

BRUNSWICK TOWN COUNCIL MINUTES

November 7, 2005

7:00 p.m.

Municipal Meeting Facility

7:00 p.m. Chair Lowe called the meeting to order.

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

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Kathy Paradis, Executive Administrative Assistant; Patricia Harrington, Assistant Town Manager; Deputy Chief Sandra Colson and Lt. Bob Robitaille, Fire Department; Mary Reindl, Director of Human Services; Mathew Eddy, Director of Economic Development; and the TV video crew.

Chair Lowe asked for the Pledge of Allegiance.

Public Comment:

Claudia Knox, 36 Cumberland Street, expressed her gratitude to Councilor King, Councilor Watson, and all of the other Town Council candidates running in tomorrow's election.

Correspondence:

Councilor Ansari stated that constituents had recently called her regarding the thin layer of tar on Jordan Avenue, which made the road uneven. She wanted to inform them she had spoken with the General Manager of the Sewer Department, who indicated that the project would be finished this week if weather permits.

Manager's Report: NOTE: Manager Gerrish took the Manager's Report out of order as follows:

(d) November 7 Election and Poll Locations

Manager Gerrish reminded citizens about tomorrow's election and the polling locations; he encouraged residents to vote.

(c) Financial Update:

Manager Gerrish reported through the month of October. On the expenditure side, he indicated that the Town is satisfactory, except for the amounts spent on road repairs due to the recent rainstorm, as he had reported at the last council meeting. The Town is waiting to get the final word from the State and the Federal government about any reimbursement for the repairs. Otherwise, the expenditures are in good shape. On the revenue side, Manager Gerrish said that excise taxes were down in the month of October, with \$20,000 less than last year, and they are down \$10,000 for the first four months. State Revenue Sharing is almost \$60,000 ahead of where it was last year. All the rest of the revenue accounts are in good shape.

(a) Base Closure Update:

Manager Gerrish stated that the final date for the actual closure decision to become effective is November 9th and that everything will be official as of that date. He reported that the Local Redevelopment Authority will have their first meeting this Thursday. He will be updating the Council on this subject at each regular meeting. Until the LRA formally hires an Executive Director, Mathew Eddy will be the acting LRA Director. Lastly, Manager Gerrish said that Topsham has requested that the Town of Brunswick appoint a member to its LRA. After a Council discussion on who should be appointed, it was decided to wait until after the election – with new Councilors being elected, to decide who will serve as the Town’s representative.

(b) Council Committee Updates:

Councilor Sartoris gave a quick reminder that the Mere Point Boat Launch Citizen’s Advisory Committee will be meeting on Thursday night at 7:00 p.m. They expect to be finalizing the report that will come back before the Council for questions and approval.

Councilor Watson gave an update on the Town logo competition, stating that:

- the entries have closed and the judging commences tomorrow;
- there are plans for displaying all the entries; and
- the grand unveiling will coincide with the Council’s inauguration.

Councilor Desmarais stated that she and Councilor Sartoris spent all of Saturday at a comprehensive plan workshop. She feels that they are getting to the end of prioritizing the plan.

Councilor Desmarais also stated that on Thursday the Maine Street Station Committee is having its last meeting; a range of plans are available for viewing at the Planning Department at Town Hall.

Adjustments to Agenda:

To add an Executive Session after the regular meeting to discuss property acquisition.

- 198. The Town Council will hear public comments on the following Food Service license application:**

Food Service Establishment with Mobile Carts, TakeOut, Catering

Alexander, Roger

d/b/a: Ye Olde English Fish & Chips Shoppe

161 Pleasant Street

Roger Alexander

Chair Lowe opened the public hearing. Hearing no comments, he closed the public hearing.

Manager Gerrish said, responding to Councilor Rice's question on location, the cart will be on the corner of Pleasant and Church Streets where the ATM machine is for Gardiner Savings.

Councilor Sartoris moved, Councilor Watson seconded, to approve this Food Service License application for Roger Alexander d/b/a Ye Olde English Fish & Chips Shoppe. The motion carried with eight (8) yeas.

