

-- Approved--
BRUNSWICK TOWN COUNCIL MINUTES
March 21, 2005
7:00 p.m.
Municipal Meeting Facility

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

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

Councilors Absent: Councilor Douglas A. Rice.

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Jerry Hinton, Police Chief; Steven Walker, Nature Resource Planner; John Eldridge, Finance Director; John Foster, Public Works Director; Rick Desjardins, Police Commander; and the TV video crew.

Approval of Minutes: March 7, 2005

Hearing no objection from the Council, Chair Lowe declared the minutes of March 7, 2005, approved as written.

Public Comment:

There were fourteen (14) residents who spoke about the deplorable condition of Jordan Avenue, the dangers that exist as a result of the road's bad conditions, and that it is time to repair the street, which has been neglected for too many years. The residents who spoke are listed below:

- Sherry Hanson, 81 Jordan Avenue
- Gerald Favreau, 21 Riverview Drive
- Barbara Toal, 21 Katherine Street
- Elihu York, 96 Jordan Avenue
- Debbie Bristway, Jordan Avenue
- Cody Gillis, 127 Jordan Avenue
- John Tolbert, 13 Justamere Road
- Kevin Johnson, 9 Oakwood Terrace
- Mr. Peddle, 4 Lori Drive
- Dorothy Sfirri, 65 Jordan Avenue
- Katherine Race, 10 Katherine Street
- Virginia Anderson, 1 Joan Street
- Glenn Peabody, 47 Merrymeeting Road
- Lori Bozeman, Little Sprouts Daycare on Charles Court

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Manager Gerrish said the CIP Plan, approved for this year, has the repairs scheduled for the next fiscal year, which starts July 1, 2005. The cost is expected to be close to one million five hundred thousand dollars (\$1,500,000) to do the necessary repairs. The decision to fund Jordan Avenue will be discussed in the upcoming budget and CIP process.

Chair Lowe said that during the budget process there will be a chance for the public to speak again. He thanked the residents for coming tonight.

Correspondence:

Councilor King acknowledged the recent passing of Charlotte Guptill and noted her extensive service to the town. She served as an election official, Town Clerk, and Town Councilor, being the first female elected Councilor At Large. She was very supportive of having women on the Council and the Town of Brunswick has lost an outstanding citizen.

Councilor Sartoris said there is a fundraiser for the Brunswick Teen Center on April 1, 2005, at the Crooker Theatre. It will be a night of comedy and is being sponsored by the Rotary. On April 2, 2005, the Comprehensive Plan Update Committee is hosting a community fair from 9 am to noon.

Manager's Report:

1. Captain Winneg: BNAS

Captain Winneg, Commander of the Brunswick Naval Air Station, gave his annual State of the Base presentation. This will be his third and last as his time at the base will be over in July. The base is in the best shape of its career and scored high on a test for efficiency. He listed some of the projects on the base:

- The hanger is completed.
- The runways have been resurfaced.
- A new air traffic control tower is going up.
- Once the tower is completed, the air field side will have been completely rebuilt.
- The relocation of the front gate is completed. He thanked all the neighbors, especially those on Coombs Road and Route 123, for their patience while alternate routes were being used.
- The navy housing units are almost completely done, with a total of two hundred forty (240) new units.
- Housing has been privatized.
- The weapons storage facility construction is being done.
- The Joint Armed Forces facility is being planned. If it goes forward, it will be a forty two million dollar (\$42,000,000) project and will house three hundred fifty (350) reservists.

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Captain Winneg spoke of how proud he is of the work force consisting of approximately four thousand (4,000) civilians and naval personnel. He discussed how they have provided help to the community by:

- Adopting local schools to help students,
- Being Red Cross volunteers,
- Providing first aid and CPR training, and,
- Serving as volunteer firefighters.

Captain Winneg invited the Council to visit the base to see the improvements. On September 10 and 11, 2005, there will be an air show with the Blue Angels and others. He thanked for community for their help with this event. Since this is his last time before the Council, he wanted to say it has been a great opportunity to work with the town, including the Town Manager and Public Safety. It has been a pleasure to serve with this community. The town makes his sailors feel welcome.

Manager Gerrish said it has been great working with Captain Winneg and he thanked him for working so well with the town.

Captain Winneg said, responding to Councilor King's question about truck traffic on Route 123, the number of trucks will be reduced once the construction is completed, but commercial vehicles will still be using the entrance off Route 123 to enter the base, although they may go out the front gate.

Chair Lowe said the town has had a strong and positive relationship with Captain Winneg and thanked him for all his assistance to the town.

2. GIS Demonstration

A demonstration of the town's new web-based GIS system was given by staff.

3. Update on PSAP's

Chief Hinton updated the Council on the PSAP issue. The state wants Cumberland County to go from fourteen (14) PSAP's to four (4). There have been meetings to further discuss this and the Chiefs are recommending the following four (4) groupings: Brunswick, with Freeport, Cumberland, and Yarmouth; Portland by itself; South Portland, with Cape Elizabeth and Scarborough; and Westbrook, with the remaining communities. Cumberland County wants to be the fifth PSAP. The Gray State Police currently handle all the E911 calls from cell phones from Kittery to Augusta so they will not be included in the four (4) allowed. This proposal will be given to the Public Utilities Commission (PUC) for consideration. He is looking for Council approval to go forward with this tentative plan and then work toward a final one.

