

- APPROVED -
BRUNSWICK TOWN COUNCIL MINUTES
January 17, 2006
6:45 p.m.
Municipal Meeting Facility

6:45 P.M. Chair King called the meeting to order.

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, Newell A. Augur, and Forrest Lowe.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Mat Eddy, Economic Development Director; Tom Farrell, Parks and Recreation Director; Jerry Hinton, Police Chief; Clark Labbe, Fire Chief; Steve Balboni, Deputy Director of Parks and Recreation Department; Steve Walker, Natural Resources Planner; Aaron Cropley, Program Director for Parks and Recreation Department; Peter Baecher, Facilities Manager for Parks and Recreation Department; and TV video crew.

EXECUTIVE SESSION: Union Negotiations and Acquisition of Property

Councilor Ansari moved, Councilor Watson seconded, to go into executive session pursuant to 1 M.R.S.A. §405(6)(D) to discuss union negotiations, and 1 M.R.S.A. §405(6)(C) to discuss acquisition of property. The motion carried with seven (7) yeas. Councilors Daughtry and Sartoris were not present for the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Approval of Minutes: November 21, 2005, December 19, 2005, January 3, 2006, and January 9, 2006

Councilor Sartoris asked that additional comments be added to the minutes of November 21, 2005, regarding the Citizen Advisory Committee's charge, as provided to the Council.

Hearing no objection from the Council, Chair King declared the minutes of November 21, 2005, as amended, December 19, 2005, January 3, 2006, and January 9, 2006, accepted as written.

Public Comment:

Pem Schaffer, Crestview Lane, spoke on economic development, and the state and town aversion to it. Smart Growth does not support economic growth. The biggest challenge is convincing residents of the need for robust development, and unless it is welcomed, it will not happen. The town needs to lower the budget and CIP for the next few years.

Town Council Minutes

January 17, 2006

Page 2

Correspondence:

Manager Gerrish explained a letter from the Brunswick-Topsham Land Trust seeking the town's support for a grant to expand Crystal Spring Farms. It was received after the agenda deadline.

Manager Gerrish said the town received a letter from SusCom indicating they will be changing the Public Access channel to Channel 3 from the current Channel 7.

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

Manager's Report:

a) Presentation from Sports Illustrated and Dodge for Good Sports Communities of The Year Award

Steve Balboni, Deputy Director of Parks and Recreation, introduced **Kathy Spangler**, the National Partnership Director, **John Cooney**, New England Advertising Director for Sports Illustrated, and **Jim Bodwell**, the local Dodge representative. He also recognized various sports groups that were represented in the audience, who provided a great deal of support. This is a community award, not just for the Recreation Department.

Ms. Spangler provided a summary on the importance of youth sports and said in Brunswick over 6,000 youths are involved in them annually.

Mr. Cooney said this award is given annually to only eight communities in the country. He presented the Sports Illustrated and Dodge for Good Sports Communities of the Year Award to Chair King, Tom Farrell, and team representatives.

Mr. Balboni presented the Sports Illustrated Community Champion Award to **Jeff Ward**, Chair of the Recreation Commission, for all his assistance in promoting youth sports in Brunswick.

Mr. Ward said he was very touched and felt very lucky to work with Mr. Balboni, Mr. Farrell and all those who give so much to the community.

b) People Plus – Kickoff for Pre-Auction Tour of the 2005 Heritage Print of the Benjamin Sewell

Frank Connors, representing People Plus, unveiled the original painting of the launching of the Benjamin Sewell, which was the largest wooden boat launched in Brunswick. People Plus will be auctioning off the original in the future, with prints available at People Plus.

(A copy of information on this ship will be attached to the official minutes.)

c) Pitch Pine Heath Barren Restoration Project Presentation

Town Council Minutes

January 17, 2006

Page 3

Julie Isbill, representing the Town Commons Committee, reported on this project to preserve the pitch pine heath barren. Some other trees need to be removed. The trees have been marked; it was supposed to occur two years ago but has yet to occur. There is no cost to the town.

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

d) MaineDOT Bath Road Improvements

This item was taken prior to item B.

John Foster explained MDOT's proposal to make changes around the Cooks Corner Mall entrance to Merrymeeting Plaza. Included will be realignment of lanes and widening an island. The cost is estimated to be \$300,000, to be funded by the state. There will be a public presentation by MDOT on their proposal. The timetable for it to occur is this construction season.

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

e) SusCom Rate Increase/Sale to Comcast

Pat Harrington, Assistant Town Manager, said SusCom is being purchased by Comcast, and as part of the franchise agreement they are required to inform the town of any sale. This will be coming back to the Council when more information is available.