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

- 199. The Town Council will consider enacting an emergency ordinance and setting a public hearing to create and assign duties to a Local Redevelopment Authority to develop a reuse plan for the Naval Air Station Brunswick, and take any appropriate action.**

Chair Lowe stated that this is the formal establishment of the Local Redevelopment Authority ("LRA") and it is an emergency ordinance to allow immediate enactment. It establishes the LRA as an entity, defines its composition, and describes its responsibilities and duties. He added the basic difference between this committee and other Town committees is that the LRA will hire a temporary staff. Councilor Lowe went on to summarize the ordinance. The Council will need to set a public hearing to have the ordinance considered for adoption on a regular basis.

Councilor Desmarais moved, Councilor Galloupe seconded, that the Council enact an emergency ordinance to create and assign duties to a Local Redevelopment Authority to develop a reuse plan for the Naval Air Station Brunswick. The motion carried with eight (8) yeas.

Councilor Desmarais moved, Councilor Watson seconded, that the Council set a public hearing to be held on November 21, 2005, to enact an ordinance to create and assign duties to a Local Redevelopment Authority to develop a reuse plan for the Naval Air Station Brunswick. The motion carried with eight (8) yeas.

(A copy of the Emergency Ordinance Creating and Assigning Duties to a Local Redevelopment Authority to Develop a Reuse Plan for the Naval Air Station Brunswick will be attached to the official minutes.)

200. The Town Council will discuss the Town applying for funding to the Department of Defense, Office of Economic Adjustment, and take any appropriate action.

Chair Lowe stated that authorization is needed from the Council to move ahead to apply for funding from the Department of Defense/Office of Economic Adjustment that will essentially fund and pay for the work of the LRA. At a future meeting, the actual proposed grant will be brought before the Council to authorize its acceptance and expenditure.

Councilor Sartoris moved, Councilor Watson seconded, that the Council approve application for funding to the Office of Economic Adjustment. The motion carried with eight (8) yeas.

201. The Town Council will consider setting a public hearing to amend Chapter 9 (Human Services) of the General Assistance Ordinance, and take any appropriate action.

Ms. Reindl stated that MMA created a model ordinance for General Assistance. The version she is asking the Council to adopt contains revisions and updates of State, case law, and DDHS regulations. Some changes from the current ordinance include statements of policy, and definitions of income, resources, and misconduct, along with other changes. The Council is being asked to accept all of the appendices that are incorporated in the new general assistance model ordinances A-I. Ms. Reindl went on to state that General Assistance Maximum Ordinances have minimal increases.

(A copy of a summary of changes will be attached to the official minutes.)

Ms. Reindl said, responding to Councilor Ansari's question regarding the appendix, MMA suggested some of the changes and the actual figures are mandated by the State.

Councilor Sartoris also questioned the misspent income provision and how an administrator's "discretion" is applied to applicants for reasonable car payments, insurance, and associated costs for maintenance. She just wanted to make sure that discretion was used even handedly in this open-ended ordinance.

Manager Gerrish said it is necessary for Ms. Reindl to have some discretion because each individual case is not the same. In addition, the State reviews all the town's cases on an annual basis to ensure compliance.

Ms. Reindl and Councilor Rice added there are provisions for applicants to appeal decisions.

Councilor Sartoris moved, Councilor Ansari seconded, that the Council enact the General Assistance ordinance on an emergency basis, and to set a public hearing to be held on November 21, 2005, to enact it on a regular basis. The motion carried with eight (8) yeas.

202. The Town Council will consider allowing the placement of a firefighter memorial at the Cooks Corner Fire Station, and take any appropriate action.

Manager Gerrish stated that the Town received a request from the firefighters union to put a memorial at the Cook's Corner Station.

Lt. Robitaille gave a brief presentation, including a history of the fundraising, a plan of the Cook's Corner Fire Station depicting its proposed location, and a depiction of the memorial. The Planning Board could not approve the proposed memorial because it is too large, thereby creating the need for Council approval.

(A copy of an e-mail from firefighter Gregory Payson detailing the monument's specifications, a depiction of the monument, copies of the proposed inscriptions for the monument entitled "A Fireman's Prayer" and "I Wish You Could" will be attached to the official minutes.)

