

APPROVED
BRUNSWICK TOWN COUNCIL MINUTES
February 7, 2005
6:30 p.m.
Municipal Meeting Facility

6:30 P.M. Chair Lowe called the meeting to order.

Councilors Present: Chair Forrest Lowe, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Louise V. Ansari, Barbara A. Desmarais, Ralph L. Tucker, and Joanne T. King.

Councilors Absent: None

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Steve Walker, Natural Resource Planner; Jerry Hinton, Police Chief; James Oikle, Business Manager for School Department; John Eldridge, Finance Director; John Foster, Public Works Director, and the TV video crew.

EXECUTIVE SESSION: 6:30 P.M. **Acquisition of Property**
Legal Discussion with Town Attorney

Councilor Watson moved, Councilor Desmarais seconded, to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) & (E) to discuss acquisition of property and to have a legal discussion with the Town Attorney. The motion carried with nine (9) yeas.

MEETING CONTINUES: 7:00 P.M.

Chair Lowe asked for the Pledge of Allegiance.

Approval of Minutes: January 18, 2005

Hearing no objection from the Council, Chair Lowe declared the minutes of January 18, 2005, approved as written.

Public Comment:

Herschel Sternlieb, McKeen Street, spoke on behalf of a group, with forty (40) active members, looking at uses for Brunswick Naval Air Station (BNAS) if it were to close. They would like to see the land returned to the town. Its use should be for the maximum long term financial benefit to the town, and provide tax relief.

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Fred Blanchard, Harpswell Road, asked if the Council was aware of what the teacher union's requirements are for their contract. If not, why has that information not been made public? If there are increases at the same level as the last contract, it could cost the town an additional one million dollars (\$1,000,000).

Manager Gerrish said the teacher contract negotiation is done through the School Board and the Superintendent's office.

Janet Brand, Bunganuc Road, sees on this agenda there is an item about a new pay plan. She wants to see the town be financially frugal. There are many residents well qualified to speak who are being ignored by the Council. She asked the Council to please listen to the public and to stop spending the taxpayers' money.

Ted Crooker, Storer Road, said he did not support the newspaper's article on the fire substation since the project is in the design build stage. He strongly recommended that the fourth bay be added to the substation. It is important to select the correct design that will be best in the long run, including maintenance costs.

Correspondence:

Resignation from Bicycle/Pedestrian Advisory Committee

Manager Gerrish said that Carolyn Welch had resigned from the Bicycle/Pedestrian Advisory Committee. He thanked her for her service on the Committee and said that the position will be advertised.

Other correspondence:

Councilor Rice updated the Council on the substation. On Thursday, the Substation Committee and staff evaluated the bids. The CIP amount of \$1.2 million was not enough money to cover the bids. The lowest bid tried to meet that amount, but did not meet the town's needs. The two (2) acceptable bids were \$1.6 and \$2.1 million, with floor plans that meet the substation's needs. The Committee and staff are going to meet with these bidders this week and discuss further details. They need to look at long term maintenance issues. The design build process is worth following. He wishes the bids had been closer to the \$1.2 million mark. Regarding the Times Record article, the Committee was not going to speak to the press until all the bidders had been notified of the bids' status. There was no intention not to get this information out to the public. They did not think it was proper to have the information in the press until after contacting the bidders. He thanked the town staff, as well, for not commenting prior to notifications.

Manager's Report:

1. Financial Update

Manager Gerrish will give this update at the next meeting.

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2. Longfellow Days Report

Maryli Tiemann explained the events surrounding the Longfellow Days: A Celebration of Community from February 24 to February 27. There will be a variety of events including music, poetry and skating.

3. Introduction of RKG Consulting Firm

Pat Harrington, Assistant Town Manager, explained how the town should be prepared if the base gets on the closure list. With the grant received, the town wants to select a consultant who is fully prepared to tackle the issues surrounding a base closing. The firm of RKG from New Hampshire was highly recommended. Craig Seymore from the firm is at the meeting to discuss RKG.

Craig Seymore provided a background on himself and his firm. They have been working with base closures since 1988, starting with the Pease Air Force Base, and since then they have worked on over forty (40) other military projects, including work in 1999 with a Brunswick area group on the last round of closures. The object of these grants was to allow for a planning process prior to a base closure and to shorten the time for recovery if there was a base closure. There are four (4) parts:

- 1) Completing an organizational study which includes looking at what other communities that have gone through;
- 2) Determining what facilities are currently at the base;
- 3) Doing a market analysis; and
- 4) Coming up with strategies if there is a closure or realignment.

The work will be done over the next three (3) months. He and his firm look forward to working with the Town of Brunswick.

Councilor Sartoris moved, Councilor Galloupe seconded, to authorize the town to accept and expend this grant in the amount of one hundred fifty thousand dollars (\$150,000) and to hire RKG Associates. The motion carried with nine (9) yeas.

