

--APPROVED--
BRUNSWICK TOWN COUNCIL
MINUTES
February 4, 2008
7:00 P.M.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Hallie Daughtry, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, and David C. Webb.

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Anna Breinich, Director of Planning and Development; Mat Eddy, Director of Economic Development; and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment: None

Correspondence:

Chair King noted that the town has received three responses from the Congressional delegation, responding to the town's letter of concern about base clean-up. The delegation said they are fighting this matter on the town's behalf.

Manager Gerrish said the town received a letter from Frank McVey of the Brunswick Sewer District which indicated they will be looking at a 5% increase in this upcoming year. They will come back with a presentation on this issue at a future meeting.

Adjustments to the Agenda: To table Item 19

Councilor Daughtry moved, Councilor Favreau seconded, to table Item 19. The motion carried with nine (9) yeas.

Manager's Report:

(a) Financial Updates

Manager Gerrish said the winter works budget is 92% spent already. The rest of the budget on the expenditure side is in good shape. He is keeping a watch on state revenue sharing and excise tax, which has been flat.

(b) Council Updates

Councilor Webb said the Business Park Feasibility Committee has selected four engineering firms that they will be interviewing to do the site evaluations.

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Councilor Knight said the Maine Street Station Project's sketch plan will be on the Planning Board workshop agenda. The organizational meeting of the Council subcommittee will be on Thursday. She thanked the Implementation Committee for all their hard work, and Forrest Lowe for chairing it.

Councilor Daughtry said the Elementary School Building Committee has good news that the Department of Education has approved the site.

Manager Gerrish said the town has applied for a grant to assist with the chimney swifts; the town's share will be \$14,000 to \$15,000.

(c) Confirmation of Police Chief

Manager Gerrish said, after an extensive search, he is asking confirmation of Richard Rizzo as the new Police Chief. Mr. Rizzo has over 35 years of experience.

Councilor Augur moved, Councilor Favreau seconded, to confirm Richard Rizzo as the Police Chief for the Brunswick Police Department. The motion carried with nine (9) yeas.

(d) Upcoming Workshops

Manager Gerrish said there will be workshops on Monday, February 11 on the CIP and budget and on Monday, February, 25 for a second meeting on the subject. On March 24, George Bald will speak about his experiences with the Pease Base closure.

(e) Moving February 19th Council Meeting to February 20th

Manager Gerrish said the Council will hold their second February Council meeting on Wednesday, February 20, 2008, instead of Tuesday, February 19, 2008, to accommodate Councilor Webb, who has a work commitment on February 19.

Councilor Watson moved, Councilor Tucker seconded, to move the February 19th Council meeting to February 20, 2008. The motion carried with nine (9) yeas.

(f) Wharton Point Plaque

Manager Gerrish said the Brunswick Rotary Club is going ahead with the Wharton Point Plaque. He thanked them for this donation.

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

11. The Town Council will hear public comments on the following Full-Time Spirituous, Vinous and Malt License application, and will take any appropriate action.

Full-Time Spirituous, Vinous & Malt
Belle Fete, LLC (Catering)
35 Noble Street

Christopher W. Kinkade

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

Councilor Knight moved, Councilor Favreau seconded, to approve the application for a Full-Time Spirituous, Vinous and Malt License to Belle Fete, LLC Catering, located at 35 Noble Street. The motion carried with nine (9) yeas.

- 7. (Tabled) The Town Council will discuss a policy regarding correspondence received by the Council, and will take any appropriate action.**

Manager Gerrish said this item is to discuss a policy regarding correspondence received by the Council.

Chair King said she is excited about this since it allows a better way to let the public know how the Council will respond to correspondence they receive.

Councilor Klatt read the general guidelines and asked about the difference between an official versus personal matter.

Councilor Augur gave an example of a high school friend sending a note via email to a Councilor as being a personal one.

Mr. Brown clarified that if it is personal in nature, it does not have to be shared.

Councilor Daughtry moved, Councilor Watson seconded, to approve the policy regarding correspondence received by the Council. The motion carried with nine (9) yeas.

Councilor Daughtry moved, Councilor Favreau seconded, to amend the Council rules to add section 48, as attached. The motion carried with nine (9) yeas.

(A copy of adopted the Town Council Policy on Correspondence and change to Council Rules will be attached to the official minutes.)

