

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
July 23, 2007
Executive Session 6:30 P.M.
Meeting Resumes at 7:00 P.M.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Ryan E. Ewing, 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; Mat Eddy, Director of Economic Development; John Foster, Public Works Director; James Ashe, Superintendent of Schools; Steve Balboni, Deputy Director of Parks and Recreation; Jim Oikle, Business Manager, School Department; and TV video crew.

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

Councilor Augur moved, Councilor Favreau seconded, to go into executive session to discuss a Personnel Matter per M.R.S.A. § 405(6)(A) and a Legal Matter per M.R.S.A. §405(6)(D). The motion carried with eight (8) yeas.

Meeting Continued: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment: None

Correspondence:

A letter from Pem Schaeffer regarding a new elementary school and the old high school site.

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

Councilor Sartoris said she and other Councilors have received numerous emails on the elementary school issue that is on the agenda this evening.

Adjustments to Agenda:

To take Item # 116 prior to the tabled items.

Town Council Minutes

July 23, 2007

Page 2

Manager's Report:

a) Update on Nomination Papers

Fran Smith, Town Clerk, explained that nomination papers for the November 6, 2007, Municipal Election will be available beginning July 27, 2007, and are due back to the Town Clerk's Office by Friday, September 7, 2007. She also listed the six Council and five School Board seats that are up.

b) Update on Mere Point Boat Launch

Councilor Sartoris gave this update and explained that the Simpson Point launch will be closed for propeller boats after the Mere Point Boat launch is completed. The Mere Point launch is scheduled to be done in September and may be ahead of schedule.

c) Update on Wood Boilers

Manager Gerrish said the state is holding a public hearing on rule making for wood boilers on August 16, 2007.

(A copy of a memo from Deputy Chief Emerson will be attached to the official minutes.)

d) Council Committee Updates

Chair King updated the Council on the LRA process and the Economic Development Feasibility Committee. The committee will meet with consultants on August 1 and then on August 13, 2007, at 6:00 p.m. they will hold a public forum on the proposals. The LRA held a full day workshop and regular meeting where they toured the base again, and viewed it from the tower. They discussed the four different general concept plans. On August 1, 2007, the LRA will meet with town committees and on August 2, 2007, at 7:00 p.m. they will hold a public meeting on the concepts.

Councilor Sartoris said the Maine Street Station Committee has their web page working and will have their meetings televised. The next meeting is this Thursday.

e) Night work on Pleasant Street

John Foster, Public Works Director, said Whorff Construction would like to conduct water and sewer work on Pleasant Street at the Sweet Leaves Tea House and Terrace Place Condominiums either on August 7 or August 14. It will be for one night only.

Councilor Watson suggested the closure date be provided to the neighboring rescue services that may use Pleasant Street to get to the hospital.

The Council agreed to allow the night work to occur.

Town Council Minutes

July 23, 2007

Page 3

115. The Town Council will hear public comments on acceptance of the Special Projects Matching Fund (CDBG) Grant, and will take any appropriate action.

Mat Eddy, Director of Economic Development, said this item is for public comment and to apply for assistance under the Special Projects Matching Fund Grant (CDBG) to assist Brunswick Technologies, Inc./St Gobain (BTI) to help offset costs and close a financial gap associated with their expansion at 43 Bibber Parkway. The expansion is 25,000 square feet and this would add at least sixteen new employees. They are looking at a variety of sources to close the gap and he listed each of them.

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

Mr. Eddy said, responding to Councilor Sartoris' question, the improvement and expansion of the detention pond will include modifying the current one. With this improvement, it will also buy credits for other lots and cover storm water requirements for those lots.

Chair King opened the public hearing

Marji Greenhut, Noble Street, asked if the ponds will purify wastewater.

Manager Gerrish responded that it is for run-off and the DEP has approved the pond, which is an expansion of the existing one.

Manager Gerrish said, responding to Councilor Daughtry's question, the loan is forgiven if the sixteen job mark is met.

