

--APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES

Tuesday, January 22, 2008
Executive Session 6:30 P.M.
Meeting Continues 7:00 P.M.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Hallie Daughtry, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, and Newell A. Augur

Councilors Absent: Councilor David C. Webb

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Tom Farrell, Director of Parks and Recreation; John Foster, Public Works Director; Anna Breinich, Director of Planning and Development; Amanda Similien, Economic Development Specialist; and the TV video crew

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

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

Meeting Continued: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment:

Carol O'Donnell, Maine Street, spoke on possible changes to the public comment section of the meeting. Instead of having the comments at the end of the meeting, as some Councilors have suggested, she suggested an alternative since having them at the end would hurt families with children, the elderly, and working folks. She suggested keeping the comments at the beginning of the meeting, limiting comments to 3 minutes per person, with a total time of 20 minutes. She hopes the Council could hold forums, whether at the district level or at organizations' meetings to allow citizen the chance to speak with Councilors on issues. She asked the Council not to punish the many for the few.

Pat Dunning, 40 Brackett Road, spoke on the meeting of December 17 and action item 177 on the business park. The agenda item referred only to the Fox Run property, but both locations (including the Moore property) were discussed and action was taken on them. Section 2 of the Council rules state the agenda item needs to clearly state the scope of the item, and she wants to ensure the rules for constructing the agenda are upheld on any issue.

Town Council Minutes

January 22, 2008

Page 2

Correspondence: Letter from Comcast regarding rate increases

The town received a letter from Comcast highlighting increases in rates effective February 2008.

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

Councilor Tucker thanked Marty Wilk for his service on the LRA and expressed his regret that he resigned from the MRRA. He thanked Mr. Wilk for all his hard work in this area. He is hopeful the governor will appoint Gary Brown and others who represent this community's interest.

Councilor Augur commended the Police Department for those officers involved in the domestic violence issue on December 18, and how well it was handled.

Adjustments to the Agenda: None

Manager's Report:

(a) Financial Updates

Manager Gerrish said the town has spent 90% of the winter works budget and the town is only a month and a half into winter. With over 70 inches of snow to date, there is not a lot the town can do; if it storms, Public Works will have to plow and remove the snow. This area will go over budget, but there will be savings in other areas like health insurance and worker's compensation. On average the town has about 75 inches of snow a year, but there have been savings in past years. Mr. Gerrish thanked Public Works and the Parks and Recreation Departments for all their hard work. On the revenue side things are flat; state revenue sharing is a little ahead.

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

(b) Council Committee Updates

Councilor Klatt said she attended the Teen Center Board meeting. They are a little concerned about the budget process and they need some help there. The town only gives them \$5,000 and their rent is over \$8,000, with the cost to operate being around \$26,000.

Chair King asked about grant funds being used.

Tom Farrell, Director of Parks and Recreation, said the Board is in the process of trying to raise funds. They got some from funding from the United Way in the amount of \$5,000 and the Senters grant. They need to raise about \$8,000 for the rest of the year. An upcoming fundraiser is Capitol Steps at Morrell Auditorium, happening in April.

Councilor Favreau said on Friday morning Mr. Brown, Councilor Klatt, Councilor Webb and he attended an MRRA meeting. He thanked Commissioner John Richardson for

focusing on the fact the BNAS closure will affect the mid-coast region most and that this needs to be looked at in this process.

(c) Council Retreat Update

Manager Gerrish will update the public on the Council retreat held on January 5. They talked about goals, correspondence, public comments, along with other items. It was a great discussion. He listed the goals and asked the Council to think about the goals for adoption at a future meeting.

(d) Alfred M. Senter Fund Grant

Manager Gerrish said the Alfred M. Senter Fund has issued a grant to the Androscoggin Brunswick-Topsham Riverwalk Advisory Committee in the amount of \$20,000. Even though this is not a town appointed committee, as part of the grant process either Brunswick or Topsham has to accept the grant. Brunswick has been asked to accept it on the Committee's behalf.

Councilor Knight moved, Councilor Augur seconded, to accept and expend the Alfred M. Senter Grant in the amount of \$20,000 on behalf of the Androscoggin Brunswick-Topsham Riverwalk Advisory Committee. The motion carried with eight (8) yeas.

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

(e) Donation of Flat Screen Television

This item was done after "b".

