

**--APPROVED--**  
**BRUNSWICK TOWN COUNCIL MINUTES**

**Monday, June 5, 2006**  
**6:45 P.M. Executive Session**  
**7:00 P.M. Regular Meeting**

**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; James Ashe, Superintendent of Schools; John Eldridge, Finance Director; John Foster, Public Works Director; Clark Labbe, Fire Chief; Dan Devereaux, Marine Resources Warden; James Oikle, Business Manager for School Department; Rick Desjardins, Police Commander; and TV video crew.

**Executive Session: 6:45 P.M. Union Negotiations per MSRA 1 §405 (6)(D)**

**Councilor Sartoris moved, Councilor Ansari seconded, to go into executive session pursuant to MRSA 1 §405(6)(D) to discuss union negotiations. The motion carried with six (6) yeas. Councilors Watson, Daughtry, and Augur arrived after the vote.**

**MEETING CONTINUED: 7:00 P.M.**

Chair King called for the Pledge of Allegiance.

**Public Comment:**

**Pem Schaeffer**, Crestview Lane, commented that he had been misquoted by a person at the public hearing relative to librarians being paid too much. He has resigned from the Old High School Project Committee, but he said by not deciding on this site is deciding in favor of the School Department using this site. He added the need for the new school is without merit.

**Correspondence:**

**State Planning Office-Letter for Maine's Future Program:**

- (a) Crystal Spring Farm-North Project**
- (b) Maquoit Bay Project**

Manager Gerrish said the town had requested additional funding for the Maquoit Bay project to purchase property and they will receive \$852,000 in funds from the Land for Maine's Future Program. The town also received a letter of support for the Crystal Springs Farm project; this project is a finalist and will receive funding in the amount of between \$350,000 and \$400,000.

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*(A copy of the letters from the State Planning Office will be attached to the official minutes.)*

**Manager's Report:**

**(a) Financial Updates**

Manager Gerrish said with one month left in the fiscal year the town is in good shape. On the revenue side, excise tax will meet the estimated amount, state revenue sharing will exceed what was budgeted by \$100,000 to \$150,000, interest on investments will be above budgeted amounts, and building permits are down to \$150,000 from last year's \$175,000. On the expenditure side, the town is also in good shape. The savings from the winter works budget makes that account about \$100,000 below budget, legal fees may be over, but all-in-all the accounts are coming in within budgeted amounts.

**(b) "2006" OUI Enforcement Grant**

Rick Desjardins, Police Commander, said he is asking the Council to allow the Police to apply for the "2006" OUI Enforcement Grant. There is no matching amount and the money would be used to boost enforcement details that focus on OUI.

*(A copy of Commander Desjardins' memo will be attached to the official minutes.)*

**Councilor Augur moved, Councilor Daughtry seconded, to authorize the Police Department to apply for the 2006 OUI Enforcement Grant. The motion carried with eight (8) yeas. Councilor Watson was absent for this vote.**

**(c) Request for authority to apply for SAFER Grant**

Clark Labbe, Fire Chief, said this request is to have the Council give the Fire Department the authority to apply for the SAFER Grant. This federal project is very competitive this year, but, with the base closure he feels the town is in a good position to get the grant.

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

**Councilor Augur moved, Councilor Ansari seconded, to authorize the Fire Department to apply for the SAFER Grant. The motion carried with eight (8) yeas. Councilor Watson was absent for this vote.**

**(d) Update on Thibeault purchase of Industrial Park Lot (REMOVED)**

This item will be postponed until the next meeting since Mr. Eddy cannot be here tonight.

**Adjustments to the Agenda:**

To have Item 94 on the Budget done as the first Action Item.

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To remove Item 90 since it will be covered by a section of Item 94.

**ACTION ITEMS:**

**94. The Town Council will discuss 2006/2007 Budget, and take any appropriate action.**

*Councilor Watson arrived at the meeting.*

Manager Gerrish said this item will give the Council the opportunity to discuss the proposed budget one final time after their public hearing on June 1, 2006. If there are going to be any further changes in the budget and Capital Improvement Program (CIP), he will need to know them since the staff will need time to prepare the final documentation for adoption of the budget on Monday, June 12, 2006. If there are no further changes, the town will prepare the final documents based on the Budget and CIP as presented at the Public Hearing.