Manager Gerrish said there is a letter from SusCom explaining their increases in cable rates effective February 1, 2006. There will be a 3% increase in the Expanded Basic rate (or \$1.10 per month). There will be no increase in SusCom's Limited Basic, Digital Cable, premium movie channels, installation fees, or Internet services. He added the town has no control over the rates.

f) Railroad Crossing at Maine St. & Park Row Update

Councilor Augur said Rob Elder spoke to the Council at an earlier meeting about having a quiet zone, and that the town could apply for one in a half mile area of the downtown. There is a federal program to assist with funds for the necessary lights and gates. Regarding the train idling, Councilor Ewing and he met with some citizens to discuss options, but since this activity is regulated by the federal government, there are not too many options available. The state suggested the town meet with regional federal representatives to see if anything could be done. There appears to be an issue of timing, since the engineers have to stop after twelve hours of driving, and because of the route, the time ends in the Jordan Avenue area. There will be another meeting in the future to look at this issue.

Councilor Ansari requested that once that meeting is set, the residents abutting the area of the idling trains should be invited to it.

Town Council Minutes

January 17, 2006

Page 4

Mr. Foster said the Maine Street/Park Row crossing improvement project will be 100% state funded, at an estimated cost of \$750,000. Due to aesthetic concerns, they are working with the state to determine which of the state's three options will be acceptable to the town.

Councilor Sartoris asked to have the Village Review Board review the three options to see if they have any concerns.

g) Council Organizational Workshop

Chair King said there will be an organizational workshop of the Town Council on Monday, January 23, 2006, from 5:00 p.m. to 9:00 p.m. at Cram Alumni House at Bowdoin College.

h) LRA Update

Mat Eddy, Acting Executive Director of the LRA, updated the Council on the Committee's work. They are working to develop a series of timelines for the next eighteen months. Representative Richardson has submitted an economic stimulus package proposal. The search is still under way for an executive director. The FAA screening process will begin at the end of next week. The Town Commons and GMH housing discussion will occur at their next meeting. GMH is still going to have the contract on the Navy housing until Navy personnel leave. In the federal screening process, the Air National Guard, Maine National Guard, Maine Indian tribes, and homeless providers have expressed interest.

i) Financial Update

Manager Gerrish said on the revenue side, excise tax is flat for the year, with \$7,000 less taken in than last year, and state revenue sharing is up \$40,000 from last year. Other revenues are in place, except the interest earned on funds is expected to be double what the town projected due to increasing interest rates. On the expenditure side, the town is in pretty good shape. The storm damage, resulting from a bad rainstorm, still needs to be repaired.

Manager Gerrish said the MMA Legislative Policy Committee will need a Brunswick representative since former Councilor Galloupe had served in that role. Councilor Augur volunteered to serve on the committee.

Adjustments to Agenda:

To add Item 15 relative to the letter from the Brunswick-Topsham Land Trust.

5. The Town Council will hear public comments on the following Special Amusement license application, and take any appropriate action.

Special Amusement

Town Council Minutes

January 17, 2006

Page 5

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

Mr. Michael Hory

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

Councilor Ansari moved, Councilor Watson seconded, to approve a request for a special amusement license for the Brunswick Lodge of Elk's #2043. The motion carried with nine (9) yeas.

6. The Town Council will consider setting a public hearing on a proposed Rural Brunswick Smart Growth Ordinance petition, and take any appropriate action.

Manager Gerrish said on January 9, 2006, the petition on Smart Growth was filed with the Town Clerk. She has verified 1,835 signatures, well above the required 775 (or 5% of registered Brunswick voters). Under the Town Charter, the Council must hold a public hearing within 30 days of the petition's filing. He is suggesting setting the hearing for the February 6 meeting. Once the Council has held the hearing, they can either enact the ordinance as written or submit it to the voters.

(A copy of the memo from Ms. Smith and the petition language will be attached to the official minutes.)

Councilor Ewing moved, Councilor Ansari seconded, to set a public hearing to be held on February 6, 2006, on the proposed Rural Brunswick Smart Growth Ordinance petition. The motion carried with nine (9) yeas.

7. The Town Council will discuss authorizing a grant application to the Land for Maine's Future Board regarding the Maquoit Bay Project, and take any appropriate action.

Bill Ferdinand provided the background for this project. The Trust for Public Land and the town want to seek grant funds to assist with the Coastal and Estuary Land Conservation Project from the Land for Maine's Future, with the town's match coming from federal money, private donations, and state funds. Part of the application process includes a letter of support from the Council.

Councilor Lowe asked about the other request before the Council this evening relative to Crystal Spring Farms. If the Council endorses both projects, how will that be received by those reviewing the grants? Would it be better to lend support to just one of the two?

