

-- APPROVED --  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**October 15, 2007**  
**7:00 P.M.**  
**Municipal Meeting Facility**

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

**Councilors Present:** Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Gerald E. Favreau, Ryan E. Ewing, Newell A. Augur and David C. Webb

**Councilors Absent:** Councilor Jeffrey A. Schneider

**Town Staff Present:** Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; John Foster, Public Works Director; Rick Desjardins, Police Commander; Tom Farrell, Director of Parks and Recreation; Judy Hardy-Goddard, Human Services Assistant; and the TV video crew

**Public Comment:** None

**Correspondence:**

Councilor Sartoris said she has received several phone calls regarding the helipad at Parkview Hospital and the new proposed site affects a different group of residents, who have not been notified of the plan. She is expressing her concern. Manager Gerrish said there has been no Planning Board application and he will find out who was notified of any meetings.

Councilor Augur said he received an email from John Peters, a member of the Planning Board, who would like to have a broader study of Pleasant Street development. Mr. Peter's idea was to have design standards like they have at Cooks Corner. Manager Gerrish said it is a request and may be addressed when the new planning director is on board. Councilor Sartoris said the proposed Comprehensive Plan has this type of issue raised.

**Adjustments to Agenda:**

To Take Action Item 145 prior to Public Hearings.

**Manager's Report:**

**(a) Council Committee Updates**

Councilor Webb said the Economic Development Feasibly Committee met on October 4 with the consultants and the Committee voted unanimously to support approval of the recommendation prepared by the consultants.

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Councilor Favreau said the Elementary School Building Committee met last Thursday with Mr. Keck and the facilitator, with a new timeline provided. The next meeting is this coming Thursday.

Manager Gerrish said the Mere Point Launch physical work is almost done, but it will not be opened this year for use. It will be open for people to drive through.

Councilor Sartoris said the citizen advisory committee should have a meeting in a month. They should not reconvene at this time, but will need to do so by next spring. This Committee does have a role in a formal review process.

**145. The Town Council will consider appointing a person to fill the vacancy created in Council District 6, and will take any appropriate action.**

Manager Gerrish said this item is for the Council to consider filling the District 6 seat left vacant by Councilor Ewing's resignation, per Section 205(C) of the Town Charter. Margo Knight is the only candidate for the District 6 seat and with major decisions facing the Council this month, they may want to appoint her to fill the vacancy so that District 6 residents are represented in these decisions.

**Councilor Favreau moved, Councilor Watson seconded, to appoint Margo Knight as the District 6 Councilor for the remainder of the vacant term to expire on December 31, 2007, per Section 205(c) of the Brunswick Town Charter. The motion carried with seven (7) yeas.**

Town Clerk Fran Smith sworn Ms. Knight into the position of Councilor and then Ms. Knight took her seat at the table.

**146. The Town Council will hear public comments on the following Full-Time Spirituous, Vinous & Malt License application, and will take any appropriate action.**

**Full-Time Spirituous, Vinous & Malt**

**Nancy Robicheaw**

**D/B/A: Clementine Restaurant**

**44 Maine Street**

**Dana and Nancy Robicheaw**

Manager Gerrish said this item is for public comments and to consider approval of the request for a Full-Time Spirituous, Vinous & Malt License for Clementine Restaurant. This is a new restaurant, which will be located between Great Impasta and Shere Punjab.

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

**Councilor Webb moved, Councilor Augur seconded, to approve a Full-Time Spirituous, Vinous & Malt License for Clementine Restaurant at 44 Maine Street. The motion carried with eight (8) yeas.**

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- 147. The Town Council will hear public comments on an amendment to the Traffic and Vehicle Ordinance, Chapter 15, Section 15-73, concerning overnight parking from November 15 to April 15, and will take any appropriate action.**

Manager Gerrish said this item is to hear public comments regarding an amendment to the Traffic & Vehicle Ordinance, Chapter 15, Section 15-73 concerning overnight parking from November 15 to April 15. The Council expressed interest in exploring the option of allowing overnight parking except for declared snow bans. After the public hearing the Council can adopt either option as the latter would not be considered stricter language so it would not require another public hearing. Staff is supporting the proposed language.

Rick Desjardins, Police Commander, explained what the town currently does is no parking after midnight for more than 2 hours. The police first give a warning and then start ticketing. The staff proposed change will make it easier for officers. They support a no parking time of 1:00 a.m. He feels that if the ban is removed there will be a new set of problems arising. They could include issues like noise around homes and Public Works having a hard time getting streets cleared.