Councilor Ansari said, on the town side the number increased due to expenses beyond the town's control such as gas, health insurance costs, and five union contracts. She is in favor of the economic development position and the technology position. She also supports the Natural Resources Planner position because of the work it does. On the CIP side, there was a great deal of discussion, including on the Mere Point Boat Launch. The majority on the committee was supportive of the project, but had concerns about the operational costs. The CIP is about infrastructure, not operational costs, so that is why they came up with what they did. She added that even with a 0% tax increase, spending is still up in this budget.

Councilor Sartoris provided the Council and audience with a cost estimate for the boat launch. Tom Farrell, Parks and Recreation Director, was asked to put every cost possible in it, including staff time, and the proposal was reviewed and updated by the Finance Director. This is a small amount of the overall budget. She is confident that the CIP amount of \$20,000 is a pretty solid number.

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

John Eldridge, Finance Director, said the proposed amount of the launch's operational costs equals 0.1% of an increase in the current tax rate.

**Steve Walker** from Inland Fisheries and Wildlife, and former Brunswick Natural Resource Planner, said, in Belfast the landing is a town facility and the budget is not comparable at \$87,000 since it includes the salary of a full-time harbor master, four dock attendants, along with the town renting 300 to 400 moorings, boat slips, and providing a facility with showers. The ramp is a very small portion of the budget. Only about \$2,000 to \$3,000 out of the budget goes to maintain the ramp itself.

Councilor Sartoris said, responding to Councilor Ansari's question, the road needs to be snow plowed for emergency access, as suggested by public safety. There will not be a

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reaffirming vote as she asked for on a later item since it is not allowed under Roberts Rules of Order. However, she does want some clarity on the CIP Committee's recommendation versus the Manager's recommendation for the CIP, which is what was brought forward as part of the proposed budget.

**Mr. Walker** said, responding to Councilor Watson's question on the Belfast launch being used for commercial adventures, the fishing fleet in the area is using it and the facilities are not similar except for the ramp.

Councilor Watson said he is satisfied with the recommendations put forth in the budget. The Natural Resource Planner position should remain in the budget. The town has made strides forward and anything else would be moving backwards.

Councilor Lowe said the Manager and staff have put together a good budget and he is satisfied with the proposed budget.

Councilor Augur said the Mere Point boat launch should be a blend of the Manager's recommendation and the CIP. The Manager has put the operational budget in year three of the CIP. The CIP Committee suggested allowing the town an opportunity to charge a fee for using it; the Council should not forfeit this right. He would like it added to the Manager's recommendation to be able to look at a possible future fee.

Manager Gerrish said it can be added that the Council will consider fees for use of the launch.

Councilor Augur spoke on the school budget. He thanked them for their effort to get to the 0% increase, but in the next four to six months they should create a document as to where the town is compared to the Essential Programs and Services (EPS), such as where it is higher or lower and why. This is very important for this Council to do their job in years ahead. He is fine with the rest of the budget.

Manager Gerrish said regarding the EPS issue, in reviewing the Charter there is some gray area as to whether citizens could or could not do a petition if the town goes over it, but the Town Attorney supports going ahead and taking a vote to override it.

Councilor Daughtry said she is very pleased that staff has reduced the budget to a 0% increase, but she would have liked to see it reduced a little more. Taxpayers are concerned about it and the TABOR issue is out there. She would like not to have the Economic Development position, with all the other assistance the town gets with the Pine Tree Zone, the LRA, and Governor's Advisory Committee. Economic development is a redundant position with other services that are provided. She did support the technology position and the Natural Resources Planner.

Councilor Schneider said he is fairly content with the budget, but he would have liked to see more control in the spending part.

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Councilor Ewing said he is moderately happy with the budget. He is concerned about the increase in spending and exceeding EPS. He is not comfortable with overriding EPS. He supports the positions, but he needs to see how the economic development position will come into play in the future. Any new position should be justified with revenue coming in or efficiency to operations. In terms of the CIP, he made the motion at a CIP Committee meeting to reserve the right to collect fees to offset costs for the Mere Point Boat Launch.