4. Workshop on Monday, February 14

Chair Lowe said there will be a workshop next Monday (February 14, 2005) as a follow-up to the budget meeting last week.

Adjustments to Agenda:

Add an Item 26 to reconsider a bond ordinance public hearing and take this item up after Item 16.

- 15. The Town Council will hear public comments on the following license application for a Food Service Establishment with Mobile Cart, Takeout and Catering and will take any appropriate action.**

Robin Easter, d/b/a Sweets for the Sweet

26 Enterprise Drive

Robin Easter

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

Councilor Sartoris moved, Councilor Desmarais seconded, to approve an application for a Food Service Establishment license from Sweets for the Sweet. The motion carried with nine (9) yeas.

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

16. The Town Council will hear public comments on an Ordinance authorizing a Portable Classroom Lease Purchase Agreement in the Principal Amount of \$175,000.

Jim Oikle, Business Manager for the School Department, gave a brief overview of this item. The cost to lease the portable classroom at Jordan Acres Elementary School is fifty six hundred dollars (\$5,600) a month and there will be approximately a thirty thousand dollars (\$30,000) cost to restore the portable to good condition at the end of the lease. Under the proposal, the cost will be fifty two hundred ninety two dollars (\$5,292) per month for two (2) years and then the town will own it outright. This would avoid the cost to restore the portable, the town would own it and the town would save money on the lease.

Mr. Oikle said, responding to Councilor Sartoris' question on disposal, the portable could be reused or disposed of, which would have a cost. There are a number of uses.

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

Councilor Sartoris moved, Councilor King seconded, to adopt the Ordinance Authorizing a Portable Classroom Lease/Purchase Agreement in the Principal Amount of one hundred seventy five thousand dollars (\$175,000). The motion carried with nine (9) yeas.

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

26. (ADDED) The Town Council will reconsider the action taken on setting a public hearing for a bond ordinance on the substation and will take any appropriate action.

Chair Lowe said the Council may want to reconsider their action to set a public hearing on a bond ordinance since the bids for the substation have come in higher than expected and additional discussion is needed.

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Councilor Rice said this makes sense and it would be appropriate to postpone the public hearing until amounts are known.

Chair Lowe moved, Councilor Watson seconded, to reconsider the earlier action the Council took to set a public hearing for February 22, 2005, on the bond ordinance for the fire substation. The motion carried with nine (9) yeas.

Councilor Rice moved, Councilor Watson seconded, to postpone the public hearing on the bond ordinance for the substation until the new information has been reviewed. The motion carried with nine (9) yeas.

17. The Town Council will consider passing an Emergency Amendment to the Marine Structures and Ways Ordinance and will take any appropriate action.

Steve Walker, Natural Resource Planner, said on January 19, 2005, the Department of Marine Resources (DMR) informed the town it would be losing thirty (30) acres of flats for harvesting shellfish. This information was not known at the time the Marine Resource Committee set the number of licenses. Therefore, there should be a drop in number of licenses issued. In order to reduce the number of licenses, the town needs to make an emergency change to the shellfish ordinance.

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

Ralph Keyes, chair of the Marine Resource Committee, said without the new closures, they would have added an additional eight (8) licenses this year. By enacting this ordinance, the Committee would put the number back to seventy-four (74) total, but there would be no loss of licenses to anyone who had one last year. He was not pleased with the state's timing since water samples were taken last summer, but the town is just getting the results.

The Council, Mr. Keyes and Mr. Walker discussed the need to work with the state to get quicker results for these state samples and how the town also does its own testing to ensure public safety.

Fran Smith, Town Clerk, said that this ordinance would then have to be put into effect on a regular basis, which would require a public hearing.

Councilor Sartoris said she would like to hear what the public has to say and then write a letter to the state with the Council's concerns to the state.

Councilor Desmarais moved, Councilor Sartoris seconded, to approve the proposed amendment to the Marine Structures and Ways Ordinance on an emergency basis and to set a public hearing on February 22, 2005, for the proposed amendment on a regular basis. The motion carried with nine (9) yeas.

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

- 18. The Town Council will consider a Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages and will take any appropriate action.**

Manager Gerrish said this item is an annual resolution that the Town Council passes. As the resolution states, on February 22, 2005, tax liens are foreclosed and any property that has not had the taxes paid becomes town property. Each year the town reviews the potential properties and makes a determination whether or not it is in the best interest of the town to foreclose on certain properties. The reason the town would not foreclose would be that some properties – mobile homes primarily – would cost more for the town to dispose of than the amount due in taxes. There is still a lien on the properties, even if not taken for taxes.

Councilor Ansari asked what the town does with properties it takes.