Councilor Watson moved, Councilor Desmarais seconded, that the memorial be accepted in the size dimensions requested, at the Cooks Corner Substation.

Councilor Galloupe said, since it is a memorial to firefighters, he wondered whether it was appropriate to put the memorial at the Substation, as opposed to the Central Fire Station. Second, he questioned whether the word "God" in the poem entitled "Firemen's Prayer" is appropriate, given the fact that the monument is going to be placed on public property, and that the Supreme Court is taking up that matter. He was concerned that the Town may have legal problems down the road. Even though it is being paid for by the Brunswick Professional Firefighters, as Lt. Robitaille stated, the memorial is being placed on public property so the Town is responsible.

Councilor Rice said that he had no objection to the word "God" remaining but he suggested, since the author of the poem is unknown, that the word "firemen" (from "Firemen's Prayer") be changed to "firefighters" and the word "men" to "those" [who answered the last bell . . .]. Since there are female firefighters, he believed the prayer should not be gender specific.

Councilor Sartoris questioned how to change the words "my wife" in the poem and still have it rhyme.

Lt. Robitaille said, responding Councilor King's question, that other fire departments do have the prayer displayed and that he is unaware of any problems with its wording.

Councilor King and Councilor Ansari said they did not feel comfortable altering someone's completed work. Councilor Ansari added she had no objection to the word "God."

Councilor Sartoris said that it would be beneficial to check on what the legal situation is right now (referring to the matter before the Supreme Court) and whether or not other municipalities

have this prayer on municipal space. She stated the decision needs to be made in a way to avoid a potential lawsuit.

Councilor Galloupe reminded the Councilors that he personally had no problem with having the word "God" in the prayer but stated that as a Council "we are not here to express our personal opinions, we are here to make policy for the Town to protect the Town from lawsuits."

Chair Lowe then said that there was a motion on the floor to approve the size and location of the monument. He thanked the firefighters for putting the proposal together and thought it would be a good addition to the Substation and maybe to a new Central Station at some point in the future. He reaffirmed that there would have to be some legal review on the wording of the monument to be discussed at a later date, and called for a vote.

Councilor Watson moved, Councilor Desmarais seconded, that the Council approve the memorial, in the size dimensions requested, at the Cooks Corner Substation. The motion carried with eight (8) yeas.

203. The Town Council will consider accepting the 2005 Fire Act Grant from the Department of Homeland Security in the amount of \$59,936 and the expenditure of such funds, and will take any appropriate action.

Deputy Fire Chief Carleton stated that the Town was awarded funding in the amount of \$53,424 (90% grant money; 10% Town's match) through the 2005 Fire Act Grant. The grant is federally funded under a branch of Homeland Security. The Department will use the funds, if accepted by the Council, to enhance the interoperability among mutual aid departments. This is the ability to provide effective communication with multiple radios. The grant will also provide for training and the use and management of the incident command system. The technology and equipment the Town currently has poses a serious risk to the health and safety of the Town's responders. She said that currently many of our mobile radios are not interoperable with a number of our mutual aid communities. Two-way radio communications are critical to the management of our responders and the coordination of their duties. The upgraded radios will be placed in two fire engines, the new ladder truck, two brush units, three inspection and administrative vehicles, and the fire rescue boat.

Deputy Chief Carleton explained, responding to Councilor Ansari's question, the Department had budgeted for four new firefighters to start employment in mid-January at the Fire Station at Cook's Corner but since the Station is not yet built, the unexpended funds could be used as the Town's 10% match.

(A copy of a memo from Deputy Chief Carleton dated October 28, 2005, will be attached to the official minutes.)

Councilor Sartoris moved, and Councilor Watson seconded that the Council accept and expend the Fire Act Grant in the amount of \$53,424 from the Department of Homeland Security. The motion carried with eight (8) yeas.

204. The Town Council will discuss fiber optic installations at municipal facilities, and take any appropriate action.

Ms. Harrington, Assistant Town Manager, indicated that the Town had received a communication from SusCom stating that they are now ready to install some fiber network among previously identified municipal buildings:

1. Times Record Building
2. Central Fire Station
3. Municipal Building at 28 Federal St.
4. Public Works Building on Industry Way
5. School Superintendent's building on Union Street

She also gave a brief background of the negotiation of the cable franchise agreement, the location issues associated with the fiber going to the municipal facilities, and the staffing required for repairing and maintaining the equipment.