- 12. The Town Council will discuss Town Council Rules Section 7 regarding public comments, and will take any appropriate action.**

Councilor Webb said this was discussed at the retreat to address concerns about public comments that were not appropriate. The goal is to keep the public comment section but to limit the policy to issues relevant to the performance to the duties of Council. They cannot be personal attacks or on personnel issues. The proposed changes reflect a list of

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items not to be allowed, including that there be no political advertising. He would like to talk in the future about a way to have public dialogue with citizens, whether done at the district level or the organizational level.

Chair King said this is a welcome addition to the process. She would like to have the guidelines posted in the room.

Councilor Daughtry said upon review of all her emails on this subject, one theme that kept appearing is the frustration of citizens not getting responses from the Councilors. She suggested eliminating public comment from the business meeting and having the informal meetings with citizens to have a dialog with them.

Councilor Favreau said the Facility Subcommittee had the public sit in and it was well attended. He would not want the meetings televised.

Councilor Augur said the same of the towing group. He liked Councilor Daughtry's idea. He suggested moving the public comment to the end of the meeting. Regular agenda items take precedence over public comments.

Councilor Daughtry wanted not to have public comment at business meetings, but, instead, have it at another evening.

Councilor Webb said he would work with Councilor Daughtry and any others to draft this. He would like to keep public comment; it would be okay to have it at the end but he prefers to keep it at the beginning of the meeting.

Chair King asked who was in favor of keeping public comment. Councilor Watson wanted to keep it; Councilor Tucker would consider a later time for comments; Chair King, Councilor Daughtry and Councilor Klatt wanted no public comment at the business meeting, but at another one; Councilor Favreau and Councilor Knight supported both; Councilor Augur wanted to have comments at the end of the meeting along with chances for dialogue; Councilor Webb wanted to keep public comment, preferring it at the beginning, and he also had concerns about not having enough dialog sessions.

Councilor Daughtry suggested adding to #4 "political causes."

Manager Gerrish said they would have to work out the details if there were to be informal meetings.

Due to Council rules, this item needs to come back for Council action at the next meeting.

- 13. The Town Council will discuss the request for a zoning amendment for Pleasant and Stanwood Streets to accommodate a Walgreens Drug Store, and will take any appropriate action.**

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David Latulippe, Richmond Company, made a presentation as to what Walgreens is proposing to do at this site. **Tom Gorrill**, traffic engineer, explained what they are proposing to do with the traffic and road configuration.

Manager Gerrish reviewed the process to make a zoning change. When proposing a change to the Zoning Ordinance, the Council sends it to the Planning Board, which makes recommendations back to the Council; then the Council can move forward on the change or not. This item is to send it to the Planning Board for their review.

Chair King opened the floor for public comments.

Kevin Bunker, 74 Hennessey Avenue, supports the project. It is handy to have a pharmacy in the neighborhood; he does not feel there is an impact and the current sidewalk is not safe for a child's bike. He added that Julie Wise at 73 Hennessey Avenue also supports the project.

Cathy Barter, citizen and representing the Brunswick Downtown Association, said she met with Walgreens two years ago to discuss their concerns, and Walgreens listened to her and others' input and changed the project so it works. She read a letter of support from the Brunswick Downtown Association.

Peggy Shiels, 9 Stanwood Street, spoke in favor of the project. The area has changed in the last ten years and it does not feel like a neighborhood anymore. She has been trying to sell her house, but she hears that it is in the wrong place. This block of Stanwood Street needs thoughtful development that goes forward. She recommends the Planning Board do their work to get this to the next step.

Paul Caparratto, owner of 5 Stanwood Street, spoke in favor of the project. He has owned the property over thirty years and has not been able to rent to young families due to the traffic issues. It takes one to two months to rent an apartment; it used to be a few days. Walgreens has been very professional in their dealings with homeowners.

Austin Treworgy, 62 Federal Street, said he is the owner of the unattractive home on the corner of Stanwood Street. Since Pleasant Street is a gateway, this project is a way to improve that area.

Lori Bremm, 4 Spring Street, spoke against this project. She lives there because of the pulse of the neighborhood and since it is in the Village Review Zone. She does not support this project at this location. Something does need to be done with the traffic. There is something about this area that has a personality.

