

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
May 1, 2006
Municipal Meeting Facility
6:45 P.M. Executive Session
7:00 P.M. Meeting

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.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Steve Levesque, Executive Director of the LRA; Tom Farrell, Director of Parks and Recreation Department; John Eldridge, Finance Director; and TV video crew.

Executive Session 6:45 P.M. Union Negotiations per 1 MRSA §405(6)(d)

Councilor Watson moved, Councilor Ansari seconded, to go into executive session pursuant to 1 MRSA §405(6)(d) to discuss union negotiations. The motion carried with seven (7) yeas. Councilor Sartoris and Councilor Daughtry arrived after the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment: None.

Correspondence:

Manager Gerrish said a memo was received from Steve Walker, Natural Resources Planner, regarding the closure of the clam flats on Maquoit Bay and Middle Bay. The closure was done by the state due to the high counts. This will have a major effect on the number of licenses that can be issued next year.

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

Manager's Report:

(a) Financial Update

Manager Gerrish gave a financial update on the budget. On the revenue side, excise tax is expected to be flat, it was down \$10,000 for April, and the Codes Department revenue is down about 20%. State revenue sharing is going to be higher than anticipated, as will

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investment accounts. On the expenditure side, the town will be coming in under budget; the winter maintenance savings will pay for road repairs from earlier flooding.

(b) FY 2006/2007 Budget Presentation

Manager Gerrish gave the Council a presentation on the proposed 2006-07 budget. The budget is under the state tax cap, with a property tax increase of 0.25%. There are two new positions proposed - an economic development specialist and a technology person, and the elimination of the crime analyst position. The rest of the budget is a maintenance budget, with the facility needs still up in the air.

(A copy of the Town Manager's budget introduction letter will be attached to the official minutes.)

(c) Proclamation for National Preservation Month

This item was taken up first under the Manager's Report.

Emily Swan, Chair of the Village Review Board, requested the Council proclaim the month of May as National Preservation Month. She gave a list of events the Village Review Board has planned for this event and read the Proclamation.

Councilor Ewing moved, Councilor Ansari seconded, to proclaim the month of May as National Preservation Month. The motion carried with nine (9) yeas.

(A copy of the Proclamation and Schedule of Events will be attached to the official minutes.)

(d) Local Redevelopment Authority (LRA) Update

This item was taken up second under the Manager's Report.

Steve Levesque, Executive Director of LRA, gave this update. The LRA has objected to proposals from some federal groups due to the locations on the base and amount of space being requested. It appears the Navy is going to support the LRA's objections.

(A copy of a written update will be attached to the official minutes.).

Mr. Levesque said responding to Chair King's question about the services' view on this, the Army National Guard is happy with the LRA's suggestion since it includes more land for them, but the Air Force is not as happy since they wanted better office space. The LRA's job is to try to plan for the whole use of the base.

(e) Council meeting schedule

Manager Gerrish explained the upcoming schedule of meetings, including those this summer.

Adjustments to the Agenda:

Item 78 regarding Board and Committee Appointments was added to the agenda.

71. The Town Council will hear public comments on the following requests for an Alcohol license, and take any appropriate action.

Full-Time Vinous & Malt
Frontier Group
D/B/A Frontier
14 Maine Street

Mr. Michael Gilroy

Chair King opened the public hearing.

Michael Gilroy, owner, said it will be a café, theatre, and art space.

Chair King closed the public hearing.

Councilor Ewing moved, Councilor Daughtry seconded, to approve a request for an alcohol license for Frontier Group at 14 Maine Street. The motion carried with nine (9) yeas.

72. The Town Council will hear public comments on proposed amendments to Chapter 15 of the Municipal Code of Ordinances in reference to parking on Elm Street, and take any appropriate action.

Manager Gerrish said these amendments will change a bus parking area to a two hour parking area on Elm Street; buses no longer stop at this location.

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

Councilor Sartoris moved, Councilor Schneider seconded, to adopt proposed amendments in reference to parking on Elm Street. The motion carried with nine (9) yeas.

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

73. The Town Council will consider a request by Sellers of Prepared Foods on a Public Way (111 Maine Street) to waive the \$500.00 license fee and their request to serve alcohol at outside tables, and take any appropriate action.

Manager Gerrish said this is an application for a Prepared Food on a Public Way license for 111 Maine Street. Along with the request to waive the license fee, the owner is requesting to serve alcohol at outside tables. If this is approved, staff would work with

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the applicant and the state to locate the tables at this location. This had been allowed across the street at the Barking Spider years ago.

Jennifer Banis, owner, said they are currently open only until 7:00 pm. and will be chaining off the area if allowed to serve alcohol.

Richard Nemrow, property owner, recommended in the future the Council consider hours of operation when approving licenses, and only allowing alcohol to be served with food.

Councilor Sartoris moved, Councilor Daughtry seconded, to approve a request for a Prepared Food on a Public Way license for 111 Maine Street. The motion carried with nine (9) yeas.

