

**APPROVED
BRUNSWICK TOWN COUNCIL MINUTES**

**Monday, May 15, 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.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; James Ashe, Superintendent of Schools; Greg Bartlett, Assistant Superintendent of Schools; James Oikle, Business Manager for School Department; Tom Farrell, Director of Parks and Recreation Department; Mat Eddy, Director of Economic Development; Peter Baecher, Facilities Manager for Parks and Recreation Department; and TV video crew.

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

Council 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 five (5) yeas. Councilor Sartoris, Councilor Daughtry, Councilor Schneider, and Councilor Augur arrived after the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comments:

Mike Andreotti, River Road and on behalf of the Brunswick Police Benevolent Association, said they are unhappy about not having a contract for almost a year. The town employs very professional officers and they should have a fair salary. Compared with other communities, Brunswick's officers are on the lower end of benefits. Recently, the department has had members leave to go to other communities. Members just want to be treated fairly.

Correspondence:

Letter from the Brunswick School Department regarding McKeen-Spring-Stanwood Site

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Manager Gerrish read a letter requesting the Council postpone any final action on the disposition of the old high school until the site selection process is completed.

(A copy of the letter from the School Department will be attached to the official minutes.)

Manager's Report:

(a) Update from Mid Coast Collaborative for Access to Transportation

Susan Wygal, Chairperson, gave an update. The project is supported by a \$50,000 grant from MDOT with a 20% match from the town and Bowdoin College. They are currently in Phase 2. She said the key to success is ridership, and there is a demonstrated need for improved transportation. If people want additional information, they can request to be on the mailing list.

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

(b) United States Tennis Association Grant Request

Peter Baecher, Facilities Manager for the Parks and Recreation Department, requested that the Council allow them to apply for a \$2,500 grant from the USTA to make improvements to the Stanwood Street Tennis Court. There is a dollar-for-dollar match. The funds would be used to patch the tennis court.

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

Councilor Sartoris moved, Councilor Lowe seconded, to authorize the town to apply for the USTA grant. The motion carried with nine (9) yeas.

(c) Presentation by Representative Stan Gerzofsky concerning State Legislative action on Town Commons Property

State Representative Stan Gerzofsky read a Joint Resolution of the Legislature to encourage the federal government to give the thousand acres of former Town Commons land back to the town when the Navy Base closes. This does not in itself make it happen, but it does express deep concern to the Congress. He hopes this will help when the LRA goes to Congress. There is also a letter from the Governor to the Secretary of the Navy supporting this. He suggested the Council write a letter of support, also, since he believes this will help with the request.

(A copy of the Resolution and letter from the Governor will be attached to the official minutes.)

(d) Town Proclamation recognizing May 19, 2006, as Town Commons Day

This item was done prior to Item C.

Manager Gerrish read the proclamation and said this is an annual item that will proclaim May 19, 2006, as Town Commons Day.

Councilor Ewing moved, Councilor Augur seconded, to proclaim May 19, 2006, as Town Commons Day. The motion carried with nine (9) yeas.

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

(e) (ADDED) Update on Shellfish Harvesting

Dan Devereaux, Marine Resources Warden, said a group had a meeting with federal and state agencies. He took the federal person out to see his testing sites since they are different sites than the state uses. That person seemed interested in what Brunswick was doing and how it sets-up sample sites. Officer Devereaux said he will be introducing an ordinance prohibiting wildlife feeding and prohibition of some pets on public landings. He also said there are 74 licenses, of which 67 are for residents. The loss of licenses will have a major impact on Brunswick's economy.

Representative Gerzofsky said he is working to change state laws regarding depuration harvesting of clams. They are currently too vague and has a separation of power he does not feel comfortable with. He is working with the President of the Senate and the Speaker of the House to add language to protect the town better, and the Brunswick harvesters, as opposed to those from other communities who do the depuration digging. The Marine Resource Committee is well aware of the situation and is excited about working on it.

Councilor Sartoris commended those involved with the Community for All Ages Conference sponsored by People Plus; it discussed multi-generational connections.

Adjustments to the Agenda: None.