David Flaherty, property owner in Brunswick since 1984, urged the Council not to exempt this. He has a contract on four parcels on Map U23, equaling 1.7 acres of land. This is the alternate site for the Walgreens. These property owners have been working with another developer. He did not sign the contract until January 2007 after the Council rejected the proposal for the Stanwood Street corner site. It is in the town's best interest

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to have these parcels join for a larger development, which would be a better use of these lots.

Tom Cole, representing Peggy Shiels at 9 Stanwood Street, said the only persons interested in her property have been businesses. He urged the Council to vote in favor of this proposal.

Tom Wilson, 21 Windemere Road, said he is just a guy who drives through that intersection and he does not support it for the following reasons: 1) it was denied once; 2) the Council turned down this site as a fire station; and 3) adding the right turn lane will not help that much as there will more traffic at the intersection. The issue is not the building of Walgreens, but that the intersection needs to be fixed before developing that area more. That is an in-town area. This area and others are off limits to some types of business, which he would like the Council to think about. The town has one shot to get this area and intersection right.

Mike Ouellett, Vice Chair of BEDC, said they support this moving forward. It will be good to get the traffic improvements done. The developer understands the importance of this corner as a gateway to the community. This is a national firm coming in at a very critical time wanting to develop in this community. There is a transition period, with the base closing, before getting new development there. They would like the Council to move this forward for discussion.

Greg O'Brien, on behalf of Coldwell Banker and David Gleason, supports this project and the traffic improvements. Both Kathleen Strickland, owner of Women's Fitness, and the Margarita's Hair Salon owner are in support of this project.

Jesse Laffely, owner of Brunswick Home and Garden, supports this project. It will help the traffic and will help when the school is rebuilt. He wants the Council to at least look into it more.

Leon Laffely, 40 Hennessey Avenue, gave a history of this intersection and getting a light. Widening the road will help and Pleasant Street is not like it was when he grew up. Let Walgreens do their job and do it right.

Robert Cole, 130 Brackett Road, supports this project. Removing this house would improve this town. Once one goes over the hill on Pleasant Street, one can get back to the village setting. Walgreens is putting up \$1 million plus to fix this intersection. Stanwood Street is a mess; the right hand turn would help the town. The Walgreens spend money to do this right. This town has an opportunity to have a good corporate citizen do it. He urged the Council to consider this.

Jeff Pelletier, 29 Union Street, said, as a resident of this neighborhood he wanted to express some hesitation with the proposed zoning change which he viewed as spot zoning. The town needs to ask itself if this is the correct thing for the downtown. This building will last ten to fifteen years. He is concerned that the neighboring properties are

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residential and the scale should be compatible with the neighborhood. He does not want to lose the character of the town even in the downtown area. Mr. Flaherty has five land owners who are willing to let this project happen down the street.

Dana Smith, a 32 year resident, expressed his support for this project. He will be purchasing two adjacent properties and will renovate one for office space. He owns 13 and 17 Stanwood Streets on the east side with apartments and businesses. He has witnessed the traffic issues there. This will improve the gateway both aesthetically and with traffic flow improvements. Given the current economic climate, it would be wise to embrace this project.

Sue Stoddard said the town should not change zoning for a developer. She urged the Council not to accept this project. The town already has seven pharmacies in it, two of which are family owned.

Doris Gnauck, 36 Stanwood Street, said the town will not get a benefit since the increased traffic will be using Walgreens. She does not support this change.

Bill Morrell, 732 Mere Point Road, said he is strongly in favor of this project. He was on the Comprehensive Plan Update Committee, but they did not get to that level of detail and this Council is the right place for this decision. These traffic improvements are needed, this location is an accident waiting to happen. They have trucks coming and going and they use the intersection. Stanwood Street is a collector street and for traffic safety they support the improvements. Commercial tax revenues are important and this needs to be looked at. He urged the Council to forward this to the Planning Board.

William Van Twisk, 24 Magean Street, said there are two sites where this could be built. This makes a difference. This feels like contract zoning – changing zoning in return for something for the developer. He supports Walgreens but not at this location. He discussed the area being bike and pedestrian friendly. Businesses with drive-throughs do not belong in the downtown area. Specifically this project has alternate locations. This is not appropriate and he urged the Council to turn this down.

Madeleine Msall, 69 Pleasant Street owner, said she was concerned with traffic speed on Pleasant Street. This is a pedestrian walking area for students and others. This change will drive families out since it will not feel like a neighborhood anymore. The answer is not to put Walgreens in to fix the look there. She urged the Council not to support the project.