Councilor Watson moved, Councilor Schneider seconded, to apply for assistance under the Special Projects Matching Fund Grant (CDBG) to request assistance for Brunswick Technologies, Inc./St. Gobain (BTI) to help offset costs and close a financial gap associated with their expansion at 43 Bibber Parkway. The motion carried with eight (8) yeas.

185. (Tabled) The Town Council will discuss a request for the Town to accept the unaccepted portion of Collinsbrook Road as a Town Road, and will take any appropriate action.

This item was taken up after Item #116.

Manager Gerrish said the Council had received a request to accept portions of Collinsbrook Road. It continues to be the staff's recommendation that the town not accept this section of road unless it is brought up to town standards.

(A copy of a letters from John Foster and residents from Collinsbrook Road will be attached to the official minutes.)

Town Council Minutes

July 23, 2007

Page 4

Todd Buchheit, 105 Collinsbrook Road, said their initial request was to have the town abandon a section that was around 1,900 feet long. When he moved to the area four years ago, it was a rough road and as development took place, the road improved beyond the town way, with about 1,000 feet approved to driveway standard. Traffic increased, some from Freeport and Brunswick, both commercial and private. In the wet part of the spring the road gets rough. The section in Freeport is now all but 180 feet paved. Residents are spending lots of money to keep it up for others to use. The residents there had some discussion of what to do, including blocking the road and working on the Freeport side, but he received some negative feedback so he had concerns about doing that with his property in danger.

Mr. Buchheit continued, saying Collinsbrook Road floods (500 feet) and Chief Labbe has an agreement with Freeport to respond if the road is blocked. He has concerns with emergency services getting to the residents in March and April. There are 19 homes, with another 29 lots that are approved for development that are cut off when the road becomes flooded. From the Brunswick fire station it is 8.8 miles and from Freeport it is 4.6 miles. State law in Title 23 deals with maintaining a public way. He said the public intends to use it and with the agreement with Freeport, his attorney said it shows the seriousness of this situation. He had a list of those who they talked to about it becoming to a town way and only one was opposed.

Scott Fraser, 623 Durham Road, had lived on Collinsbrook Road and said pavement developed over time to the end of the town way. All except two supported having it a town way. The two who were against it stated it was because of traffic increases.

Ruth Fraser said there are ten properties beyond the town way, and they all pay a lot of taxes and get very little for their money. She would like to see the road completed to the Brunswick line.

Councilor Sartoris said the town is being asked to spend money and this is not a low cost thing. The issue is if this flies in the face of doing something consistent with other things the town does. They are being taxed on use and potential development of property. The town should make sure by putting in this road it does not increase other development there.

John Foster gave a price tag of \$250,000 as a rough estimate to build the road to town standards.

Manager Gerrish said the flooding issue is on the town-owned part and there are plans to pave it and put in culverts to help with floods.

Mr. Foster said in Freeport it has been abandoned by the town with no easement and much is privately maintained. There are lists of other private ways and there are several abandoned ways that the town does not maintain.

Councilor Daughtry asked about other private ways that are used as much as Collinsbrook Road. Mr. Foster responded others were probably not used as much.

Town Council Minutes

July 23, 2007

Page 5

Chair King said she wanted to know the density of other abandoned roads and how Title 23 fits into safety issues. She wants more facts before decisions are made.

Councilor Augur wanted a brief description of an abandoned way.

Councilor Ewing wanted to know about impact fees.

Councilor Daughtry asked what deeds say about the road – if it is a right-a-way or an easement.

Councilor Sartoris wanted a copy of the zoning map with overlays.

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

14. (Tabled) The Town Council will discuss a revised Town Boards, Commissions, and Committees Policy and will take any appropriate action.

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

Councilor Ewing and Councilor Augur will work to revise the proposed language.

116. The Town Council will consider the request from the Elementary School Building Committee for the Council to authorize the Old High School site for a new elementary school, and will take any appropriate action.

Manager Gerrish said this item is to consider the request from the Elementary School Building Committee for the Council to authorize the Old High School site for a new elementary school. The Councilors role tonight is to vote on the school location on this site.

