Food Service Licenses and will take any appropriate action.

Food Service Establishment with Malt and Vinous:

**Rajan Chahal d/b/a Shere Punjab Restaurant
46 Maine Street**

Rajan Chahal

Food Service Establishment with Mobile Carts, Takeout, Catering:

**Cindi Rafoth d/b/a Buttercup's Bakery of Brunswick
5 Brian Drive**

Cindi Rafoth

Food Service Establishment with No Alcohol/Sit Down:

**Ryan and Helen Stevenson d/b/a Brunswick's House of Pizza
85 Pleasant Street**

Ryan and Helen Stevenson

**Brunswick Fairfield, LLC d/b/a Fairfield Inn and Suites
36 Old Portland Rd**

Gary Serino

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

Councilor Sartoris moved, Councilor Priest seconded, to approve requests for Food Service Establishment licenses for Shere Punjab Restaurant, Buttercup's Bakery of Brunswick, Brunswick's House of Pizza, and Fairfield Inn and Suites. The motion carried with nine (9) yeas.

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

197. The Town Council will hear public comments on the following request for an Innkeepers License and will take any appropriate action.

**Brunswick Fairfield, LLC d/b/a Fairfield Inn and Suites
36 Old Portland Rd**

Gary Serino

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

Councilor Desmarais moved, Councilor Sartoris seconded, to approve a request for an Innkeepers License for Fairfield Inn and Suites. The motion carried with nine (9) yeas.

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

198. The Town Council will hear public comments on the following request for a Junk Yard/Automobile Recycling permit and will take any appropriate action.

**Eric C. Tardiff d/b/a Brunswick Auto Recycling
(formerly Moody's Used Auto Parts)
117 Bath Road**

Eric C. Tardiff

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

Councilor Rice moved, Councilor King seconded, to approve a request for a Junk Yard/Automobile Recycling permit for Brunswick Auto Recycling (formerly Moody's Used Auto Parts). The motion carried with nine (9) yeas.

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

189. The Town Council will discuss a process for developing plans for the Times Record building for Municipal use and will take any appropriate action.

Manager Gerrish said the town needs to start the process of planning for the re-use of the Times Record building for municipal uses. He is recommending the same process used for the Cook's Corner Fire Sub-station, as follows:

- Appoint a three (3) member Committee of the Council to oversee the project. The Committee would be assisted by Town Staff, lead by Assistant Town Manager Patricia Harrington.
- The Committee would consider the re-use of the Times Record building primarily for the Police Department, Council Chambers, Cable TV, Human Services and Public Works. Other municipal uses could be considered as space analysis is done. The committee would also look at space planning for the existing town office when the Police Department moves to the Times Record building.
- The Committee will hire professional assistance as necessary.
- The goal is to have plans ready for the Times Record building and 28 Federal Street no later than August of 2005.

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Chair Lowe asked the Council if this is the direction in which they wish to go and for them to make a final decision on the building's uses.

Councilor Galloupe spoke against having the police at the Times Record building. He said the town offices would be a better use of the site.

Councilor Rice, responding to Councilor Desmarais, said the substation committee has been working well and this is a good way to go. The meetings are public. August is a reasonable time frame to get the job done if the Council has a consensus on its uses.

Councilor Watson said the goal of August is workable if the focus is maintained. They need to do an analysis of what would best serve the community - using the Times Record building for the police or a town hall.

Councilor Priest feels it is a suitable place for police. He wants the committee to have a clear idea of what is going to go there.

Councilor McCausland said that the public works garage has worked well there. Unlike with the fire calls, when a police call comes in, the responder is typically responding from the road. He said the downtown groups are in favor of the municipal functions in the downtown area.

Councilor Priest moved, Councilor McCausland seconded, to adopt the following uses for the Times Record building: Police, Human Services, a Council Chamber, Cable TV, and Public Works; and to establish a three (3) member Council committee for the purpose of developing plans for the re-use of the building.

Councilor King said she supports the Human Services Department going there since it will be closer to the Brunswick Housing Authority and other similar services. She supports the Police and the Council Chambers there, as well.

Councilor Desmarais also supported the proposed uses.

Councilor Sartoris said the building is bigger than what the SMRT report said was needed for the Police. She does not want to over establish the amount of space the Police will use since other departments also have needs.

Councilor King suggested looking at other communities' stations to see what Brunswick needs based on what others have done.

Vote on Motion

Councilor Priest moved, Councilor McCausland seconded, to adopt the following uses for the Times Record building: Police, Human Services, a Council Chamber, Cable TV, and Public Works; and to establish a three (3) member Council committee for the purpose of developing plans for the re-use of the building.

The motion carried with seven (7) yeas. Councilor Watson and Councilor Galloupe opposed.

199. The Town Council will discuss the process for making a decision for a Central Fire Station site and will take any appropriate action.

Chair Lowe said the staff will bring forth cost estimates at the December 20, 2004, Council meeting. This Council has been struggling with this decision, and, with cost estimates, they should be able to make a decision on location and move forward on this project. He is proposing that at the next meeting the Council make a decision after receiving information from staff and hearing from the public, and move forward on the purchase of land. He would like the public to know a decision on the site may be made.

Councilor Desmarais commented that it may be wise, if considering the downtown site, to look at what property may be available in the west part of town.