78. The Town Council will hear public comments on the Proposed 2006/2007 Budget, and take any appropriate action.

Chair King opened the floor to public comments.

Catherine Ferdinand, President of the Friends of Curtis Memorial Library, said they want the Council to support the full amount of the library's request. The library serves a wide variety of populations and is open seven days a week. Much of its success is due to a great professional staff, who are under-compensated. In addition, there is a lot of community support, with 285 volunteers providing over 5,000 hours of free time to the library. In short, with the concerns about economic development in the future, she believes the Curtis Memorial Library will be part of what attracts people to this area. She urged the Council to support the full budget.

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Jeff Austin, Parson Farms Road, commented on the Essential Programs and Services (EPS) funding model and Taxpayers Bill of Rights (TABOR) on the ballot this fall. The Council has been asked by the School Board to override the EPS number. To vote to override it is very serious and the School Department will need to provide details as to why they need to do this. TABOR is going to be on the ballot in the fall; if it passes, the funding is based on enrollment plus inflation so Brunswick's school budget will be at best flat. Under TABOR, to override this amount requires a 2/3 vote of the legislative body and a vote of the people. He will work hard to defeat TABOR, but the more towns that exceed the existing limits, the more voter frustrations will grow. He asked for, as a way to better educate the public, a budget that is within the limits so the town can show what would be cut out of what is being proposed.

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

**Full Time Vinous & Malt
Renaissance Bistro, LLC
D/B/A: Renaissance Bistro
25 Mill Street**

Ms. Tanya Chasse

Ms. Chasse, owner, explained they are in the process of opening in a month or so and will be serving breakfast, lunch, and dinner.

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

Councilor Sartoris moved, Councilor Ewing seconded, to approve the request for an alcohol license from Renaissance Bistro, LLC. The motion carried with nine (9) yeas.

80. The Town Council will hear public comments on the following requests for Special Amusement Licenses, and take any appropriate action.

Special Amusement

**Sagtuck, Inc.
D/B/A: Winner's-A Sports Grill
21 Gurnet Rd., Cook's Corner**

Mr. Gary Sagris

**El Camino, Inc.
D/B/A: El Camino
15 Cushing Street**

Ms. Eloise Humphrey

**Bo-Ed, Inc.
D/B/A: Atrium Inn & Convention Center
21 Gurnet Road**

Ms. Bonnie Adams

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

Councilor Ansari moved, Councilor Watson seconded, to approve requests for special amusement licenses from Sagtuck, Inc., El Camino, Inc., and Bo-Ed, Inc. The motion carried with nine (9) yeas.

81. The Town Council will hear public comments on the proposed amendment to Chapter 15 of the Municipal Code of Ordinance to change the wording from “Handicapped” to “Disability,” and take any appropriate action.

Manager Gerrish said due to a state law change, the word “Handicapped” needs to be changed to “Disability” in the ordinance in order to remain consistent.

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

Councilor Watson moved, Councilor Daughtry seconded, to change the word “Handicapped” to “Disability” in Chapter 15, Article IV of the Municipal Code of Ordinance. The motion carried with nine (9) yeas.

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

82. The Town Council will hear public comments on the proposed changes to the Personnel Ordinance, and take any appropriate action.

Pat Harrington, Assistant Town Manager, said the health care buy-back change is being recommended to be consistent with the union contracts. Fourteen employees have signed-up, saving the town \$54,000.

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

Councilor Daughtry moved, Councilor Ansari seconded, to adopt changes to the Personnel Policy. The motion carried with nine (9) yeas.

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

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.

Manager Gerrish said the subcommittee of Councilors Sartoris, Augur and Schneider met on Wednesday morning to review the charge and composition for the Old High School Implementation Committee.

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Councilor Augur explained what had occurred relative to the charge for the committee. They met to work on it; the work was very productive. The changes take in a number of concerns brought forward by the staff and Councilors. He asked for the approval of the charge first and then the committee's composition next. He explained some additional changes to the charge which included extending the dates for reporting back to December 1, 2006, for Phase 1's completion, and March 1, 2007, for Phase 2's completion, and changing the wording from the "1937 building" to include the entire "old high school." He wanted to add the goal of having the Elementary School Building Committee work cooperatively with this committee. Under the budget section, he wanted the Committee to come to the Council and request funds instead of having a \$50,000 budget just given to them.