Ms. Harrington recommended, given that no final decision had been made regarding re-use of the Times Record Building, that SusCom be asked to provide the fiber connection to the other locations. She stated that because it remains unclear where the Council Chamber and Cable 7 will locate, it is further suggested that staff be directed to negotiate a Letter of Agreement with SusCom retaining the right to select one additional location within 1.5 miles of the Municipal Building, to be connected at a later date. Ms. Harrington added the Town will propose a staffing plan and budget since the Town needs additional IT assistance from what it currently has in conjunction with the School Department. This proposal will be brought back at a later time.

(A copy of a memo from Assistant Town Manager Patricia Harrington dated October 31, 2005, will be attached to the official minutes.)

Councilor Desmarais said that a citizen had asked her about the square footage of the Times Record Building. Ms. Harrington clarified that an article in the Times Record said the building was to be 10,000 square feet. However, the Town's architect, SMRT, indicated that it was 18,000 (i.e., 10,000 square feet of office space, but with hallways, bathrooms and other common areas, the square footage is 18,000).

Councilor Sartoris wanted to give one further clarification about the same Times Record article because of the number of constituent phone calls she received. The article made it appear that she agreed with Chief Hinton's assessment that the Police Department needs 30,000 square feet. That was not the case; she was simply stating that she did not feel that the Town's needs could be met at a \$3.5M dollar renovation cost.

As a final note, Ms. Harrington added that SusCom is being pursued by Comcast to sell and that part of our contract with SusCom allows the town to review and comment on the sale.

Chair Lowe accepted the recommendations made in Ms. Harrington's memo and acknowledged that she will be back to the Council to follow-up.

205. The Town Council will consider projects that are eligible for CDBG and MSHA funding, and will take any appropriate action. (Manager)

Economic Development Director Mat Eddy told the Council that he is looking for guidance to pursue a number of different grant opportunities. He indicated that he was not asking for formal action tonight, as they will all have to come back before the Council for a formal public hearing before applications can be submitted (with the exception of MSHA proposed application). Mr. Eddy said the four areas in which he would like to apply for money in the CDBG program are:

- 1) Gap funding for the Jordan Avenue sewer project.
- 2) A \$300,000 grant for housing assistance for low-to-moderate income families. A couple of choices would be Sunset Gardens Mobile Home Park sewer installation or a joint housing project with Avesta Housing and the Brunswick State Housing Authority through the MSHA, the low income tax credit program.
- 3) Public Service Grant or a Planning Grant up to \$40,000 to assist People Plus and the Teen Center to provide operational development assistance to both programs; and
- 4) A potential \$150,000 Community Enterprise Program CDBG to assist nonprofits in downtown areas for facade improvements, building improvements, and/or operational assistance through small grants or loans.

Finally, Mr. Eddy indicated that he was asking for approval from the Council to make application to the MSHA New Neighbors Program. The program provides assistance to first-time and non-first time home buyers who purchase, rehabilitate and occupy existing 1-4 unit apartment buildings in certain downtown locations that are income eligible according to HUD guidelines.

(A copy of a memo and map from Economic Development Director Mat Eddy dated October 27, 2005, will be attached to the official minutes.)

Mr. Eddy explained, responding to Councilor Rice's question on the Jordan Avenue Project survey, that a requirement of the CDBG funding is a confidential random survey of 250 units requesting the income and number of people in a household to determine whether the neighborhood meets the low to moderate income requirements. The information will become part of a blind statistical analysis which will not identify the names or addresses of the residents.

Chair Lowe moved, Councilor Sartoris seconded, that the Council approve making application to the MSHA for the New Neighbors Program. The motion carried with eight (8) yeas.