Chair King added that tonight the architect will make a presentation on process, answer Council questions, and the public can make comments on having this location as the site for the elementary school. What the Council is going to do with the rest of the buildings and fields is not being addressed tonight and will be done at the August 6, 2007, meeting.

Superintendent of Schools James Ashe said it would helpful to have the architect, Lyndon Keck from PDT Architects, explain the process they have gone through.

(A copy of materials on this subject will be attached to the official minutes.)

Lyndon Keck explained the process for rating the sites. They looked at 22 sites and reviewed them, including factors such as traffic intersections, closeness to residential areas, public water and sewer. The recommendation for the old high school site is his alone, with the criteria set by the Building Committee and the committee's final approval.

Town Council Minutes

July 23, 2007

Page 6

With the five final sites, he went on and looked more at engineering. He listed the sites: old high school, two properties owned by the Brunswick-Topsham Land Trust property on Pleasant Hill Road, Downeast Energy site off Mere Point Road, and Crimmins field.

The advantages of the old high school site include: it is a traditional use for this site, there is great road frontage, it has three-phase electrical, has the maximum walking location for students, and there are no wetland issues. The State Planning Office thought this was the best site and the Building Committee voted in June to put it as their first choice. Mr. Keck said he worked hard on the Crimmins field, but the walk and extensive wetland and soils made it not as attractive as the old high school site. Forty percent of the soils are not good soils and it gathers water from the surrounding development. There would need to be more than 24 inches of fill for the site.

The state will have a lot to do with these decisions, but he believes there will be between 500 and 700 students, and 180 to 200 parking spots at the new school. Mr. Keck displayed the three sites plans, but added there is not a final site plan or design. He also showed a possible reuse of Crimmins field to replace those athletic facilities lost at this site. They will be asking the state to pay for them, but have not received any commitment yet. He would not recommend using the existing old high school building as an elementary school.

Mr. Keck said, responding to Councilor Daughtry's question about the schedule, the School Department will have a straw vote on Thursday and will have a more formal straw vote in September once site costs are completed. This needs to go to the Department of Education. There has to be a design concept done by November with a straw vote on it in December. In January it goes to the state for approval and to a vote of the residents in March 2008.

Chair King opened the floor for public comments.

Pem Schaeffer, Crestview Lane, said he and others have put forward a Civil Appeal on the school, stating the town does not need this school. He has received a broad scope of support from over 80 residents.

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

Fred Blanchard, Harpswell Road, said with the base closure the town will lose federal funds, school students, and families. Yet, the town is continuing to create a new school. This Council has an opportunity to stop this and have the town have a reality check.

Claudia Knox, 36 Cumberland Street, asked about the other site that tied first and the fourth site since not much information was given as to why they were not chosen. She wants to know more about other two sites.

David Widmer, 490 Mere Point Road, spoke against building a new site at this time with all the unknowns, including the school configuration and a declining school population with the base closing. He suggested holding off on a school until the town knows better

Town Council Minutes

July 23, 2007

Page 7

what the actual needs are. As far as the costs, there are many large unknowns like what the state will cover and the playing fields replacement. He would ask the Council to have Mr. Ashe go back to the drawing board.

Jeff Ward, Chair of the Recreation Commission and served on the Old High School Reuse and Multigenerational Committees, said he supports this site as a school. It should stay a public use site. He would ask that the decisions for recreation fields and People Plus issues be addressed prior to finalizing this plan. While construction is going on, it may not be able to maintain all uses that are currently used at this site, but he hopes that it will be done with a minimum disruption in services primarily for children. There are many concerns about how to relocate those recreation facilities and they would like to work with the school department to do that. There are some concerns about building a field on a wetland site. They wanted to make sure the recreation components are not lost. The A/B wing's gym is the largest one in town. The key thing to answer is if there should be a new one or keep the existing gym and it should be reviewed in terms of long term costs.

Julie Pease, 13 Chestnut Road, said she is in favor of the current proposal to have a new school at old high school site. It is time to make a decision to do something with this site.