Chair King said regarding the CIP issue, ranking items was done from essential to nonessential, with public safety first and recreational items further down. Her concern with the boat launch project is not the operational cost, but the hidden ones like the \$150,000 legal fees, the cost to repair the road being higher than the proposed \$1 million, and police calls. The CIP Committee voted to "tread water" on this issue. She continues to support the Manager's recommendation for the CIP, and as far as the general budget, she will have to support the 0% increase since she supported some of the projects causing the budget increases, like the Cooks Corner Substation and the ladder truck. She supports the two new positions. She is fairly satisfied with the way things are and wants to proceed as has been decided.

Councilor Sartoris said the Mere Point Road repairs were on the radar prior to the boat launch. This is not a hidden cost. Councilor Sartoris asked about going forward with the Manager's Recommendation for the CIP.

Chair King confirmed that to be the case. Chair King opened the floor for public comments.

**Ron Swanson**, Mere Point Road, said the budget should not be held up for such a small portion of the budget (0.1%). The town needs the proposed launch to allow access to water. Coastal property is so valuable and most people cannot afford it so he asked the Council not to let this opportunity pass by. It will benefit families with small boats. There is already a marina with 130 moorings on Mere Point Road. The road has needed repairs for years; the launch has nothing to do with that. The state is paying for all construction costs, and the maintenance is only a small part. Public access to water is for all future generations; this is this Council's legacy.

**Suzan Wilson**, Bunganuc Landing Road, said the \$100,000 in budget cuts is not a meaningful cut and will not help families much. She cannot see why a town of this size needs a \$51 million budget. The Natural Resource Planner position is more redundant than the other positions.

**Bob Healy**, 41 West Marginal Road and Friends of Mere Point Boat Launch, said the cost estimates did not include environmental compliance like mooring, police, and harbor master costs. His organization supports a smaller boat launch than the IF&W project. The Planning Board will have their last review of this issue and then a Memorandum of Understanding will be worked, which is a better time to look at some of the issues. IF&W would create asset for the state and longer term cost for the town to maintain.

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There are many issues to work through and they will want to discuss this issue in the future with the Council.

*(A copy of a handout from Mr. Healy will be attached to the official minutes.)*

**Claudia Knox**, representing the Board of the Downtown Association, said they strongly support the Economic Development position. It is the smallest town department and does not cross over with the LRA jobs. Adding one more person will not be overkill.

**Roger Howell**, member of the Mere Point Boat Launch Advisory Committee, said many questions brought up were answered by the Citizen Advisory report, like hours of operations, winter hours, and public safety issues. He added there is already public land off Mere Point Road.

**Ted Hunter**, Mere Point Road, said, as stewards of the town's money why should the town sit here and allow a launch in an area that is not supported by those living there to satisfy the 5% of town residents using boats. Those who have boats already have a place to put them. Falmouth is a revenue generator and gave numbers from them. The town needs to think about it more and not include it in the budget.

**Jane Hogan**, 35 East Marginal Way, asked if the town has to spend the boat launch funds if there is not an agreement with IF&W on the boat launch. Manager Gerrish said this is a five year CIP plan so in three years when the boat launch is scheduled to be done the town has anticipated costs to operate it and put them in the CIP. The town is not raising money or committing the town to spending the money. Ms. Hogan said it is appropriate to have in the CIP, but not to raise the money at this time.

**Elizabeth Butler**, 18 Phippany Way, said she does not believe it is possible to come up with an accurate estimate to run the launch until the Memorandum of Understanding is signed. The issue of what happens if the state fails to maintain it, and what type of costs the town will have to incur need to be resolved. She strongly encouraged the Council to have all stakeholders involved when drafting the Memorandum of Understanding. The state is shifting the fee on to the backs of municipal taxpayers; since IF&W is creating this project, they should pay for it.

**Dick Snow**, summer resident of Birch Island, said no one is there in the winter time so the road does not have to be plowed. The IF&W has said fees paid by excise tax on boats pays for this type of project, and it is his understanding that any additional fees would not be looked upon as okay.