Manager Gerrish said this may be a chance to do something with regionalization. They are still trying to work through the details.

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Chief Hinton said, responding to Councilor Sartoris' question about the need for additional staff, there is a possibility of needing an additional person. He explained the two (2) types of calls: 1) fire/police which need a rapid response given to the appropriate town, and 2) EMS calls which take more time, averaging twenty seven seconds to one minute per call. It would be the second calls which may require the additional person. They would request the additional costs be reimbursed by the PUC from the surcharges of fifty cents per phone bill.

Chair Lowe said the Council supported moving forward.

4. Update on meeting with West Bath

Manager Gerrish said that Brunswick has been asked to discuss the possibility of providing ambulance serve to West Bath. An initial meeting is scheduled for March 22.

5. (ADDED) Report on Police Officer being called to Military Service

Manager Gerrish said with Police Officers called up for active duty, there is a concern with overtime cost and coverage.

Chief Hinton said when Officer Mears was gone for a year, there was a homeland security grant to assist in overtime cost. Officer Yurek will be gone for a year and a half to two years, having been gone the last four months. Officer Wrede, who had been retired from the Marines for four (4) years, was called back into duty and will be in Iraq for seven months (7) months. There are no grants available at this point to cover overtime costs.

Manager Gerrish said when the Police lose someone, they cannot just be replaced that easily because of all the required training. The cost of overtime puts a burden on the budget. He wants to wish the Officers a safe return.

Adjustments to Agenda: None

43. The Town Council will hear public comments on the option of consolidating voting polls at the Municipal Meeting Facility for special elections and will take any appropriate action.

Fran Smith, Town Clerk, explained that this will allow for the Council to choose to consolidate voting places for special elections if they wish to do so in the future.

Chair Lowe opened the public hearing.

Stan Gerzofsky, 3 Federal Street, spoke of the importance of getting people to vote and he was concerned that consolidation will set a bad precedent and discourage people from voting. He feels this would be a step backwards.

Chair Lowe closed the public hearing.

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Councilor Galloupe said the Council would evaluate on a case-by-case basis if the consolidation would be the best thing to do.

Councilor Sartoris said she would be concerned about abuse in the future.

Councilor King said when she ran to fill a seat there were around twenty five hundred (2,500) people who voted and it would have saved money to consolidate the polls.

Councilor Galloupe moved, Councilor King seconded, to allow the Council to choose to consolidate town polling locations to one location at the Municipal Meeting Facility, 44 McKeen Street, for either special state or municipal elections in the future. The motion carried with six (6) yeas. Councilor Sartoris and Councilor Ansari were opposed.

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

44. The Town Council will hear public comments on a proposed amendment to the Traffic and Vehicles Ordinance regarding a designated No Parking area on the east side of Swett Street and will take any appropriate action.

Chair Lowe opened the public hearing.

Sandra Warner, 7 Swett Street, spoke in support of parking on one side, because of the narrowness of the street.

Chair Lowe closed the public hearing.

Councilor Watson encouraged police to also review other streets with this problem and make recommendations to make them one side parking.

Councilor Desmarais moved, Councilor King seconded, to adopt the proposed amendments to the Traffic and Vehicles Ordinance regarding no parking on the east side of Swett Street. The motion carried with eight (8) yeas.

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

37. The Town Council will receive a report from the Chief of Police concerning State-wide Police Powers and will take any appropriate action.

Councilor Sartoris thanked the Police Chief for his work pulling together her requested information.

Councilor Tucker explained the reasons behind his motion of support. Currently, the police officer can act for serious crimes and the question is should their authority be extended to D or E class crimes. The answer is yes for multiple reasons, including public

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safety and the need to back up police officers with worker compensation and liability insurance. There could be a number of objections to extending the power. Would there be an additional cost for insurance? The answer is there would be no increase. There is the question of additional cost for court time, but he believes it would be small. The question of whether the Brunswick police would be distracted from protecting Brunswick exists; however, the welfare of Maine affects the welfare of Brunswick. In addition, the statute requires police to notify the other town when a situation arises. There would be a problem of identifying officers; he believes this would not be a real problem. The question of whether Brunswick officers will be “renegades” in other towns misses the point. If there is a problem with personnel, it will exist within the town also and the Chief will need to address this. The officer must pass the eighteen (18) weeks of training and be full-time in order to have this power given to them. Finally, if there is problem, the Council can revoke the power.

Councilor Ansari said she would like to see this issue revisited in one (1) year.

Chair Lowe said the Council could ask for a report from the Chief in a year, or, if problems exist, the Council can revoke the power.

Councilor Sartoris said she is feeling better about the request this year. She would like an annual report and would not support a sunset provision.