Mr. Ferdinand suggested letters for both since they are different types of projects. Mr. Walker added that one is for farmland and the other for conservation funds, so they would not be competing.

(A copy of the memo from Steve Walker will be attached to the official minutes.)

Councilor Daughtry moved, Councilor Watson seconded, to authorize a grant application to the Land for Maine's Future Board regarding the Maquoit Bay Project, and to draft a letter of support for the project. The motion carried with nine (9) yeas.

8. The Town Council will receive a proposed Resolution from the Cable TV Advisory Committee, and take any appropriate action.

Councilor Ansari said the Cable TV Advisory Committee is requesting the Council support this resolution opposing a federal bill that eliminates municipalities' ability to have cable TV franchise agreements.

Charles Priest, chair of the Cable TV Advisory Committee, said on December 13 they voted to recommend that the Council adopt a resolution opposing this federal legislation. Under the current Cable TV Franchise Agreement, the town gets 5% of SusCom's gross fees or about \$190,000 for use of the town's public rights-of-way. The agreement also ensures quality of service, but he added the town does not have control over cable rates. The current Franchise Agreement runs until March 2014. There is an effort in the U.S. Congress to get away from municipal agreements. The phone companies appear to be behind it since they wish to get into the digital video business and do not want to have to deal with individual communities to get agreements. The bill, S. 1504, would do away with town control and give it to either the state or federal government. It would also limit the fees that the town could charge for use of its rights-of-way. If providers did not agree with what the town charged, they could take it to court. The Cable TV Advisory Committee recommends that the resolution be adopted and copies sent to federal delegations and President Bush. The key is local control over service and franchise agreements. Several other communities have adopted it. This is one of a number of bills in Congress; all of them move control at some level to the federal government.

(A copy of a memo from John Goran, Cable TV Coordinator, will be attached to the official minutes.)

Mr. Priest said, responding to Chair King's question about improving competition for this type of service, the telephone companies want to provide services over their existing lines, and could do it least expensively if they only have to deal with federal regulations, not individual communities. Rates may not go down; if one looks at cable and dish services, it can be seen there have been no rate decreases there.

Mr. Priest, said, responding to Councilor Sartoris' question about why the resolution covers only one bill, when the Committee looked at it, this was the one that was out there, but he feels the resolution wording shows opposition to similar bills. It is pretty clear where the town stands on this issue.

Mr. Priest said, responding to Councilor Ewing's questions about damaging federal relationships and the likelihood of the bill passing, it is more of an issue with the phone companies, not so much with federal relationships. This resolution from Brunswick alone may not impact a decision, but along with other communities, they may be able to stop such bills from passing.

Suzan Wilson, Bunganuc Landing Road, said that in some areas of town one cannot get cable service or must wait a long time for installation. The ten-year agreement limits what the town can do. It is not competitive; she is not sure it is benefiting citizens.

Councilor Sartoris said she trusts Mr. Priest and added local control does matter. She added cable TV supports local access.

Councilor Daughtry said she will support the resolution since, if cable TV funds are lost, the town will need to find this money elsewhere.

Councilor Augur said Verizon could bring service to the town; there is nothing to prevent this now. They do not want to take time to do what cable TV has done – make agreements with the towns. It is anti-competitive to allow companies to come in without having to do the work that existing providers have done.

Councilor Sartoris moved, Councilor Augur seconded, to adopt the Resolution of the Town Council of the Town of Brunswick, Maine, Expressing Opposition to Senate Bill 1504 known as the “Broadband Investment and Consumer Choice Act.” The motion carried with nine (9) yeas.

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

9. The Town Council will consider accepting grants from the Homeland Security Grant Program, and authorizing the expenditure of such grants for the Fire Department to purchase a hazardous materials response truck, and take any appropriate action.

Chief Labbe explained the Fire Department’s request to use grant money and Cumberland County funds to purchase a new hazardous materials response truck.

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

Councilor Sartoris said since Brunswick is a regional center and has the Navy base, she will support it, but she hopes in the future federal funds will be used for areas more targeted for terrorism.

Councilor Watson moved, Councilor Schneider seconded, to accept and expend grants from the Homeland Security Grant Program and the Cumberland County CIP for the purchase of a hazardous materials response truck for the Fire Department. The motion carried with nine (9) yeas.

10. The Town Council will consider accepting the donation of a flagpole and flags to be flown at the Cooks Corner Fire Substation, and take any appropriate action.

Chief Labbe said his family, on behalf of his father, the late George J. Labbe, would like to donate a flagpole and flags to be flown at the Cooks Corner Fire Substation.