Councilor Lowe moved, Councilor Ewing seconded, to allow alcohol to be served at the outside tables at 111 Maine Street. The motion carried with eight (8) yeas. Councilor Watson was opposed.

Councilor Sartoris moved, Councilor Schneider seconded, to waive the \$500.00 license fee for 111 Maine Street. The motion carried with nine (9) yeas.

74. The Town Council will set a public hearing on the amendment in Chapter 15 to change the wording from Handicap to Disability in the Parking Placard Penalty fine section, and take any appropriate action.

Chair King said this change was discussed at the last Council meeting by Commander Schofield. To be consistent with state law, the word "Handicapped" needs to be changed to "Disability" in the ordinance.

Councilor Watson moved, Councilor Daughtry seconded, to set a public hearing for May 15, 2006, on the amendment in Chapter 15 of the Code of Ordinances relative to changing the wording from "Handicap" to "Disability." The motion carried with nine (9) yeas.

75. The Town Council will receive a recommendation from the CIP Committee concerning the proposal from the Old High School Project Committee, and take any appropriate action.

Pat Harrington, Assistant Town Manager, presented the recommendation of the CIP committee: "The CIP Committee recommends that the Town Council form a committee to create a Master Plan for the Old High School site and draft a corresponding Request for Proposal (RFP)."

(A copy of the memo and proposed charge for the committee will be attached the official minutes.)

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Carol O'Donnell, Maine Street, said her group looks forward to working with the Committee to put together an RFP.

Councilor Ewing said he has concerns about the proposed Old High School Implementation Committee's makeup since other committees have to have its members interviewed by the Appointments Committee. He would like to see this process used for this committee. The Old High School Project Committee (Project Committee) is self-appointed and would be selecting their members for this Council committee. He will not support this.

Chair King said special committees in the past have been named by the Council Chair. These are different types of committees. The reason the Project Committee is involved is their expertise, because of the work they did over the last year.

Councilor Ewing added the proposed committee deserves more thorough oversight by the Council, and this structure does not allow this to occur. The committee has to look at all possibilities, and the proposal is heavy on the Project Committee and not in other areas. He would like Brunswick citizens to be involved, as well.

Councilor Augur said the committee is guided by the direction of the project, however, Councilor Ewing has a good point. The Council could add two more members from the general public and have them go through the appointment's process.

Councilor Ewing said he is concerned that the committee was formed for one issue only and is not looking at all possible uses for the site. There have been other committees with experience in the area, and he wants to see the best and the brightest work on this project to make it an open and fair process. It is too heavy on the recent study.

Councilor Ansari said there is a parallel course, with the School Department and new school on one side and this new committee on the other side. Both sides can do work and at some point come together.

Councilor Daughtry agreed the Project Committee did a great deal of work, but the next step needs to be approached from a planning perspective. She agreed with Councilor Ewing and wants a broader composition on the proposed committee. It should have members of the Planning Board and Housing Authority and two citizens.

Chair King said the Town Planner and a representative from the Housing Authority will be attending as advisors to the committee. This process is going down a parallel path. This is all going to be done the correct way. If the Project Committee had not brought it back, the Council would not be having this discussion tonight.

Councilor Sartoris said she is uncomfortable with the proposed committee's makeup, and the Council needs to look at how other similar projects were done. She could support it if it could be more balanced; the members should go through the appointment's process.

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Councilor Lowe said everyone is appreciative of the Project Committee's work. He has similar concerns with the makeup. He would like to see the Planning Board involved, it is not clear who is staffing the committee, and the Council should be involved in the committee selection process. It is not clear how citizens can be involved, and there needs to be a method to do this. He is not concerned about the parallel processes, but if he was a developer, he would want to know that the town was serious about this project, but with new school piece he is not sure if a developer will spend time and money to do a proposal. The Project Committee indicated they were only interested in three acres and in the 1937 building, so the focus should be on that. It would be hard to do a master plan on the whole site without knowing what the school will be doing. In the proposed charge, the criteria for developing the RFP is not real clear and how the RFP's will be evaluated needs to be included. There needs to be more time to refine the charge.

Councilor Augur suggested the item be tabled for a week so the issues can be worked through and the charge revised.

Councilor Watson supported moving forward saying the Council has to act, but there needs to be more focus and details; he is not totally happy with the makeup. He suggested reducing the Project Committee members by two and then adding two citizens. There is plenty of room on this site for a new school and elderly housing. This project offers the best use for the town.

Chair King said all the meetings will be opened to the public, and they can weigh in on a regular basis. She feels the committee will have adequate representations, and does not want this project to fall through the cracks. She is willing to entertain the idea of fine-tuning members and the charge.

Councilor Sartoris suggested looking at the Maine Street Station process to see how it was done. Theo Holtwijk should be involved in the review. She suggested bringing this back at the next regular meeting once the issues are resolved.