Councilor Augur moved, Councilor Ansari seconded, to approve the proposed charge for the Old High School Implementation Committee with amendments as discussed, excluding accepting the committee's composition.

Councilor Lowe said it was a good job on the charge. There has been an agreement that the C/D wing is going to be torn down so he is not sure if that should be included in the proposal. He would like to see a smaller amount for the budget, but include that amount in the charge.

Manager Gerrish said, responding to Councilor Ansari's question about what is included in the budget, there will be a survey of the property which will be around \$10,000, funds to hire someone to assist with the RFP to create drawings similar to the Maine Street Station design concepts, and other expenses.

Councilor Ansari said she would like updates on how the budget is being spent.

Manager Gerrish said to find the funds he would have to look at the proposed town budget and find areas to come up with the resources. If the Council wants to add funds, he will need to make cuts in other areas. There is \$20,000 in a contingency fund.

Chair King suggested part of the money come from the Planning Department from the outside consultant's fees section. This, along with the contingency money, would fund the project.

Councilor Augur suggested that if the timing works out, the property survey could be done by the school site committee instead of with town funds. He added he would like to strike the language "on an as needed basis" from the changes he suggested.

Councilor Lowe said he would like a budget amount of \$30,000 and wants to see where funding would come from.

Councilor Sartoris said a lot of good work was done at Wednesday's meeting. This is a good project proposal. There should be a solid budget, but the Committee should report back to the Council. Master planning is a major portion of it, and with the Maine Street Station, it has been very helpful. She supported the \$30,000 budget amount, with more

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requested on an as needed basis. She wanted to see the 1937 building and/or the A/B included, not the entire school.

Chair King said the reason to include the C/D wing is in case there is a vision for that area - even if for a parking lot or buffer area.

Councilor Augur suggested to use the language as the “reuse of the 1937 building and further investigate the future uses of the other wings.”

Councilor Daughtry said her concerns have been answered in this process, and she feels comfortable with the committee’s charge.

Councilor Augur said the end date for Phase 2 being March 2007 is in line with the School Board timing for a site decision for the new elementary school.

Councilor Daughtry added she is happy with that since she wanted to see the school site process be included.

Councilor Sartoris suggested under the coordination between the two committees, it should include to “coordinate and share information and costs.”

Councilor Augur as the motion maker, and Councilor Ansari as the seconder, withdrew their motion so the Council could discuss the committee’s composition.

Councilor Augur suggested the composition be changed to have one citizen be an abutter.

Councilor Sartoris wanted more balance with what the committee had done in 1995 and more recently.

Councilor Augur responded that this idea is to lease the property, which is different from what other committees looked into.

Councilor Lowe said he liked the idea of an abutter, and he would like to see a balance on the committee. He likes the Planning Board member addition. He would like to change it to three representatives from the Project Committee and three citizens with one abutter.

Councilor Ansari said the project committee was open to the public, and any and all could participate. The proposed four representatives do not come close to the number that participated. She will support Option 1 as proposed.

Councilor Schneider said he is respectful of the Project Committee’s work and supports Option 1 with the four members from that committee on the new committee. He urged the Council to compromise and accept the four.

Councilor Ansari said she is in support of having an abutter.

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Councilor Ewing felt it should not be a numbers game. He thought it should be open to the public and does not care if the citizens are made up of the project committee members. He wanted it open to the whole town to find the best representatives. Having three members from the Project Committee and having three citizen members may be the best solution.

Councilor Sartoris said adding the abutter makes sense, but not at the price of losing citizens. The master planning part is the community part of this project. If they want to take away the master planning, she could go with Councilor Augur's idea. She would be supportive of Councilor Lowe's suggestion of three citizens and three Project Committee members.

Councilor Daughtry said she would like to see an approach as broad as possible with citizens. The committee needs to be focused on what the whole master plan will be and she will support the three/three representation.

Councilor Augur said he would be prepared to make an amendment to the three/three representation.

Chair King added the Project Committee members are citizens also. She opened the floor up for public comments.