*(A copy of Commander Desjardins' and Mr. Foster's memos will be attached to the official minutes.)*

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

Chair King said there is a letter from the Brunswick Downtown Association supporting no parking bans at night.

Chair King said she has a lot of respect for the Commander and Mr. Foster, but she is opposed to the ban. She owns the taxi company and has seen situations where people have gotten a ticket when they took a taxi when they were unable to drive. She would rather see police doing something different than writing tickets.

John Foster explained his concerns. Public Works relies on those hours to clean up the roadways, and if the town does parking bans only, if not called in time, they may have to do a parking ban the night after. Staffing has gone down to 7 people, this is a smaller work force and they are hiring out plow trucks. They will have to work longer and have to go back if cars are parked in the road. If the town allows parking, they will have to call no parking bans, unlike currently when it does not have to be done often. The Bowdoin students tend to leave parking long term and that could be a problem. The plow trucks have wings on them. They have hit parked cars a few times and this is a concern with more cars on the road. Public Works needs to be able to clean rows and remove ice on the roads. He is concerned about a medium storm and the ability to clean it up.

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Councilor Sartoris asked how long Brunswick has had a winter ban on the books. Commander Desjardins said since the late 1970s or early 1980s. Councilor Sartoris continued, saying there is a public safety issue. She is reluctant to change this at this point. This is using the public money wisely. She trusts the town's judgment.

**Councilor Sartoris moved, Councilor Favreau seconded, to approve the amendment to the Traffic & Vehicle Ordinance, Chapter 15, Section 15-73 concerning overnight parking from November 15 to April 15.**

Councilor Daughtry said she is concerned about the more restrictive language and where people park in the downtown. She is concerned about a parking lot in the downtown area. She asked if the parking lot policy could be changed to allow for additional overnight parking.

Manager Gerrish said if one of the parking lots is opened and it is cleared in the morning there would be no question of having parking available for businesses in the morning. The last two years the lots at Fort Andros allowed overnight parking.

Chair King said one recommendation is to have a flashing sign for a parking ban.

Councilor Webb said he is struggling with this; he asked what other towns without bans do to clean roads.

Mr. Foster said Presque Isle and Gorham have parking bans on their main streets in the downtown area. Portland has many more staff than Brunswick does. Bath cannot get their streets as clean as Brunswick does.

Councilor Favreau agrees with Councilor Daughtry that parking lots, like one row on Bank Street, should be made more flexible.

Councilor Knight supports the Downtown Association's position since it is difficult for residents when they have to rent parking spaces. She would like to see a parking ban removed except for snow bans.

Councilor Sartoris would like to have a fiscal note on this and said there may be a better solution.

Councilor Watson said he is interested in what the public safety impact will be if the town cannot plow Maine Street since ice may build up over time.

Councilor Augur said with more cars being towed (referring to Commander Desjardins numbers), maybe the way it is now is not working. He wanted more information from towns like Gorham as to how they work.

**Councilor Sartoris moved, Councilor Daughtry seconded, to table this item. The motion carried with eight (8) yeas.**

**148. The Town Council will take public comments on the proposed Towing Policy and Guidelines, and will take any appropriate action.**

Commander Desjardins reviewed the guidelines. The current ones have been in place since 1986 and there has been some conflict with the towing companies. He has worked with the Town Attorney and has had conversations with the towing companies. He reviewed the policy. The companies will have to pay a permit fee due to a number of companies being owned by one person. This was one way to address that concern by having fees paid per company. The proposal requires the companies to list drivers and equipment used, and have all vehicles lettered appropriately. The major change is permitting the drivers to ensure the Police Department knows who they are; there is also a fee with that permit. The Chief of Police decides whether or not to approve the drivers.

Commander Desjardins said there is also a rate increase. The policy will require a company to have its own insurance policy, have insured vehicles, trucks registered, and a certain list of equipment. Each company has to have met the standards and have their own insurance binder requiring them to have a stand alone policy. The Finance Director wanted to make sure the town was covered. He recommended a single policy for each company, and if one person owns multiple companies, he or she would have to get multiple binders.

*(A copy of letters from Towing Companies will be attached to the official minutes.)*

Councilor Sartoris read Town Attorney Geoff Hole's answers. She said it feels like a shell game. The town wants to ensure that the list is a fair list. If the guidelines allow for one owner to own multiple companies, then this is a council policy issue. She would like to have slots filled with individual entities.

**Tom Day**, Attorney, on behalf of Jack Withers, said he has three issues, companies, insurance, and referrals. There is no definition of companies. Insurance on the company has increased. AAA requires that the insurance be at the same level of \$300,000. The equipment list should include a flat bed requirement. There are five companies even though there are ten on the list.