Chair Lowe said the Chief can provide an annual report.

Councilor Tucker moved, Councilor Watson seconded, to move that the Brunswick Police be granted optional powers to exercise police functions outside Brunswick as allowed in Section 2-A of Title 30-A M.R.S.A. §2671. The motion carried with eight (8) yeas.

- 45. The Town Council will consider the following requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall and will take any appropriate action.**

Wayne and Kathleen Parent d/b/a Wrappers

Councilor King moved, Councilor Watson seconded, to approve the requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall for Wrappers. The motion carried with eight (8) yeas.

- 46. The Town Council will receive a report from the Marine Resources Committee concerning a Harbor Ordinance and will take any appropriate action.**

Ralph Keyes, Chair of the Marine Resource Committee, discussed the proposed changes. Overall, they provide more detail to harbor issues. They require registering existing moorings, defining moorings, and providing rules for town launch facilities.

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(A copy of the Natural Resources Planner's memo outlining the ordinance changes will be attached to the official minutes.)

Councilor Sartoris said the packet includes a mooring indenture, which will be discussed next.

Charles Wallace, Mere Point Road, spoke in support of the proposed ordinance.

Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for April 4, 2005, for the amendments to the Harbor Ordinance. The motion carried with eight (8) yeas.

Steve Walker, Natural Resource Planner, explained the reason for the mooring indenture form. As part of the Mere Point Launch mitigation process, the state is proposing to replace existing moorings on a voluntary basis with embedment type moorings. The Maine Department of Environmental Protection requires that mitigation proposals be protected in perpetuity. The purpose of the indenture is to satisfy DEP requirements even upon transfer of ownership. The state pays for replacement and maintenance. The state and local partners have looked at the setups and they decided they will work.

Councilor Watson asked for photos and more information on this mooring. Mr. Walker agreed to get this information.

Councilor Sartoris said they are not looking for any Council action on the form. This is just to provide information since this is part of the permitting process. The DEP permitting hearing will be on Monday, March 28, 2005, at 6:00 pm at the Atrium and will continue on Tuesday, March 29, 2005.

47. The Town Council will consider approving a budget for the expenditure of funds awarded from the Law Enforcement Terrorism Protection Grant and will take any appropriate action.

Chief Hinton explained that the funds in the recent Law Enforcement Terrorism Prevention Program Grant have now taken form in a budget. This must be approved by the Council, and then forwarded to Maine Emergency Management for final approval.

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

Commander Rick Desjardins said, responding to Chair Lowe's question about the badge photo ID system, it could be taken to the command post in a large crisis and provide identification for those assisting, along with their level of expertise. It can also be used in the office. Chief Hinton added that the system could also be used by the schools.

Commander Desjardins said, responding to Councilor Ansari's question about maintaining equipment once the grant money is gone, with the photos they will need to buy cartridges and there would be some small maintenance cost for other equipment.

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Councilor Galloupe asked if ID cards could be used to allow people to enter secured areas. Chief Hinton said it could be tied into the system.

Chief Hinton said, responding to Councilor Watson's question about the off-road utility vehicle uses, it could be used in the wooded areas difficult to reach by any other vehicle and could assist in recovering evidence.

Councilor Watson moved, Councilor Desmarais seconded, to approve the budget for the expenditure of funds awarded from the Law Enforcement Terrorism Protection Grant. The motion carried with eight (8) yeas.

48. The Town Council will consider authorizing an application for an Edward Byrne Memorial Justice Assistance Grant and will take any appropriate action.

Chief Hinton said this grant is linked to types of crimes the state has in its reporting system. Maine is getting over \$2 million and the town could get over eleven thousand dollars (\$11,000).

Councilor Watson moved, Councilor Sartoris seconded, to authorize an application to the Edward Byrne Memorial Justice Assistance Grant. The motion carried with eight (8) yeas.

49. The Town Council will consider accepting Julia's Way as a town road and will take any appropriate action.

Councilor Sartoris said she will be bringing back the Road Acceptance Policy to the Council before summer.

Councilor King moved, Councilor Ansari seconded, to accept Julia's Way as a town road. The motion carried with eight (8) yeas.

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

50. The Town Council will consider an abatement of personal property tax and will take any appropriate action.

Councilor Tucker moved, Councilor Sartoris seconded, to approve the abatement of personal property tax, as requested by the Assessor, for Toshiba American Info Systems in the amount of one hundred thirty five dollars and forty five cents (\$135.45) for the 2003 tax year. The motion carried with eight (8) yeas.

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

Manager Gerrish discussed the repair to the railroad crossing on Maine Street set for last year. The repairs were to include a gate and lights. At the time the Council did not feel what was being proposed was appropriate for the downtown so the town lost the funding.

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It is going back into the system, and the state is coming down to determine a better lighting system. The project cost is expected to be around seven hundred thousand dollars (\$700,000). The town wants the lights be more fitting for the downtown and mall area. The town has also asked for some repairs to be done.

The meeting adjourned at 9:20 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

March 25, 2005

April 4, 2005

Date of Approval

Council Chair