Connie Lundquist, 11 Longfellow Avenue, said this is a backwards process since more information will be provided at the upcoming Thursday night meeting.

Sarah Brayman, McKeen Street, said she understands why people like this site, but she would like to know about tying this site to other uses and she is concerned about recreation fields on the Crimmins field site. There is a lot that happens here, and that is not included in cost figures.

Elizabeth Glover, 19 High Street, said she is confused by this process, the Council being asked to vote on this site prior to the school public hearing. The Council is being asked to make a decision with very little information. She added it is a hard time to make decisions in summer with people gone and suggested making the decision in September.

Marji Greenhut, Noble Street, said the Council should not rush to make this decision. The town could have a smaller school at another location and have a community site here. She urged the Council to take their time.

Jim Doherty, 6 McKeen Street, said the town is making a commitment on this plan and the decision is being made by the Council, not the town.

Anthony Yuodsukis, 276 Bunganuc Road, said he is glad the Council is getting to the point of making a decision. He will support this as the best site for the school. He is proposing to get rid of the old high school building and put the new school here.

David Dube, Minot Shore Road, said Brunswick and Maine are known for preservation of old buildings. Fort Andross has been renovated, as well as the Times Record building. There are many old homes in this town that have been renovated and are very functional.

Town Council Minutes

July 23, 2007

Page 8

Bowdoin has done several renovations. He sees the CIP shows the new school is going to cost \$29 million and another \$14 million on all the other schools' upgrades. The town should take the \$14 million and renovate this site.

Bridgette Simard, 438 Mere Point Road, said she is about restoring and this building has put many smiles on peoples' faces. It would be losing part of the history of this town. The Council should think strongly what they might do with this building since they cannot replace it once it is gone.

Richard Nemrow, property owner in Brunswick, provided booklets to members of the Council. He congratulated the Council for doing a pretty good job with a difficult process. The Council formed a committee to study this site after a private group brought forth ideas. The town also had the School Board run a parallel process. He had a report from Massachusetts on preservation of schools there. There are funds available to renovate schools. He asked the architect how many schools he had renovated. The Council failed to charge the Old High School Reuse Committee with a fourth option of assessing the possibility and reuse of the old high school as a school building. He asked the Council to bring back that committee and the Building Committee to have an additional charge to see if school can be used on this site.

Gail Lowe, 11 Thompson Street, said she wanted to remind people there was an Elementary School Building Committee with 19 members. The vote they had on site selection was overwhelming in support of this site after looking at it for many meetings and after months of work. This decision should be given some sort of weight. Anyone she heard from was in favor of this site.

Ruth Fraser, 21 Collinsbrook Road, said she thinks this vote is a little premature. First the Council should vote on what they are going to do with this site and if the vote is not to keep it, then they can vote as a school site. She hopes the Council does not to make this decision tonight.

Chair King closed the public comments.

Mr. Keck answered some questions put forth by the public. The Brunswick-Topsham Land Trust said they are in the business of preserving land and only if the town could not find any other sites would they consider allowing this use on their land. The Committee determined the Downeast Energy site is too far out of town. The Committee was very concerned not to get a larger site outside of town. Regarding the question on not having enough information to make a decision, this was an open process and they do not have all the answers because it is only about 25% through the process at this point. His firm has been in business 30 years and done over 65 renovations and additions to schools. Often renovating is more expensive. The old high school is over 70 years old and it has many issues. The cost is almost the same between the Crimmins field site and old high school site. This site has demolition costs. As far as putting ball fields at Crimmins, the fields are only a quarter of the footprint of the new building and parking for it. Therefore, he does not believe there will be a regulatory problem to do parking and the field. There

Town Council Minutes

July 23, 2007

Page 9

were several letters from developers who did not think this would be a desirable site for private development (found in the 2006 study.) He has similar concerns.

Chair King said she understands why the public sees this as a backwards process, but the Council has been considering this site as a possibility for the school for some time. She has faith in the building committee. She is respectful of the public, but after twelve years the town needs to make a decision. Her vote is to move forward with this site as a school and move the town toward taking care of its facility needs. This will start this process. A new school does provide options to do some things for the community.