Pem Schaeffer, Crestview Lane, said self-appointment takes many forms, and he is stunned by the last Council meeting. The School Department holds the property hostage. The process is down to two issues: 1) to decide if the school has first claim on this site and 2) if they have an exclusive right, the Council should stop the committee planning until the time the school has made their decision. All concept work would be irrelevant.

Claudia Knox, Cumberland Street and Project Committee member, thanked the Council for the conversation they just had. The charge is right on, and either proposal for composition will work. The most important thing to her is that the Council worked together to come up with a good solution, and she supports this vision, which includes the School Department. The process must be healing and inclusive.

Carol O'Donnell, 305 Maine Street, thanked the Council for the votes of confidence in Ms. Knox, Ms. Knight, and her as being possible representatives of the Project Committee, but she wanted to say that others have contributed a great deal. If the other members were to apply, she hoped they would be considered as citizen representatives.

Councilor Augur moved, Councilor Sartoris seconded, to support the Old High School Implementation Subcommittee's charge with the amendments of having three Project Committee members and three citizens, with one an abutter encouraged to apply, and the other changes as discussed and incorporated in the final charge that will be attached. The motion carried with nine (9) yeas.

(A copy of the Committee's approved charge will be attached to the official minutes.)

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83. The Town Council will consider the recommendations of the Davis Fund Committee for the 2006 allocations, and take any appropriate action.

Millie Stewart, Chair, presented the Nathaniel Davis Fund Committee's recommendations for the 2006 allocations.

Councilor Watson moved, Councilor Sartoris seconded, to accept the Davis Fund Committee's recommendations for the 2006 allocations. The motion carried with nine (9) yeas.

(A copy of the Committee's recommendations will be attached to the official minutes.)

84. The Town Council will receive a request from the School Board for the appointment of an Elementary School Building Committee, and take any appropriate action.

Manager Gerrish said the School Board is requesting the Council appoint an Elementary School Building Committee. The make-up of the Building Committee that is being proposed is similar to the one the Council appointed for the new high school in the 1990's.

Jim Ashe, Superintendent of Schools, said if the Council does not appoint a Building Committee, by law the School Committee will become the Building Committee.

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

Mr. Ashe said, responding to Chair King's question asking if an educator would be included, the architects work with the staff at schools at the subcommittee level. Teachers play a major role. He added this building committee will be working for a long time until the school opens in 2010. Mr. Ashe said the final decision as to the type of school has to be approved by the School Board and, hopefully, it will be clear soon as to what the best direction will be to go relative to the student body make-up.

Councilor Sartoris said with the high school's construction there was an idea of what was going to happen, but this case is different with the policy issue being involved. She would like to see educators involved and suggested adding an elementary teacher to the committee.

Mr. Ashe said nineteen is already a large number and he is not sure if teachers would be willing to serve this long. Teachers will be involved with discussions with the School Board on what direction to go.

William Dana, Chair of the School Board said, in Kennebunkport the teachers had a great chance to participate when working with the architects. The state said a decision on school makeup should not be made too quickly.

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Councilor Sartoris said they should consider a shorter-term committee and then include educators and have a construction building committee at the time the school make-up concept has been decided.

Mr. Ashe said the site has to be selected by spring 2007, and the state suggested moving forward. The School Board has to make the decision on the type of school. They also need to see what land is available now.

Mr. Ashe said, responding to Councilor Lowe's question about public input, all meetings are public and they will have subcommittees on elements of the project.

Mr. Dana said they would take public comments at those meetings.

Chair King said the firefighters were involved with programming at the new substation, not on the subcommittee; the teachers will be involved with programming.

Mr. Ashe said, responding to Councilor Watson's question about having a specific site in mind, by state law they cannot focus on one site.

Councilor Augur said under the functions of this committee, he would like to see them work with the Old High School Implementation Committee to coordinate some efforts.

Councilor Watson suggested the chair of the committee be the liaison with the Old High School Implementation Committee.

Mr. Dana said they are willing to work with the Old High School Committee, as they stated in their letter to the Council.