Loraine Kohorn said she has not had a problem with that intersection and if there are problems there are ways to fix them other than this. The town does not need another drug store with the base closure coming. Walgreens is not aesthetically nice.

Anne Marr, 34 Cumberland Street, President of Northwest Brunswick Neighborhood Association, read a prepared statement expressing their concerns with this project. Existing residential areas should be maintained here and the business uses that detract

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from the character of the area, including traffic impacts, should be discouraged. She discussed how Walgreens did not fit this area.

(A copy of Ms. Marr's statement will be attached to the official minutes.)

Frank Smith, 68 Pleasant Street, said there are ten pharmacies in the greater Brunswick area. The town is not gaining anything at this location. Walgreens is only offering a zoning change that will open the flood gate. He purchased in this area since it was a neighborhood. The unattractive home on the corner could be improved, even made into a visitor's center. It is the town's responsibly to fix the corner, not corporate America. He is not in favor of this. If they are going to be there, make it look like a home and fit the area, like the McDonald's in Freeport.

Barbara Murphy, 5 Sage Hill, said her concern is the traffic and pedestrian safety. She is not sure adding a Walgreens is going to help the intersection, instead it may make it worse. On the other end of Stanwood Street with the elementary school going in there will be more traffic there. She is disappointed the Council is considering a zoning change for her neighborhood.

George Glover, Willow Grove and property owner at 76 Pleasant Street, said he was one of the founders of the Northwest Brunswick Neighborhood Association and worked to make a better neighborhood, but he supports this project. Giving this proposal to the Planning Board will give them a chance to do their job and they can get into the details of this.

Karen Guistra, 72 Pleasant Street, said she is familiar with the intersection. The problem is dealing with traffic, especially having the issue of the new elementary school with more buses and children walking. This zoning change will impact the neighborhood. The town is going to pay now or pay later. The project does not fit into the neighborhood. It is postage stamp zoning. She urged the Council not to put this proposal forward.

John Cunningham, owner of 8 Spring Street, said this project needs further study and he urged to the Council to send it on so it can be studied more.

Laura Lienert, High Street, said there seems to be a lack of understanding of what a neighborhood is. She is concerned about the forward momentum if this goes to the Planning Board.

Chair King closed the public comment section of the meeting. This is a request that goes to the Planning Board to get their input tonight. The Council is not voting on the zoning change tonight. She wanted to see if there were votes to go to the Planning Board.

Councilor Watson moved, Councilor Favreau seconded, to send the proposed zoning changes to the Planning Board for their review and recommendations.

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Mr. Gorrill responded to Councilor Augur's questions about traffic flow. The benefit of constructing a lane would be helping with flow there. There are approximately, per hour, 53 right turns, 183 vehicles go through straight through and 279 turn left on to Pleasant Street. Additional trip numbers from the proposed Maine Street Station project is 47, with 35 of them left handed, and the school will add some 31 vehicles (20 left and 11 through). This improvement benefits both projects. The delay would be less than with the single lane there today.

Councilor Daughtry made a reference to a letter from Jackie Sartoris regarding this issue. Speaking for herself, Councilor Daughtry said she would welcome Walgreens to this town but they need to come in on the town's terms. She is going to be consistent; she voted against this in the past since she does not like spot zoning or destroying neighborhoods. There is no reason to send it to the Planning Board since the town has the answer in the zoning ordinance, Comprehensive Plan and its update. She quoted a section of it about keeping neighborhoods and encouraging small businesses. This is a policy decision the Council must make, not the Planning Board. There is no lack of appropriate zoning areas for this business. The town should not be aiding one developer over another. There is no overwhelming need for a pharmacy. The plan does not fit the neighborhood. The overwhelming public benefit the town is being offered is improvements to intersections, but adding a big drug store would create additional traffic. Is what the town gains worth what it loses? Brunswick does deserve better than this. She does not want anywhere USA to come to Brunswick. She does not see enough public benefit to support this zoning.

(A copy of Ms. Sartoris' letter and the complete comments by Councilor Daughtry will be attached to the official minutes.)

Councilor Knight said she respects those who spoke tonight. She is going to vote to send this to the Planning Board but if she had to vote tonight on the zoning change she would vote no and probably if it comes back from the Planning Board, she will vote no.