Tom Farrell introduced **Ed O'Brien** from Wal-Mart, who explained that after viewing a training video for coaches, which was on a small television, he was able to come back with a donation of a 50 inch plasma television. .

Mr. O'Brien, on behalf of Wal-Mart, said they enjoy working to help communities and hopes this donation can be well used.

Councilor Watson moved, Councilor Daughtry seconded, to accept the donation of a flat screen television from Wal-Mart to be used by the Parks and Recreation Department. The motion carried with eight (8) yeas.

(f) (ADDED) Upcoming Workshop

Manager Gerrish said there will be a workshop meeting on January 28 for either CIP or the budget. There will be more information out either tomorrow or Thursday.

3. The Town Council will hear public comments on the following Special Amusement license application, and take any appropriate action.

Special Amusement

**Brunswick Lodge of Elk's #2043
d/b/a Brunswick Lodge of Elks
179 Park Row**

Mr. David Dionne

Chair King said this item is for a public hearing and approval of a special amusement permit for the Brunswick Lodge of Elks. This is a renewal and they are proposing to hold dances.

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

Councilor Favreau moved, Councilor Augur seconded, to approve an application for a special amusement license for the Brunswick Lodge of Elks' #2043. The motion carried with eight (8) yeas.

- 4. The Town Council will hear public comments on the following alcohol license, and will take any appropriate action.**

Full-Time Spirituous, Vinous & Malt

**Hospitality Concepts, LLC
D/B/A: Pedro O'Hara's
1 Center Street**

Peter Therriault

Chair King said this item is for a public hearing and approval of an alcohol license for Pedro O'Hara's.

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

Councilor Daughtry moved, Councilor Tucker seconded, to approve an application for an alcohol license for Pedro O'Hara's. The motion carried with eight (8) yeas.

- 5. The Town Council will consider authorizing the Manager to negotiate options on the William Moore and Fox Run properties, and will take any appropriate action.**

Chair King apologized for the lack of clarity on the December 17 item, as commented on by Ms. Dunning, and said she will work hard to prevent this from happening in the future.

Manager Gerrish said at the December 17 meeting the Council gave permission to start the Request For Qualifications process. This item is to authorize the Town Manager to negotiate options on the William Moore and Fox Run properties, which have been

Town Council Minutes

January 22, 2008

Page 5

identified as possible sites for a business park. If the town wishes to continue to explore these sites, it makes sense to determine that the owners are agreeable to developing their properties.

(A copy of a memo from Gary Brown will be attached to the official minutes)

Chair King said Councilor Webb asked her to let the Council know he supported moving forward with getting options on both properties.

Chair King opened the floor to public comments.

Julie Poole, 64 Moody Road, said this item is premature since many who may wish to speak tonight were not able to make it. This should go to a referendum vote.

Annette Haas, 105 Durham Road, would like to have the engineering done by an outside firm, not a local group.

Ben Swan, 4 Page Street, said he would like to see other people involved in the negotiating, not just the Manager.

Councilor Daughtry said she feels the town would be remiss if the Council did not pursue the options. It is too early to go to go referendum; at this point the town needs to explore both locations, considering the time restraints, to get the most facts about both sites at a minimum cost. If the cost becomes too high then the Council may need to rethink it. This is an expansion of the preliminary study and now needs to go to engineers to do work and permission of the owners is needed. This is not an approval, just an exploration. Do not read her vote as a support for one site or the other; the Council is just working to get more information.

Councilor Knight said the Council needs to go forward to get more information so they can make an educated decision.

Councilor Favreau said Commissioner Richardson indicated the importance of a business park development to help with the base losses.

Councilor Augur supports the other Councilors' comments. He hopes Fox Run will be the site, but the town needs to explore both options. He asked to have one Councilor help negotiate the deal. They should review the citizen's concern about the selection of a local engineer. He added if the site is to be the Moore one, there will most likely be a referendum. When he was on the Council, Forrest Lowe wanted a referendum and those on the Durham Road did not support it at that time. Councilor Augur added that he agreed with those residents then since there was a need to have more information before this decision moved forward.

Manager Gerrish said there were six responses to the RFQ and they will be interviewing each.