Chair Lowe agreed that land for a station in the west part of town should be considered based on Councilor Rice's proposal from the workshop.

Manager Gerrish said they will be hiring someone to create the construction cost estimate. Dennis Ross of Mitchell, Ross and Associates is someone to consider for that task. These will be estimates only, and there will also be estimates on the purchasing price of properties.

Councilor Desmarais said that fire fighter training, as well as water issues at the current site, need to be considered.

Councilor Rice said some of the training issues are being looked at for the substation. He would like information on downtown sites with metal buildings which could follow village review zone requirements. There may be ways to save funds.

Manager Gerrish can give some ranges for construction cost and will look at what was approved in the past.

Councilor McCausland cautioned the Council on the amount of work to be done in a short time, with a need to remain focused on the substation in Cooks Corner, as well. What was clear to him from the workshop is there is a possibility of a scaled back version near the current station. If purchasing property, it does not mean that the property will be built on soon. The priority is the substation.

Councilor King said she wants to make sure that the renovation costs are realistic.

Councilor Sartoris said she is concerned about the cost in the future, and Manager Gerrish responded that cost estimates will have inflation built in.

- 200. The Town Council will receive a report from the Planning Board and Conservation Commission on a proposed amendment to the Zoning Ordinance concerning the Natural Resource Protection Zone and will take any appropriate action.**

Manager Gerrish said this item was before the Council for a public hearing on July 19, 2004. At that time, the Council tabled the item until the Conservation Commission had a chance to review the proposed request. The Conservation Commission has reviewed it and is not in favor of the change. Manager Gerrish recommended that the item be sent back to the Planning Board for their comments in light of the Conservation Commission decision, and then brought back to the Council.

Councilor Sartoris moved, Councilor Rice seconded, to request that the Planning Board review the proposed amendment to the Zoning Ordinance concerning the Natural Resource Protection Zone and report back to the Town Council with a recommendation. The motion carried with nine (9) yeas.

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

- 201. The Town Council will discuss a request from the Cuba Sister City organization to have the Town donate the stage curtain in the old high school to our sister city in Cuba and will take any appropriate action.**

Councilor Sartoris said that she received the request for the old high school stage curtain.

Kathy Murphy, 11 Hemlock Road, from the sister city group, showed pictures of Cuban students performing and said that giving them the curtain would be a nice gesture. There would be no cost to the town as arrangements have been made with a humanitarian organization to deliver the curtain. Volunteers from the sister city group would remove and pack it. They would like Brunswick students to sign the back of it before it is sent off. The organization and Councilor Sartoris have checked locally to see if anyone, such as the schools or the theater project, is in need of the curtain. All have responded in the negative.

Councilor King asked if a public hearing is necessary since the proposal is to give away town property.

(It was determined that a public hearing was not required in this case.)

Councilor McCausland suggested providing public notice that the curtain will be given away, in the event a local organization has need of it. He asked what shape it is in.

Ms. Murphy said it is not in bad shape and is better than what they have in Cuba.

Councilor Sartoris said she is not so interested in who may want the curtain after all this time, but whether or not there are concerns or support for giving it away. This is a good thing to do.

Councilor Watson supported this cultural exchange with the ties that Maine has to Trinidad.

Councilor Sartoris moved, Councilor Watson seconded, to set December 20, 2004, to accept public comment on the donation of the old high school stage curtain. The motion carried with nine (9) yeas.

202. The Town Council will discuss accepting a pedestrian easement and several smaller pieces of open space associated with the Brunswick Housing Authority's Garrison Grove project and will take any appropriate action.

Manager Gerrish explained the connections to paths and roads as part of the project.

Councilor Priest moved, Councilor Rice seconded, to accept the pedestrian easement and open space parcels from the Garrison Grove project, as presented. The motion carried with nine (9) yeas.

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

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

Manager Gerrish read the list of applicants and the days and times requested, noting a change in the Evergreen's Friday time from Noon to 6:30 p.m.

Councilor Sartoris moved, Councilor Priest seconded, to approve the six month Beano/Games of Chance licenses. The motion carried with nine (9) yeas.

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

204. The Town Council will consider a request for a tax abatement and will take any appropriate action.

Chair Lowe moved, Councilor Galloupe seconded, to deny the tax abatement. The motion carried with nine (9) yeas.

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

Councilor Desmarais moved, Councilor McCausland seconded, to nominate Benson Ford and Richard McInnes to serve on the Assessment Review Board, Mark Phillips to serve as an alternate on the Personnel Board, Charles Updegraph and Jane Millet to serve as full members of the Personnel Board, Jeffrey Ward to serve on the Recreation Commission, and Julie Isbill to serve on the Town Commons Committee; and asked the Chair to cease nominations and cast one vote for each nominee.

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The Council voted unanimously to appoint these individuals.

Councilor Rice asked if the Personnel Board's alternates could be changed to three (3) year terms.

Fran Smith, Town Clerk, said this requires a charter change, which requires a vote of the voters.

Councilor Rice said he would like this investigated more as to the process.

Manager Gerrish and Councilor Priest talked about the Governor's tax proposal and encouraged the public to look at the document, noting that it is available online.

The meeting adjourned at 8:25 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
December 27, 2004**

January 10, 2005

Date of Approval

Council Chair