Councilor Webb thanked all those who spoke tonight. He is torn, but he is persuaded that having a building of that size and scope is out of character for that neighborhood. There are other places better suited for Walgreens. He is not going to be voting to send this to the Planning Board.

Councilor Augur said there were changes to the proposal from the one done a year ago. There is a change in the architecture and landscaping. This needs further study, as Mr. Cunningham said. What the Council is doing tonight is sending it to the Planning Board and when it comes back, the Council will have the discussion on parking, landscaping and so forth. This investment will make this intersection safer even with the additional traffic to Walgreens. The town needs another pharmacy with the growth in elderly population.

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Councilor Tucker said this vote tonight is whether or not to allow a zoning change since if it goes to the Planning Board, the Council is saying they may consider it. He will vote "No" to this creeping into the downtown.

Councilor Klatt agrees with Councilor Daughtry, Councilor Webb, and Councilor Tucker. The intersection will not be safer and she does not support changing the zoning ordinance. The visitor center would be great to have there, or a 7,500 square foot building that fits the neighborhood. She added that three who spoke in support were from the BEDC (Cathy Barter, Bill Morrell, and Mike Ouellett.)

Councilor Favreau said he has been a resident for many years. The intersection problem started with the change to Route 1. This Walgreens will help with traffic. He supports development.

Councilor Watson said this has to go to the Planning Board to determine if it is feasible. He wants to send them with some direction.

Chair King said the BEDC is in place to support development and it is appropriate for them to speak on economic development. The town does not have money to fix the intersection. There is merit because of the road improvements alone.

Councilor Watson moved, Councilor Favreau seconded, to send the proposed zoning changes to the Planning Board for their review and recommendations. The motion carried with five (5) yeas. Councilor Tucker, Councilor Daughtry, Councilor Klatt, and Councilor Webb were opposed.

14. The Town Council will discuss a citizen's appeal process, and will take any appropriate action.

Councilor Daughtry moved, Councilor Augur seconded, to table Items 14, 18 and 19. the motion carried with nine (9) yeas.

15. The Town Council will discuss supporting the Cumberland County HOME Consortium Program, and will take any appropriate action.

Aaron Shapiro, Portland/Cumberland County HOME Program Consortium, said in order to get a community block grant, this needs to be a joint project with the communities in Cumberland County.

(A copy of the information on the HOME program will be attached to the official minutes.)

Councilor Daughtry, Councilor Tucker seconded, to support becoming a Cumberland County HOME Consortium member. The motion carried with nine (9) yeas.

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

- 16. The Town Council will consider setting a public hearing regarding the Community Enterprise Grant for downtown facade improvements and streetscapes at Maine Street Station, and will take any appropriate action.**

Mr. Eddy said this item is to consider setting a public hearing for February 11, 2008, regarding a Community Enterprise Grant, which would be used for downtown facade improvements and streetscapes at Maine Street Station.

(A memo from Mr. Eddy will be attached to the official minutes.)

Councilor Watson moved, Councilor Daughtry, to set a public hearing for February 11, 2008, regarding the Community Enterprise Grant for downtown facade improvements and streetscapes at Maine Street Station. The motion carried with nine (9) yeas.

- 17. The Town Council will consider approval of the Texas Hold Um card game included in the games of chance for the Elk's Club, and will take any appropriate action.**

Manager Gerrish said this item is to consider approval of the Texas Hold Um card game included in the games of chance for the Elk's Club.

Councilor Favreau moved, Councilor Daughtry seconded, to approve the request for a Texas Hold Um card game for the Elk's Club. The motion carried with nine (9) yeas.

- 18. The Town Council will consider adopting Town Council Goals for 2008, and will take any appropriate action.**

This item was tabled.

- 19. The Town Council will appoint members to the Downtown Master Plan Update Committee, and will take any appropriate action.**

This item was tabled.

- 20. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.**

Councilor Daughtry moved, Councilor Watson seconded, to table this item until the next meeting. The motion carried with nine (9) yeas.

- 21. Consent Agenda**

Dog Warrant

Councilor Augur moved, Councilor Knight seconded, to approve the 2007 dog warrant. The motion carried with nine (9) yeas.

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

The meeting adjourned at 11:05 pm.

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
April 8, 2008*

April 22, 2008

Date of Approval

Council Chair