Town Council Minutes

January 22, 2008

Page 6

Manager Gerrish said, responding to Councilor Klatt's question about what additional information is needed, in order to confirm cost estimates from the original study, more work needs to be done. The town needs to look at the total cost to do both sites and develop them. The engineer needs to do a site walk to get more information. At the meeting with Commissioner Richardson, there was discussion about the region working together and uniting for a business park. Manager Gerrish said there are examples like the airport in the Lewiston Auburn area where both communities contributed to the cost to develop it and both share in the taxes generated. There is also the example of First Park in Oakland where 34 communities got together to pay the cost and share tax revenues. The town has not cut off any of this discussion at this point, but still needs to have more information on costs before making a decision about community location. To make decisions they need to have facts. Brunswick is paying the engineering cost.

Councilor Klatt asked who is going to own the business park, the town or a private entity. Manager Gerrish responded that has not been decided, but the town could buy it if it wants to under an option agreement.

Manager Gerrish added this item is to allow negotiations to happen, and he will come back to the Council to see if they want to sign the option.

Councilor Klatt said she had an additional concern about owner willingness to sell, but first and foremost, she has a responsibility to find out the level of residents' interest in the project. The town needs to find out what the people want first.

Chair King said the Council is elected to make decisions and with the economy in a tough place, she wants to have some planning. If it is found that it would cost an unreasonable amount to develop, it will help with any decision. From an information standpoint, the town needs to get more information. She is happy with the recommendation of the consultants and will support pursuing options. She feels they are doing what is necessary to protect the town.

Councilor Klatt said she does not agree with this and has a concern that many residents do not want it. The country is going into a recession and this is not the correct time to do it.

Councilor Watson said the Council needs to go forward with this. If they do nothing, very soon the town is going to be losing a very important revenue source. When the base closes, the town will lose millions. If the town does not look out, education will be hurt and businesses will leave. The town needs to develop in order to protect taxes and keep opportunities for the community. The town needs to look into the future.

Councilor Tucker said the Council needs to keep all options open and agreed with Councilor Daughtry's comments. They need to negotiate options.

Councilor Daughtry said the Council members are all concerned about spending the taxpayers' money, but sometimes they have to spend money to get information. The

Town Council Minutes

January 22, 2008

Page 7

Council is not purchasing any property anytime soon – at least until next fall. It would not happen without much public comment and a possible referendum. This is a parallel path the Council is following. Topsham is exploring options and maybe the town will work with them if they have a better site and are willing to work with Brunswick. This is not a vote to support a business park on either site, but to get more facts.

Councilor Augur moved, Councilor Favreau seconded, to authorize the Town Manager to negotiate options on the William Moore and Fox Run properties as possible sites for a future business park. The motion carried with seven (7) yeas. Councilor Klatt was opposed.

- 6. The Town Council will receive an update from the Maine Street Station Implementation Committee and will also discuss their charge, and will take any appropriate action.**

Chair King said in the future there will be a forum for questions and answers, to include the developer, to answer the public's concerns.

Councilor Knight said for more than 3 years the Maine Street Station Committee, with public input, has worked on this site. They selected a developer and then in May 2006 the Implementation Committee was formed. Barbara Desmarais will be presenting a committee update.

Barbara Desmarais said of her presentation, the Committee did not have a chance to meet to develop this report and asked that if members present hear her misspeak to let her know. She presented a timeline of the location and highlighted the project.

(A copy of Ms. Desmarais' summary and a time line of events will be attached to the official minutes.)

Mike Lyne, Project Manager for JHR Development, presented the project as it is today. There is less square footage than the original plan. They have worked to adjust building sites to accommodate parking needs.

Councilor Augur asked why there would be a road in the middle of the property. **Mr. Lyne** responded this is something that existed when JHR got involved; the road is the town function of this project. This is what they have been given to work with.

Councilor Daughtry asked about the community uses like pocket parks.

Mr. Lyne said in order to have a large enough space to attract the farmer's market, they need to have larger versus smaller parks.

Mr. Lyne said, responding to Councilor Daughtry's question of the neighborhood impact on Noble Street, there would be 9 homes on the north side left. JHR hopes to keep the transition as smooth as possible. Traffic will be one of the biggest effects on neighbors, and a traffic engineer is working on this.

Town Council Minutes

January 22, 2008

Page 8

Councilor Daughtry brought up some questions raised by the public, such as when the architectural renditions will be ready. **Mr. Lyne** responded they are working on them. Councilor Daughtry added that her major concern is all of Phase One not being done simultaneously due to the parcel the town gave them; what is Phase One now?