Town Council Minutes

January 17, 2006

Page 8

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

Councilor Augur moved, Councilor Watson seconded, to accept the donation from the family of George J. Labbe for a flagpole and flags to be flown at the Cooks Corner Fire Substation. The motion carried with nine (9) yeas.

11. The Town Council will consider amending the Council's Rules of Order and Procedure regarding the starting time of regular Town Council meetings, and take any appropriate action.

Chair King explained she would like to start regular Council meetings to 6:00 p.m. instead of 7:00 p.m. This was discussed at the last meeting, so if they choose, the Council could vote to make the change tonight.

Councilor Watson said he would like to have a trial period and change the time to either 6:00 p.m. or 6:30 p.m. It would be reviewed to see how it goes.

Councilor Sartoris said for those citizens who commute or have young children, the meetings should remain at 7:00 p.m. The earlier time is in the middle of dinner time. She later added that executive sessions often have to be before the meeting, and that would make the start time even earlier.

Councilor Ansari said the older population would have more of an opportunity to participate if the meetings were earlier. Those who want to participate in meetings will do so and will plan accordingly.

Councilor Lowe said he has concerns with an earlier start time limiting participation. In his study of other communities, 90% of governing bodies met later than the proposed change. The earlier time would be a challenge for him at times.

Councilor Daughtry said it would be a hardship for those who work to come to meetings without dinner. She feels the earlier time puts a hardship on public participation for families with children, and the Council would lose some of its TV audience who have dinner at 6:00 p.m. At a later time she added that she feared the earlier time would not guarantee getting out earlier.

Councilor Augur said he would vote to keep it at 7:00 p.m. and suggested moving items for elders to earlier in the meeting.

Chair King suggested trying 6:30 p.m. on a trial basis; workshops would still be at 7:00 p.m.

Councilor Watson moved, Councilor Ansari seconded, to change the start time for regular Council meetings to 6:30 p.m. for a three month trial period. The motion failed with four (4) yeas. Councilors Sartoris, Daughtry, Ewing, Augur, and Lowe were opposed.

- 12. The Town Council will consider accepting Harriet Way as a town road from the Greater Brunswick Housing Corporation, and take any appropriate action.**

Manager Gerrish said the Public Works Director recommends acceptance of this street since it meets the necessary standards.

Councilor Sartoris moved, Councilor Daughtry seconded, to accept Harriet Way as a town road. The motion carried with nine (9) yeas.

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

- 13. The Town Council will consider accepting Hovey Lane as a town road, from Coastal Construction Services and Wally Hovey, General Contractor, and take any appropriate action.**

Manager Gerrish said the Public Works Director recommends acceptance of this street since it meets the necessary standards.

Councilor Sartoris moved, Councilor Ansari seconded, to accept Hovey Lane as a town road. The motion carried with nine (9) yeas.

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

- 14. The Town Council will consider conveying Town tax-acquired property, and will take any appropriate action.**

Manager Gerrish said Carol Knowles, Tax Office Manager, has indicated that all back taxes, lien costs, interest, and owed taxes have been paid for the property located on Map 22, Lot 44.

Councilor Sartoris moved, Councilor Watson seconded, to convey tax-acquired property, and to release tax liens by municipal quitclaim deed for the property located on Map 22, Lot 44. The motion carried with nine (9) yeas.

- 15. (ADDED) The Town Council will consider a request from the Brunswick-Topsham Land Trust regarding expanding the Crystal Spring Farms, and will take any appropriate action.**

Manager Gerrish explained that a letter from the Brunswick-Topsham Land Trust seeking Council support for a grant to expand Crystal Spring Farms came in after the agenda deadline so the Council has added it. The proposal is to purchase additional property for the Farms. The Conservation Commission has endorsed it, but the Recreation Commission has not had a chance to review it yet. The Brunswick Land Trust is requesting a letter of support from the Council to include in their grant application.

Councilor Watson said he will support it since this grant does not compete with the other one discussed this evening.

Town Council Minutes

January 17, 2006

Page 10

Councilor Augur said he serves on the events committee for the Brunswick Land Trust and asked if he should abstain from the vote. After Council discussion it was deemed this would not be a conflict of interest.

Chair King said in the future she will be reluctant to add items to the agenda that come in after the deadline.

Councilor Sartoris moved, Councilor Daughtry seconded, to endorse the project and give a letter of support for the Crystal Spring Farms project as requested by the Brunswick Land Trust, pending a vote of the Recreation Commission supporting the project. The motion carried with nine (9) yeas.

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

The meeting adjourned at 9:16 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
January 23, 2006*

February 6, 2006

Date of Approval

Council Chair