Manager Gerrish said Pat Harrington would be the key staff person, with Public Works, the Recreation Department, and Town Planner involved.

Councilor Ansari said she is concerned about the wheels slowing down. The public wants the Council to go ahead and do something with this property.

Margo Knight, Page Street, said the Maine Street Station model is something they liked. The whole site of fourteen acres has to be included in the master plan so the developer knows what will happen to the rest of the property.

Richard Morrell, Boody Street, said it is very important after all these years to keep the momentum going. If the Council can decide on the committee tonight, the group can come back as to how it would like to proceed.

Manager Gerrish said there has been no money budgeted for this committee so if money is needed that will have to be addressed.

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Carol O'Donnell said as the first item of business the committee could come back with a plan as to how it will work and define the RFP process more. The Council will have input since the RFP would come to the Council before going out. It would be fine to add two citizens to the committee.

Richard Nemrow wondered how many of the Councilors have read the report from the Project Committee since some of the issues brought up tonight were included in the executive summary.

Marybeth Burbank, Cumberland Street, said she is concerned with what is going on since public policy and process must be directed by public officials elected to do so. There were in the past other committees that looked at what to do with this site. They made recommendations, which needed to be on hold due to leasing the building to SAD 75, and with the new school issue out there now. These other reports and recommendations should be looked at. She is concerned that a group of citizens took it upon themselves to determine what to do with the site. They brought recommendations forward and now the Council is looking to allow those people to appointment themselves to a town committee. She asked the Council to please respect, consider, and know, what their responsibilities are as elected officials. What happens to public property must be directed by using processes and policies. If they are going to have a committee, the Council should advertise for members and have those interested come forward. This will protect all of us. There are some wonderful ideas for the use of this high school and there have been circumstances that came into play as to why they did not materialize. They took up a lot of time and wear-and-tear on this building. She urged the Council to take a second look and proceed using the proper methods.

Chair King said the Project Committee did include the previous studies in their process.

Dana Totman said he works with developing housing and reusing buildings. He urged the Council to look at this very carefully and proceed with caution. It is important to have criteria. As a housing person, he would see the Hawthorne School and the Union Street School as superior sites to develop housing on. The developers he talked to want to have a better idea what the town plans to do. It is going to be a slow process. He suggested having a good size committee.

Councilor Augur moved, Councilor Ansari seconded, to table the item until May 15, 2006, so that the charge and composition of the committee can be reviewed incorporating tonight's discussion.

Councilor Sartoris said in terms of process, since the Project Committee was not a Council appointed committee, she was not involved with the process and the Council has not been able to oversee this. Previous Councils wanted to make a decision, but could not, due to circumstances at the time. She has a problem with the assumption that the best use for the high school is elderly housing. She wants to hear from the public.

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Councilor Ansari said the Project Committee has been very approachable to ask questions. They have met with the Council to discuss their findings.

Councilor Sartoris said they are approachable, but are not a Council appointed committee. The process is unclear and there is no clear method for public input.

Councilor Lowe said he has read every word of the report. The Project Committee has done a great job. The discussion is now about the charge of the proposed committee.

Councilor Schneider said he wants the Council to go ahead with the committee unless they have to wait until May 15. He is confident in the Project Committee's work and he supports it.

Chair King said the Project Committee has been available and invited the Council on tours. They have had numerous developers look at this project. They have done all the work. She is supportive of this process and would be willing to add citizen representatives, if necessary.

Councilor Augur moved, Councilor Ansari seconded, to table the item until May 15, 2006, so that the charge and composition of the committee can be reviewed incorporating tonight's discussion. The motion carried with eight (8) yeas. Councilor Ansari was opposed.

Councilor Sartoris proposed Councilor Augur and her work on the charge and redraft it. Chair King added Councilor Schneider to the subcommittee.

Manager Gerrish asked that funding be looked at, also.

76. The Town Council will review the proposed changes to the Personnel Ordinance regarding Health Care Buyback and take any appropriate action.

Ms. Harrington explained proposed changes to the Personnel Policy including health insurance buyback.

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

Councilor Ewing moved, Councilor Daughtry seconded, to set a public hearing for May 15, 2006, on amendments to the Personnel Ordinance. The motion carried with nine (9) yeas.

77. Consent Agenda:

- (a) Minutes of April 3, 2006, and April 18, 2006 Town Council Meeting.
- (b) Appointment of Election Clerks as nominated by Political Parties (Tabled item).

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

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(A list of the Election Clerks will be attached to the official minutes.)

78. (ADDED) The Town Council will consider appointments to the Town's Boards and Committees, and take any appropriate action.

Councilor Augur nominated the following people:

Nora Hill to the Housing Authority for a five-year term

Susan Welch to the Recycling Committee for a three-year term

Nominations were ceased and the Council voted with nine (9) yeas to appoint Ms. Hill and Ms. Welch.

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

The meeting adjourned at 9:38 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
May 10, 2006*

May 15, 2006

Date of Approval

Council Chair