Manager Gerrish said there is a policy in place and it could go out to bid.

Councilor Rice moved, Councilor Watson seconded, to adopt the Resolution to authorize the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages. The motion carried with nine (9) yeas.

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

- 19. The Town Council will consider authorizing \$5,000 for the BRAC Task Force as part of a State Grant to be used for providing information to defend the Brunswick Naval Air Station and will take any appropriate action.**

Manager Gerrish said the BRAC/BNAS Task Force has requested that the town contribute five thousand dollars (\$5,000) as part of the matching funds necessary for a State of Maine grant. The grant will assist with the work of the Task Force to keep BNAS open. The Task Force is requesting five thousand dollars (\$5,000) from Brunswick and two thousand five hundred dollars (\$2,500) each from Bath and Topsham. The Committee is also requesting funding from the private sector. The amount requested from the state is fifty thousand dollars (\$50,000) with a local match of twenty-five thousand (\$25,000). “In kind” work will also be applied toward the grant.

The Task Force has previously received fifty thousand dollars (\$50,000) from the State, passed through Brunswick, and those funds have already been spent. The Task Force believes that additional funds are needed as the town comes into the final months of the Federal government's base closure process.

Councilor Desmarais asked if she has a conflict of interest since her employer does the advertisement work for them. (It was decided there was not a conflict of interest.)

Councilor Sartoris said she is supportive of the base, but is not supportive of lobbying for what is in the best interest of national security.

Councilor King moved, Councilor Tucker seconded, to authorize the sum of five thousand dollars (\$5,000) in matching funds to be used by the BNAS/BRAC Task Force. The motion carried with eight (8) yeas. Councilor Sartoris was opposed.

20. The Town Council will consider accepting forfeited property from a drug seizure and will take any appropriate action.

Jerry Hinton, Police Chief, said the town will receive forfeited assets as part of a drug arrest. These assets must be used for police activities in fighting drug abuse.

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

Councilor Watson moved, Councilor Desmarais seconded, to accept and to allow expenditure of assets forfeited as a result of a drug seizure. The motion carried with nine (9) yeas.

21. The Town Council will consider approving a new pay plan for Non-Union and Department Head positions and will take any appropriate action.

Manager Gerrish explained this pay plan and the job description review, which was done as part of a pay study. There were ten (10) towns used in this study. The existing pay plan was established in 1994. Under the new plan, the lower steps are removed and replaced with additional steps at the end of the scale. In addition, three positions are moved up one pay grade. They are police commanders, deputy fire chiefs, and the public works operations manager.

Councilor Ansari said she would like a copy of the survey, and asked what steps employees will be put at.

Manager Gerrish responded by saying they would be placed at the step closest to the one they are currently in, except four (4) who will be put ahead an additional step.

Councilor King said she felt they did not have enough information, like the sizes of the town's departments compared to other communities. Some of the increases are up eighteen percent (18%). She would like a tax impact analysis done for this year.

Councilor Tucker said that step five of the current scale will become step one of the proposed scale; then four (4) more years were added. At the end of the four (4) years there could be the eighteen percent (18%) increase. He felt it should be tabled until additional information was provided.

Councilor Rice said what is in the packet is confusing and this item should be tabled.

Councilor Tucker moved, Councilor King seconded, to table this item until additional information has been provided.

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Chair Lowe said this is a routine process that all organizations go through and the whole point is to ensure people are being paid appropriately and when the town is looking for people they offer a competitive pay. He did agree additional information would be helpful and this could be discussed at the next Council workshop.

Manager Gerrish said, responding to Councilor Rice's question, the Council determines the cost of living adjustment, which increases the plan appropriately.

Councilor King said the timing of this issue is very poor. She is concerned about the increases and the tax impact.

Chair Lowe said this work is the same as what is done with the union negotiations.

Manager Gerrish said, responding to Councilor Ansari's question, the additional funds for the current fiscal year are budgeted.

Councilor Tucker moved, Councilor King seconded, to table this item until additional information has been provided. The motion carried with nine (9) yeas.

22. The Town Council will discuss the Charge to the Times Record Building Committee and will take any appropriate action.

Manager Gerrish said the Times Record Building Committee will begin meeting next week; the Council is being asked to consider the charge to the committee.

Councilor Galloupe said the committee does not have a charge and he would like to see one in place.

Councilor Desmarais said she would like to see if the building could be rented until the town could afford the renovations. She would like this idea added to the charge.

Councilor King agreed with Councilor Desmarais, with the tax issues being worked on.

Councilor Galloupe said this is just to get the plan together and then the Council will decide what to do with the plan.

Chair Lowe said that over the next few weeks the Council will need to make some decisions on what to do with the budget. This may give the Council a better idea as to how to proceed with this project.