206. The Town Council will discuss the NAPA parking lot, and will take any appropriate action. (Manager)

Mr. Eddy presented the BDA Parking Committee recommendation regarding the NAPA lot. The current lot is not posted, is being used as all day parking, is relatively full, and very full on those days that municipal employees' parking is displaced by services at Stetson's Funeral Home. The Parking Committee made the following recommendations:

1. Make the angle parking adjacent to the existing lot free, all day parking;
2. In the short term, make the perpendicular parking 2 hour parking.
3. In the long term, when the Town has identified more than half of the perpendicular spaces that can be leased out monthly, then switch that space over to leased, paid parking.
4. Use the proceeds to establish a sinking fund for parking downtown.

(A copy of a memo from Economic Development Director Mat Eddy dated October 26, 2005, will be attached to the official minutes.)

Mr. Eddy discussed the above recommendations and described the other Town-owned parking lots that are currently being rented. Unlike the BDA Parking Committee recommendations, Mr. Eddy's recommendation for the NAPA lot in the short term is to simply make it all day parking consistent with the staff and parking enforcement personnel recommendations. He stated that the local businesses seem to prefer all-day parking. He suggested that when and if there are enough people interested in leasing those perpendicular spaces (over 50%) then the Town could shift the spots over to leasing.

Mr. Eddy then discussed the need for overnight winter parking by downtown residents living in apartments that do not have parking. He recommended using the land the Town owns at Fort Andross (30 to 40 spaces) for winter parking. He recommended that Public Works Director John Foster and Police Chief Hinton set this up experimentally this year and see how it works.

Manager Gerrish suggested that for now the Council could consider the NAPA lot and Mr. Eddy would report back to the Council on the Fort Andross parking lot after the details have been worked out.

Councilor Desmarais said she was relieved to hear that the NAPA parking lot was completed since the businesses on Center Street were affected.

Mr. Eddy said, responding to Councilor Rice's question regarding the NAPA parking lot, that there are not enough people interested in leasing parking spaces currently to make it worthwhile. He said that last summer the Town went through a drop in its leases and just now managed to get the Gardiner savings lot full again. Mr. Eddy did confirm, however, that it is his desire and the Parking Committee's desire to start leasing some of the spaces in the NAPA lot in the future.

Councilor Sartoris moved, Councilor Watson seconded, to approve the parking lot recommendations from the staff to provide for all day parking in the NAPA parking lot. The motion carried with eight (8) yeas.

207. The Town Council will consider setting a public hearing on the winter closing of Sawyer Road from December 1, 2005 to March 31, 2006, as permitted under Title 23 M.R.S.A. Subchapter VI Section 2953.

Councilor Watson moved, Councilor Sartoris seconded, to set a public hearing on November 21, 2005, regarding the winter closing of Sawyer Road from December 1, 2005, to March 31, 2006. The motion carried with eight (8) yeas.

208. The Town Council will consider setting a public hearing to amend Chapter 15 (Traffic and Vehicles) Article IV, Section 15-74 of the Ordinance to designate a no-parking area on a portion of Lincoln Street, and to amend Section 15-76 to restrict on-street parking on a portion of Lincoln Street, and will take any appropriate action.

Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing on November 21, 2005 to amend Chapter 15 (Traffic and Vehicles) Article IV, Section 15-74 of the Ordinance to designate a no-parking area on a portion of Lincoln Street, and to amend Section 15-76 to restrict on-street parking on a portion of Lincoln Street. The motion carried with eight (8) yeas.

209. The Town Council will discuss accepting Botany Place, Section A, and will take any appropriate action.

Town Manager Gerrish stated that the Public Works Director is recommending that the Town accepts the portion of Botany Place. It has been constructed to the Town's specifications.

Councilor Rice moved, Councilor Sartoris seconded, to accept Botany Place, Section A. The motion carried with eight (8) yeas.

(A copy of the memo from Public Works Director John Foster, dated November 2, 2005, will be attached to the official minutes.)

Chair Lowe reiterated the need for an executive session and asked for a motion.

Councilor Watson moved, Councilor Desmarais seconded, to move into executive session pursuant to 1 M.R.S.A. §405(6)(C) regarding property acquisition. The motion carried with eight (8) yeas.

The regular portion of the meeting adjourned at 8:50 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.

Kathy Paradis
Executive Administrative Assistant
January 10, 2006

February 6, 2006

Date of Approval

Council Chair