Mr. Ashe said, responding to Councilor Augur's question, the decision on what type of school (3-5 or K-5) will work its way through while the site selection is going on. They need to look at the numbers; the state feels very comfortable with this process. He hopes it is decided before going to the state for final site approval.

Mr. Ashe said the Council is not putting together the Committee to decide what type of school; that is decided by the School Board. After Chair King suggested tabling this item, Mr. Ashe said he did not want this decision delayed since they have deadlines to make.

Councilor Ansari said the School Board knows what they are doing and they need to get started. No one will be left out of this process. She wanted to move ahead on this committee.

Councilor Watson agreed with Councilor Ansari.

Councilor Sartoris suggested adding two educators.

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Mr. Dana said the School Board would not support educators dictating the educational process.

Councilor Ansari moved, Councilor Watson seconded, to accept the proposed Elementary School Construction Committee.

Chair King said she trusts the School Board's work and does not want to question their thought process.

Councilor Sartoris said this is copied from the high school process, but this is a decision making process. She cannot see having two teachers as dictating the process.

Mr. Ashe said he does not see the teachers shut out.

Councilor Watson suggested encouraging teachers to apply for the citizen position.

It was agreed to amend the motion to allow for the educator element.

Councilor Ansari moved, Councilor Watson seconded, to approve the request from the School Board for the appointment of an Elementary School Building Committee, amended to have one citizen at large preferred to be an educator. The motion carried with nine (9) yeas.

85. The Town Council will receive a recommendation from the Committee on the Maine Street Station Project, and take any appropriate action.

Barbara Desmarais, Maine Street Station Steering Committee Chair, presented the Council with two \$200,000 grants to continue this process. They will be used to help in the cleanup of Maine Street Station. These are Brownfield funds from the Environmental Protection Agency.

Councilor Lowe said the Maine Street Station Committee is requesting that the Council approve the proposed plan, authorize the release of the RFQ and create a Maine Street Station Implementation Committee. The recommendation of the make-up of the Maine Street Station Implementation Committee would be the same as the original Maine Street Station Steering Committee.

Councilor Lowe moved, Councilor Sartoris seconded, to accept the Executive Summary from the panel, to authorize release of the RFQ and to create a Maine Street Station Implementation Committee by using the members of the previous committee and by changing Barbara Desmarais to be a citizen representative and Councilor Ewing as the downtown Councilor. The motion carried with nine (9) yeas.

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

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86. The Town Council will discuss funding for the purchase of property for the Central Fire Station, and take any appropriate action.

Manager Gerrish said this item is to approve a resolution for the Council to appropriate funds for the purchase of the J & A Seafood site (\$107,500) and the Senter's property (\$100,250). The funds will be coming from fund balance. The town is purchasing property for the future expansion of the central fire station.

Councilor Ewing moved, Councilor Sartoris seconded, to adopt the Resolution Authorizing the Purchase of Real Property and an Emergency Appropriation of up to \$255,000 from Unappropriated Available General Fund Revenues for the Purpose of Acquiring Property. The motion carried with nine (9) yeas.

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

87. The Council will consider authorizing a three year contract with the Public Works Union, and take any appropriate action.

Manager Gerrish said this three-year contract will be retroactive to July 1, 2005. The increase will be 2% the first year, 3% the second year, and 4% the third year. There is also an increase in longevity pay and the amount of compensation time will go up to fifty hours per year.

Councilor Daughtry moved, Councilor Watson seconded, to approve a three year contract with the Public Works Union. The motion carried with nine (9) yeas.

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

88. CONSENT AGENDA:

- (a) Minutes of May 1, 2006 Town Council Meeting
- (b) Setting of the Registrar's Hours
- (c) Appointment of Wardens and Deputy Wardens
- (d) Approval of Games of Chance license:

Sealed Tickets Only:

Brunswick Lodge of Elk's #2043

D/b/a Brunswick Elk's Lodge

179 Park Road

Colette Cullen, Chairperson

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

(A copy of Registrar's Hours and List of Wardens and Deputy Wardens will be attached to the official minutes.)

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

The meeting adjourned at 10:45 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

June 22, 2006

July 10, 2006

Date of Approval

Council Chair