Mr. Lyne responded it will include buildings 1, 2, and 3 or 1, 3, 4, and 5; if they can get all structures going at once that would be great. He could see a scenario of the commercial buildings being done before the inn, but the original idea was 1, 2, and 3.

Mr. Lyne said, responding to Councilor Daughtry's question about the hotel, they will be asking for a variance for parking and are planning a three-story structure.

Mr. Lyne said, responding to Councilor Klatt's question about the hotel's location and parking garage, it was based on expertise of the firm and their consultants. People did not want to be beside the railroad track if they were staying at the inn. The parking garage is very expensive so they are not proposing to do it.

Mr. Lyne, said, responding to Councilor Daughtry's question about the old St. Charles building (People Plus location) and moving it, they hope to move it, but one mover has quoted a price of over \$100,000 and said it needs to be done in three pieces. It is going to be expensive and they are hoping someone comes forward. If the building needs to come down, they will try to salvage as much as possible.

Chair King opened the floor to public comments.

Marji Greenhut, Noble Street, who lives next to the proposed parking lot, said this is a ruining of a neighborhood. She and others have been asked to sell. The original Steering Committee had a lot of public input, but the Implementation Committee did not have much. The giving away of the People Plus building was pushed through in one night. There are grants for low income residential apartments. They need to replace those apartments on the street that have this function already. The plan has four parking lots on Noble Street. Access to the condominiums and the hotel should be on Station Street. Union Street is two way and Noble Street is a tight one-way. The height of the hotel could be 40 feet, and she questioned how it will affect other homes in the neighborhood. She would like to see a smaller hotel. The town needs to build a parking garage so the area does not look like a parking lot. The People Plus building can be incorporated into the hotel. The woodwork in that building is beautiful. She is very sad about the changes to the neighborhood.

Anita Haas 105 Durham Road, asked if there would be only a train platform, not a train station. She was also curious about the building housing Rosita's.

Mr. Lyne responded there is a train platform on the back of a building, with a 1,200 foot ticket area and overhang. They do not own Rosita's building so it is not part of their project.

Town Council Minutes

January 22, 2008

Page 9

Carol O'Donnell, Maine Street, said others may want to comment after the second part of this item.

Ben Swan, 4 Page Street, said the parking lots are driving this project now and this is an indication there is a problem with this project. He is not sure there is anything to do to improve this project so he wants to focus on the hotel. The hotel is three stories, with 75 rooms. He would like to suggest that as the project goes forward, people will focus on this and it will shrink. The building size and parking is not good for the neighborhood. The Council and citizens need be able to see what it will look like.

Councilor Knight said she understands there is frustration about public input and public satisfaction with what JHR came up with. Yet, the town needs to go forward with this project. Some felt the Implementation Committee was not used well in the last phase of this project, but this was new territory for the town. JHR is trying to meet as many goals of the master plan as possible. If looking at the summary of the Implementation Committee, they were to select a developer, which they did. Now the project is going to the Planning Board to start that process.

Chair King added she had a conversation with Councilor Knight about the need to have elected officials, not the Implementation Committee, now leading this process since they have accountability to the voters. She is proposing a three council member subcommittee to work with the developer and town staff on this project. She wants to appoint Councilors Tucker, Councilor Knight, and Councilor Webb to serve on this committee.

Councilor Klatt agrees with this idea. She is for being open and transparent and many issues are not viewed that way. As Councilors, they represent the public.

Councilor Watson moved, Councilor Favreau seconded, have dissolve the Maine Street Station Implementation Committee and to form a three member subcommittee of the Council to monitor the project.

Marybeth Burbank, Cumberland Street, who had been involved in this project, said she has served on many committees for the Town of Brunswick. She has also felt they were involved since they could make a contribution by bringing together thoughts and ideas. Tonight there were concerns about the frustration from the public about the lack of input. After the Steering Committee work was done, they wanted to work on the master plan, so she volunteered her time to continue to serve. Committee members had various things to offer but it has been a very frustrating process since much of what happened occurred with staff meeting, and committee members were not all involved. After the discussion about the frustrations, the committee chair offered to give a weekly update, but that did not happen. A Council appointed committee is very important to the town to help with policy development. As the Council thinks about this subcommittee, please remember it is still a very exciting project, and she hopes to continue to feel the spirit of those who have served and allow them to offer what they have. They are still willing and able to offer it.