**Owner**, Atlantic Towing, said he would like to have a requirement that the company needs a flatbed and tower. A flat bed should be added to list of equipment. A qualified company should be one owner per company with no other company involved.

**Mark Champagne**, Anytime Towing in Lewiston, said this was brought up several times at their meeting (Towing Association). There is some confusion on the equipment list. The rotation should be weekly, and the town should be able to have multiple companies if there is a need. The Towing Association would like to be able to help with the list.

**Dana Lewis**, President the Maine Towing Association, said he is here because of the concerns with the towing companies. The insurance policy is not going to make much of a difference. Equipment needs to be used. Under the definition of company, phone numbers and tax IDs need to be separate. He wanted to have a definition of a qualified

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driver based on national certifications and classes that can be taken. A car carrier has to be included in this. A dealer plate cannot be used on the truck; this is not allowed under state law. He would like to see more people involved with the decision on who is a qualified driver and company. He discussed the national rotation list.

Chair King said she is recommending sending this back for more discussions. The major issue to resolve is the definition of a company.

Manager Gerrish said it is a policy issue on who owns the company – not a legal one. There are a number of companies owned by a few individuals.

Councilor Webb said, in the interest of fairness, he supported being clear about qualifications and he would support separating out one slot per owner.

Councilor Augur said his question is why there was a change from Bruce Boucher's comments (referring to a police memo from years ago.)

Councilor Daughtry said she would like to see the needed equipment include a flatbed. She would like to look at driver certification plus the fairness of the issues (one person more slots)

Councilor Watson said that fairness has fallen by the wayside. He asked about crashes and investigating them. Commander Desjardins responded the companies have to have storage inside and outside. Councilor Watson added that training of drivers is needed along with a definition of a company. He wants them to be separate entities. He has concerns about the safety equipment. The Council needs more work done on this.

Councilor Sartoris said she would like to see a policy statement on impartiality in selecting, and equal division of the calls/rotation. She would like to have information on AAA requirements, why it is the same or why there are differences.

Commander Desjardins said if a company is unavailable then they would go to the next on the list. In snow removal several companies get called. They tried to come down in the middle of the issues and needed balance since the town needs companies, too, and does not want to cut themselves short.

**Councilor Favreau moved, Councilor Webb seconded, to table this item. The motion carried with eight (8) yeas.**

The Council had a recess.

**149. The Town Council will consider recommendations for the A/B Wing and municipal uses on the McKean Street property, and will take any appropriate action.**

Councilor Daughtry said they have met several times over the past few weeks with the affected departments. After much study, it was not functionally or financially responsible

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to keep the A/B wing. The Committee studied how the town could put the People Plus and others in the A/B wing; they would fit but it would not be warm and inviting. She read the last paragraph of the memo. The most urgent use at this facility is the athletic facilities. They are recommending the new elementary school gym be equivalent to the gym in the A/B wing. By not keeping the wing, they hope to retain a playing field on this site.

*(A copy of a memo from the Subcommittee detailing their recommendation will be attached to the official minutes.)*

Councilor Augur said the Council will make it a priority that there is a field similar to what exists either at this site or at the Crimmins Field site.

Councilor Watson said he is most concerned with the retention of the athletic fields, including the tennis courts. The A/B wing is deficient. There is no insulation in that facility. The town would have to do a complete renovation, at a cost of around \$8 million with all the codes changes that need to occur. It is more fiscally responsible to take down the building and rebuild.

Councilor Favreau agrees with Councilor Watson about the codes requirements, including earthquake and energy standards.

Councilor Daughtry said one other issue is subdividing this lot to reserve a possible future site as a place holder. This would be a prudent move to make.

**Pem Schaeffer**, Crestview Lane, spoke on the town's history on its facilities including the old town hall, old high school, failed public safety facility and the old Times Record Building. The town is picking the more expensive option for this site. He gave examples of future buildings being torn down like the Town Hall, Hawthorne, or Longfellow. He is not happy with the approach the Council is taking toward facilities.

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

**Jeff Ward**, Chair of the Recreation Commission, said one issue with the new gym is the town needs to be clear that the guidelines for its use are set out in advance so there is not a turf war over use of the gym by the Recreation and School Departments.

Councilor Sartoris said she wants to support that the gym programming be set up so the Recreation Department has the ability to program the facility.

Councilor Daughtry said they did discuss this and will be signing a Memorandum of Understanding to allow maximum use after school hours and weekends.

Manager Gerrish added there has been preliminary discussion on the use of the fields by the town and school.