Manager Gerrish said the town put money in the budget to do the planning and get estimated costs. The town does own the building and that tax impact will be coming up in next year's budget. With the committee's planning being done, the town will have a better plan.

Councilor King said the reason she suggested waiting is she was trying to eliminate the frustration of working on something and not having anything happen.

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Councilor Sartoris said the committee is aware of what may or may not happen. There is a lot of information that is not known about the building. Even if the town leases it out, it is good to have the information as to what to do and what the costs of renovation will be. The project may be phased in over time.

Councilor Ansari said if the town does not go ahead with the building renovation, there are things that the town needs to do to the building.

Councilor Sartoris said a Councilor had asked if the town is committed to using it for the police department regardless of the cost. She felt the question of what can be done with the building needs to be on the table.

Councilor Galloupe said regardless of what is going to happen, the town needs to hire some expertise and until this is done, no committee can move forward.

Chair Lowe moved, Councilor Tucker seconded, to approve the charge of the Times Record Building Committee. The motion carried with nine (9) yeas.

(A copy of the Committee's charge will be attached to the official minutes.)

23. The Town Council will consider the Council Goals for 2005 and will take any appropriate action.

Chair Lowe said it is time to work on the Council goals. He had asked the Town Manager to prepare some.

Manager Gerrish reviewed last year's goal and added two (2) additional ones. They included approving the Comprehensive Plan and making a decision on some capital facilities issues by June.

Chair Lowe said it is critical to get the facilities issues into place. More discussion can take place at the workshop and he asked Councilors to bring additional ideas.

Councilor Desmarais said she supports the Comprehensive Plan Update and the facilities. She does not want to add any more goals.

Councilor Ansari said, looking at past years goals, the word "regionalization" was included, but not recently. She would like know if the Comprehensive Plan includes regionalization. Regionalization takes a lot of time and vision since it requires working with several communities, but in the end there is a real payoff and savings to taxpayers. She would like to see regionalization be considered when working on projects.

24. The Town Council will consider a request from the Maine Department of Transportation for a "Construction Over Limit Permit" and will take any appropriate action.

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Manager Gerrish said the state is doing two (2) paving projects in Brunswick and this permit allows for them to have construction equipment that exceeds legal weight limits over town roads. There will be a set period of time.

Councilor Rice moved, Councilor Watson seconded, to approve the request from the Maine Department of Transportation for a Construction Over Limit Permit. The motion carried with nine (9) yeas.

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

Councilor Sartoris nominated Charles Priest to serve on Sewer District Trustees for a three year term and on the Cable TV Committee for a balance of a three year term, asked to cease nominations and asked the Chair to cast one vote for Mr. Priest for the two committees. The Council voted nine (9) yeas to appoint Mr. Priest.

Councilor Sartoris nominated Helen Koulouris to serve on the Maine Street Station Design Committee.

Councilor King nominated Michelle Curtis to serve on the Maine Street Station Design Committee.

Seeing no other nominations, the Chair ceased nominations.

Helen Koulouris received votes from Councilors Sartoris, Galloupe, and Tucker.

Michelle Curtis received votes from Councilors Watson, Rice, Lowe, Desmarais, Ansari, and King.

Michelle Curtis was appointed to the Maine Street Station Design Committee.

Councilor Sartoris nominated William Perry to serve on the Personnel Board as an Alternate member, asked to cease nominations and asked the Chair to cast one vote for Mr. Perry for this board. The Council voted nine (9) yeas to appoint Mr. Perry.

Councilor Sartoris nominated Margaret Wilson and Rita Worthing to serve on Planning Board, asked to cease nominations and asked the Chair to cast one vote for Ms. Wilson and Ms. Worthing for this board. The Council voted nine (9) yeas to appoint both Ms. Wilson and Ms. Worthing.

Councilor Sartoris nominated Thomas Green to serve on Sewer District Trustees for the balance of a term, asked to cease nominations and asked the Chair to cast one vote for Mr. Green for this board. The Council voted nine (9) yeas to appoint Mr. Green.

Councilor Sartoris nominated David Giles to serve on Zoning Board of Appeals as full member for a three year term, asked to cease nominations and asked the Chair

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to cast one vote for Mr. Giles for this board. The Council voted nine (9) yeas to appoint Mr. Giles.

Councilor Sartoris nominated the following people to serve on the Brunswick Teen Center Board: Jordan Cardone for a three year term, Margie McEwen for a two year term and Harry Ruwet for a one year term, asked to cease nominations and asked the Chair to cast one vote for Ms. Cardone, Ms. McEwen and Mr. Ruwet for this board. The Council voted nine (9) yeas to appoint all three nominees.

The Recycling Committee appointments were tabled until the next meeting.

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

The meeting adjourned at 9:30 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 14, 2005*

February 22, 2005

Date of Approval

Council Chair