Town Council Minutes

January 22, 2008

Page 10

Carol O'Donnell said the idea of the Council oversight is great, but what occurred to her is there is a resource of expertise so maybe continue to have them as an advisory committee that can meet, or have an exit interview with the committee if not used as advisory board.

Councilor Knight said there is a final meeting of the committee this Thursday and they can determine a path to get public input as the subcommittee moves forward.

Marji Greenhut said the Implementation Committee did not have a member from the college neighborhood, so she feels that still needs to have someone from them included.

Councilor Augur said he liked Ms. Burbank's comment saying this is an exciting project. This project will provide some great value to the community. The three developers who looked at it did not support having a hotel by the train station, so they need to have some compromise to make the developer be willing to move forward on this project. This may not be consistent with the master plan, but the idea of having a development that meets the criteria is a win-win for this community.

Councilor Favreau thanked Ms. Desmarais and those on the committee, who all worked very hard on this plan.

Councilor Daughtry echoed the thanks. In an effort to include the public, the Council may want to include a couple of citizens, like what was done with the Economic Development Feasibility Committee.

Chair King said she wanted to keep it as a subcommittee since they have an obligation to make it to meetings and there will be public sessions on this project.

Councilor Watson said this committee should use the model that the Facility Committee did.

VOTE ON MOTION

Councilor Watson moved, Councilor Favreau seconded, have dissolve the Maine Street Station Implementation Committee and to form a three member subcommittee of the Council to monitor the project. The motion carried with eight (8) yeas.

- 7. The Town Council will discuss a policy regarding correspondence received by the Council, and will take any appropriate action.**

Chair King said she has had concerns with how emails are handled. This was discussed at the retreat and the draft policy covers the issue. She was concerned that a response from one Councilor should not reflect the opinion of the Council as a whole so language should be added.

Town Council Minutes

January 22, 2008

Page 11

Councilor Augur said it should be added that if a Councilor responded, it should be CC'd to the manager or the entire Council. This is to allow for a record kept of that correspondence.

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

- 8. The Town Council will discuss forming a Council subcommittee to review the structure of the town's committee system, and will take any appropriate action.**

Chair King said the draft proposal is for the charge of a subcommittee of the Council (the Sunset Review Committee). The purpose of the committee is to review existing committees to determine if any of them can be abolished or combined. This is part of an effort to streamline the current system. The committee will be examining four questions in the process. They are outlined in the attached draft charge.

Councilor Favreau moved, Councilor Watson seconded, to form a subcommittee of the Council, to be known as the Sunset Review Committee, to review Brunswick Town Boards and Committees. The motion carried with eight (8) yeas.

Chair King appointed the subcommittee members as follows: Councilor Augur, Councilor Watson, and Councilor Klatt.

(A copy of the Sunset Review Committee charge will be attached to the official minutes.)

- 9. The Town Council will consider a Resolution regarding discontinuing part of Armory Street, and will take any appropriate action.**

Manager Gerrish said this Resolution will be forwarded to the state and supports the Council position that the Council will discontinue part of Armory Street later this year. This is necessary as part of the elementary school building project since the road must be discontinued if this section is to be used as a driveway for the school. This section will not have any effect on abutting homes. If the June referendum is successful, the formal discontinuance process will begin and the Council will take final action at that point.

Councilor Daughtry moved, Councilor Knight seconded, to adopt a Resolution in support of discontinuing part of Armory Street as part of the Elementary School building process. The motion carried with eight (8) yeas.

(A copy of the resolution and map will be attached to the official minutes.)

- 10. The Town Council will consider a Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages, and take any appropriate action.**

Town Council Minutes

January 22, 2008

Page 12

Manager Gerrish said this item is an annual Resolution that the Council adopts. As the Resolution states, on February 15 tax liens are foreclosed and any property that has not had the taxes paid becomes town property. Each year staff reviews the potential properties and makes a determination whether or not it is in the best interest of the town to foreclose on certain properties. The reason the town would not want to foreclose would be that some properties, primarily mobile homes, would cost more for the town to dispose of than the amount due in taxes. The liens stay on the properties; the town just does not foreclose so the town is still entitled to the owed taxes.

Councilor Watson moved, Councilor Daughtry seconded, to adopt the Resolution to authorize the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages. The motion carried with eight (8) yeas.

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

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

The meeting adjourned at 10:20 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
February 25, 2008*

March 3, 2008

Date of Approval

Council Chair