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Councilor Favreau said there is the question on security and separate entrances after hours.

Councilor Sartoris said the older schools are being maintained and there will be a different outcome for those than the old high school. The town can think of secondary uses for the other schools. The chimney swifts need to be kept in mind and now is the time to plan around maintaining the habitat for the species. She would like to plan to keep the chimney or plan other options.

Manager Gerrish said Mr. Keck did a great report in such a short period of time.

**Lyndon Keck** explained the study. They did a test to see how things would fit on the current site versus a new building. The Committee believed that a new building would better fit the town's needs. The School Committee would like to know by December 1 what the plans are for the site relative to keeping a portion for a new building.

Councilor Webb thanked the committee and said he liked the idea of saving the large field on this site. He asked how it would work if the Council wanted to carve out a piece of land.

Mr. Keck said they would not be able to save the field and it would have to be rebuilt. The Council should have between a half and three-quarters of an acre of land if they wish to build a town building. At first look, it would be the corner of the site on Spring Street. They need to identify that property so the state can know.

Councilor Sartoris asked about saving the chimney and the cost related to maintaining it.

Mr. Keck said at first look, he thinks it could be a challenge. He thinks it would be more economical to build a new habitat. Plus, a chimney standing alone could be challenging.

Councilor Watson said the most important thing to decide is whether the Council wants to subdivide a piece of property.

Councilor Daughtry asked what the Council wants to put into the new elementary school.

Manager Gerrish said the committee recommended the A/B wing not be used and there are other issues to be worked on like where to put things.

Chair King said she wanted to act on the recommendation and work on other issues in a timely manner.

**Councilor Daughtry moved, Councilor Augur seconded, to demolish the A/B wing of the Old High School.**

Councilor Knight said a year ago her group met with the Council and staff said that it was not efficient to have meeting rooms separate from town hall and this should be kept in mind in the decisions.

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Manager Gerrish said that would be the preference if it could occur.

Councilor Augur said Claudia Knox recommended municipal uses at Longfellow and Mr. Keck did mention that also. Maybe this is something to look at.

Chair King said she would like the subcommittee to continue to work on the other items. The cost was the driving factor in not keeping the A/B wing, earlier she thought it would work to keep it.

**VOTE**

**Councilor Daughtry moved, Councilor Augur seconded, to demolish the A/B wing of the Old High School. The motion carried with eight (8) yeas.**

**150. The Town Council will discuss a special permit for Garden Daycare, and will take any appropriate action.**

Councilor Favreau said after a concern from a citizen, he requested this item be placed on the agenda. It is regarding a special permit for Melissa Stover to operate a home daycare for up to 12 children at 113 Jordan Avenue. The Council has three options as to what to do with this permit which are outlined in the memo. His constituent asked to bring this to public hearing so the Council can discuss it.

*(A copy of a memo from the Planning Department will be attached to the official minutes.)*

Manager Gerrish said the Council has to take jurisdiction tonight to make the 30-day requirement. They then can take action on it at a future meeting. The applicant has to get certified at the state level, so they are not at 12 children yet.

**Councilor Favreau moved, Councilor Sartoris seconded, to assert the Council's jurisdiction over the application for a special permit for Melissa Stover's daycare.**

Councilor Sartoris said she would like to see how notification was made and public comments on that meeting.

Manager Gerrish said he has a list of abutters who were given notice and none of them were at the meeting.

Councilor Sartoris asked if the town has had other special permits for daycares.

Manager Gerrish said the Planning Board has had a number of special permits, but he is not sure about daycare.

Councilor Sartoris said there have not been any in the last 7 years. The Council rarely weighs in on an ordinance once it has voted them in.

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Councilor Augur said DHS allows 12 with home daycare and more is a corporate operation. This seems like the Planning Board spent time on this and gave information on why they made their decision.

Councilor Favreau said he is bringing this forth at the request of a citizen who did not attend the Planning Board meeting.

Manager Gerrish said the town's guidelines allow 6 children in home daycare as a matter of right and if someone wants to expand that they need to go through the special permitting use process. The hours of operation are dealt with at the state level.

Chair King said the Council has not looked at hours of operation with other daycares.

Councilor Sartoris said she wonders why there were no questions about hours of operation. She is troubled that the Planning Board may not have taken that into consideration when issuing the special permit.