**Molly Pitcher**, Federal Street, said when the Council voted on the boat launch, it was unanimous and she hopes the Council will remember this previous vote. It would be like taking funds for a bike path and then not maintaining it after the state built it. Many people want the boat launch in Brunswick.

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Manager Gerrish said he will bring the budget and CIP as presented at public hearing with additional language included to have the ability to look at fees for the use of the boat launch.

Councilor Sartoris said for clarification, the Memorandum of Understanding is of the utmost importance relative to long-term costs. The launch was identified as a priority forty years ago. By moving forward with the CIP, the Council is continuing support for a boat launch on Mere Point Road.

### **89. The Town Council will consider setting a public hearing on ordinance change relative to Pleasant Hill Road and Church Road Intersection, and take any appropriate action.**

Councilor Daughtry said in August 2005 the Council decided to change the traffic pattern at the Pleasant Hill Road/Church Road Intersection. The Council decided to have stop signs on Church Road, and through traffic on Pleasant Hill Road. She would like to see it as a four-way stop. There are some site issues at this intersection.

Manager Gerrish discussed the history and the engineering report. In the end, the Council made changes to have stop signs on Church and Casco Roads. Pleasant Hill Road is the through road. If the Council is going to make a change, they need to change the ordinance. Staff believed this proposal was the way to go and still supports it.

John Foster explained the consultant suggested that there be flashing signals with any major change occurring at the intersection.

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

Mr. Foster said, responding to Councilor Daughtry's question about traffic counts, the counts came from the state figures based on where the counters were. On the actual counts, the Pleasant Hill traffic numbers were slightly higher. Again responding to Councilor Daughtry, he said the state felt a two-way stop would be okay, but the Council could make it a four-way stop. Trucks have a bad angle to see on Pleasant Hill, but the state was unable to realign the intersection.

**Bob Galloupe**, Pleasant Hill Road, said he was on the Council when this was passed and lives close to this intersection. This is a very odd intersection since it is not at a 90 degree angle. He did not support the stop sign on Pleasant Hill, and was also thinking of those coming on Church Road who have driven through the intersection for years. He is concerned about person not stopping on Church Road and accidents resulting. The yield signs have worked. There is more space there now for trucks as it is. He would like to see it left as is with the yield or have a four-way stop.

**Dan McLaughlin**, Bunganuc Landing Road, said he would like to have the current ordinance repealed and leave it as now with yields.

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**Pem Schaeffer**, Crestview Lane, said he never goes through the intersection without being cautious. He does not support flip flopping it with yield changes. Leave as it is or make it a four-way stop.

**Tony Yuodsnukis**, Casco Road, said he agrees with Mr. Schaeffer; this is a difficult corner. The yield seems to work. If it is changed, speed will increase. He suggested leaving with the yield as is.

**Suzan Wilson**, Bunganuc Landing Road, said she sent a letter to the Council expressing that the intersection should be at a 90 degree angle. She would not have the yield changed, with the four-way stop being the next best option.

Councilor Ansari said she would like to keep it the way it is or create a four-way stop.

Manager Gerrish said he needs to know what to send to public hearing – a four-way stop or the way it was prior to last year's change.

Councilor Daughtry said they looked at it several times due to complaints. There have been speed issues and yielding issues. She agreed with the consultant's assessment of more traffic coming down Pleasant Hill and supported interruptions of traffic on Church Road. They would like to re-measure after stops have been put in and see if a second stop is necessary. A four-way stop would be a viable option.

Chair King said she feels this is a dangerous intersection, and if a four-way stop is acceptable to citizens that would be acceptable to her.

**Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for June 19, 2006, on ordinance change relative to making the intersection at Pleasant Hill, Casco, and Church Roads a four-way stop. The motion carried with nine (9) yeas.**

**90. The Town Council will hear update on the Mere Point Boat Launch, and take any appropriate action.**

This item was removed from the agenda since the discussion was included in Item 94.

**91. The Town Council will consider amending the Public Wharves and Landings Ordinance in reference to feeding wildlife and prohibiting domestic animals on or about public wharves and landings, and take any appropriate action.**

Manager Gerrish said this item is being proposed to help alleviate the pollution that has caused the closure of some of the town clam flats. This ordinance will look at feeding animals and removal of dog waste.

Dan Devereaux, Marine Resources Officer, said this came from the Marine Resource Committee and they have been looking at it for the last two years. Staff had a meeting

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with FDA who said this type of ordinance is a way other places in the country control animal waste on landings.

**Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for June 19, 2006, on the proposed amendment to the Public Wharves and Landing Ordinance to be enacted on an emergency and regular basis. The motion carried with nine (9) yeas.**

**92. The Town Council will consider implementing a National Incident Management System, and take any appropriate action.**

Chief Labbe explained the proposed ordinance. As part of a Federal requirement, the town needs this ordinance in order to qualify for federal funds.

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

Councilor Ewing said he wanted the Town Charter language compared with this ordinance to make sure it does not contradict any powers given to the Council or the Town Manager in emergency situations.

Councilor Augur agreed with Councilor Ewing and asked, for next meeting, to see what other communities have done when adopting this.

Councilor Ansari wanted to know who wrote this language.

**Councilor Watson moved, Councilor Schneider seconded, to set a public hearing for June 19, 2006, to adopt a National Incident Management System Ordinance. The motion carried with eight (8) yeas. Councilor Ewing was opposed.**

**93. The Town Council will appoint members to the Old High School Implementation Subcommittee, and take any appropriate action.**

Councilor Augur made the nominations. This was a very difficult decision and the Appointment's Subcommittee spent a great deal of time talking this over. They had high quality applicants. The following people were nominated:

Margo Knight - OHS Project Committee Representative  
Claudia Knox - Old Project Committee Representative  
Carol O'Donnell - OHS Project Committee Representative  
Molly Pitcher – Citizen Representative  
Brooks Stoddard – Citizen Representative  
Joanne Suley – Citizen Representative

Councilor Lowe asked why an abutter was not included.

Councilor Augur said they had no applicants who met the definition of abutter, they lived close but were not true abutters to the property.

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Chair King said she was comfortable with the choices.

Councilor Sartoris was concerned about the abutter issue and had spoken with Mr. Simon about serving. She continued on to nominate Lawrence Simon as a citizen representative.

Councilor Lowe had similar concerns and wanted to support that nomination.

The Council voted on the nominations:

Margo Knight, Claudia Knox, and Carol O'Donnell were voted unanimously by the Council to be the OHS Project Committee representatives.

Since there were more nominations than positions for citizens representatives, the votes were done individually.

Molly Pitcher – received votes from all nine Councilors.

Brooks Stoddard – received votes from Councilor Watson, Councilor Daughtry, Councilor Schneider, Chair King, Councilor Ansari, Councilor Ewing, Councilor Lowe and Councilor Augur for a total of eight votes.

Joanne Suley – received votes from Councilor Watson, Councilor Sartoris, Councilor Schneider, Chair King, Councilor Ansari, Councilor Ewing, and Councilor Augur for a total of seven votes.

Lawrence Simon – received votes from Councilor Sartoris, Councilor Daughtry, and Councilor Lowe for a total of three votes.

Molly Pitcher, Brooks Stoddard, and Joanne Suley were appointed as the citizen representatives.

Chair King said she would like to appoint Councilor Ansari and Councilor Augur as the Council representatives.

Councilor Sartoris said there needs to be balance, and Councilor Ansari and Councilor Augur show supports for OHS project committee's position. She would like the opportunity to serve as a Council representative.

The Council took a vote:

Councilor Ansari received votes from Councilor Watson, Councilor Schneider, Councilor Ansari, Chair King, and Councilor Augur for a total of five votes.

Councilor Augur received votes from all nine Councilors.

There was no need for another vote.

Councilor Ansari and Councilor Augur were appointed as the Council representatives.

**95. CONSENT AGENDA:**

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**(a) Request from Maine Natural Gas for utility location permits**

**(b) Forfeiture of Assets**

**Councilor Lowe moved, Councilor Daughtry seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

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

The meeting adjourned at 10:16 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*

*July 11, 2006*

**July 17, 2006**

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*Date of Approval*

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*Council Chair*