**VOTE**

**Councilor Favreau moved, Councilor Sartoris seconded, to assert the Council's jurisdiction over the application for a special permit for Melissa Stover's daycare. The motion failed with (2) yeas. Opposed: Councilors Watson, Daughtry, King, Augur, Knight, and Webb.**

- 151. The Town Council will consider setting a public hearing on the winter closing of Sawyer Road from December 1, 2007, to March 31, 2008, as permitted under Title 23 M.R.S.A. Subchapter VI, Section 2953, and will take any appropriate action.**

Manager Gerrish said this item is to set a public hearing for the winter closing of Sawyer Road. It is closed annually from December 1 through March 31, since this gravel road only leads to a boat launch that is not utilized in the winter and there are no residents on the road. State law requires that the closing of a public road be done after a public hearing is held.

**Councilor Watson moved, Councilor Sartoris seconded, to set a public hearing for November 5, 2007, on the winter closing of Sawyer Road from December 1, 2007 to March 31, 2008, as permitted under Title 23 M.R.S.A., Subchapter VI, Section 2953. The motion carried with eight (8) yeas.**

- 152. The Town Council will consider setting a public hearing to amend the General Assistance Ordinance Maximums, and will take any appropriate action.**

Manager Gerrish said this item is to set a public hearing to change the current General Assistance maximums, and the town is requesting that the Council advertise this hearing for an emergency and regular basis in order to be enacted immediately after the public hearing.

**Councilor Augur moved, Councilor Favreau seconded, to set a public hearing for November 5, 2007, regarding the General Assistance maximums, to be adopted on an emergency and regular basis. The motion carried with eight (8) yeas.**

**153. The Town Council will consider approval of a request from the Brunswick Downtown Association to hold an Outdoor Arts Festival in the summer of 2008, and will take any appropriate action.**

Manager Gerrish said this item is to consider approval of the request from the Brunswick Downtown Association to hold their second annual Outdoor Arts Festival on August 16, 2008. The event is allowed after Council approval under Chapter 10, Section 26(b)(14) of the Municipal Code. They expect up to fifty artists at designated locations on Maine Street between Pleasant and Mason Streets. They have paid the required \$500 fee.

Councilor Knight said her husband is on the board, but he has no direct financial benefit.

**Councilor Daughtry moved, Councilor Favreau seconded, to approve the request from Brunswick Downtown Association for an Outdoor Arts Festival on August 16, 2008, as outlined in their request. The motion carried with eight (8) yeas.**

*(A copy of the letter and proposed layout will be included in your packet.)*

**154. The Town Council will consider appointing the Council member to the Land for Brunswick's Future Board, and will take any appropriate action.**

Manager Gerrish said at the last meeting the Council appointed the citizen members to the Land for Brunswick's Future Board, so this item is to appoint the Council member to this board. The Recreation Commission will be selecting their member at their next meeting and the Conservation Commission member will be Joy Prescott.

Chair King appointed David Webb to fill this spot.

**155. The Town Council will consider amending the Purchase and Sale Agreement for lots in the Industrial Park, and will take any appropriate action.**

Manager Gerrish said this item is to consider amending the Purchase and Sale Agreement for lots in the Industrial Park.

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

**Councilor Augur moved, Councilor Knight seconded, to amend the Purchase and Sale Agreement for lots in the Industrial Park. The motion carried with eight (8) yeas.**

**156. The Town Council will consider amending a Beano License, and will take any appropriate action.**

**Beano:**  
**Evergreen Senior Citizens Club**  
**1 Columbus Drive**

**Rena Rittall**

Manager Gerrish said this item is to approve a request from Evergreens Senior Citizens Club to change their bingo nights from the current Sunday, Monday, and Thursday nights to Sunday, Monday, and Friday nights, along with adding Saturday night at 6:30 p.m.

**Councilor Sartoris moved, Councilor Watson seconded, to approve the request from the Evergreen Senior Citizen Club to change their bingo nights to Sunday, Monday, and Friday nights, along with adding Saturday night at 6:30 p.m. The motion carried with eight (8) yeas.**

**157. Consent Agenda**

**a) Approval of a Utility Location Permit for Brunswick Sewer District**

**Councilor Watson moved, Councilor Daughtry seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.**

*(A copy of the utility permit will be attached to the official minutes.)*

**Executive Session: Personnel Matter as per 1 M.R.S.A. § 405(6)(A)**

**Councilor Webb moved, Councilor Favreau seconded, to go into executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss a Personnel Matter. The motion carried with eight (8) yeas.**

**Councilor Watson moved, Councilor Daughtry seconded, to adjourn the meeting. The motion carried with eight (8) yeas.**

The meeting adjourned at 10:32 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*  
*December 10, 2007*

December 17, 2007

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*Date of Approval*

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*Council Chair*