Councilor Augur thanked the Building Committee and Old High School Reuse Implementation Committee for their work. The committee did a great service for the town by looking at what could happen with the site one more time and showing the value of the A/B wing and the recreational fields. He came away from the charettes with almost universal objection to using a portion of the property for private development. People want this site for a public purpose and that is what the school would be. If a school is going to be built for all children grades 3-5, this is the only site in the center of town to do it. If the town does not agree, the voters can vote against it in March. The Council makes decisions based on analysis of facts and no one else is pulling the strings as implied. The town may not be as emotionally charged about this site if the old town hall had not been torn down.

Councilor Sartoris said she is in overwhelming favor of this site for a school. She was on the earlier multigenerational committee and put this site on hold since it was a preferred site for this school. This vote is about this site and her favoring this site does not mean she supports the rest of the plan like closing two neighborhood schools and reconfiguring the schools. She has an interest in neighborhood schools. She wants to make a decision on this site that will stick and the last thing she wants to do is not have the referendum pass in March. She wants the Council and School Board to discuss the configuration and closing schools. This is a community policy issue not a school educational issue.

Councilor Schneider read a statement. Thirty years from now there will be regret from destroying this building. It does not make economic sense. He does not think this is the site nor does he think this is the year to make a decision. This country has become too much a throw away society; he will not support this site.

Councilor Ewing feels that this is the preferred site. He has not weighed in on configuration.

Councilor Favreau said this town needs an elementary school. He was on the Elementary School Building Committee. The big part of this is to get the students out of portables and the state will pay most costs except if the town wants extras. By approving this, the town is proceeding with the process. The public will vote on it. He was going to vote against it, but with the concept which saves the A/B wing he is going to approve it.

Councilor Watson thanked all the citizens who came out tonight. This property needs to remain public. This is a good site for an elementary school, the school committee has

Town Council Minutes

July 23, 2007

Page 10

presented with what they feel is best. The Council is in charge of what is the best use of the property for the town as a whole. That is where he is troubled; is the elementary school the best use of the school. At first he was going to vote no, but now he is on the fence. He encourages everyone in the community to join in this endeavor and come to the meeting on Thursday. The most important thing is to determine what is best for this property. The town cannot afford to lose this space. Brunswick currently has inadequate recreation facilities.

Councilor Daughtry echoed the thanks to those who came out tonight. She thanked all the committees that have studied what to do with this site. It is time the Council makes a decision. They know the issue before them, and she feels she has been heavily vested in studying sites and process. The materials provided at the straw vote are materials the Council has already received and reviewed. She believes the highest and best use for this site is for a school. This is the fiscally responsible thing to do with this site.

Manager Gerrish read the proposed motion. This will authorize the school to move ahead on planning for this site and allow the Council to decide on the future of the A/B wing. Other uses need to be discussed by the Council and school department.

Councilor Sartoris asked why August 31 is the deadline for a decision. This seems too soon with issues like the tennis courts and federal dollars that need to be resolved.

Councilor Daughtry said the decision needs to be made so the architect can begin the design process and get moving on this to make all the deadlines.

Councilor Ewing moved, Councilor Daughtry seconded, that the Brunswick Town Council authorize the use of a parcel of land commonly known as the old high school property located at 44 McKeen Street for a new elementary school, subject to Brunswick voters approval of the new school at a Special referendum. The conveyance shall also be subject to the Town Council's determination of which building on the site will be retained by the Town, if any, and the School Elementary Building Committee and Town Council working together to determine what other municipal uses will be on the site, if any. These determinations shall be by done no later than August 31, 2007. The motion carried with six (6) yeas. Councilor Watson and Councilor Schneider were opposed.

The Council went back to the Tabled items.

117. The Town Council will discuss applications for appointments to the Midcoast Regional Redevelopment Authority, and will take any appropriate action.

Chair King said the applicants are Gary Brown, Scott Howard, Catherine Longley, Sande Updegraph, Martin Wilk, Michel Ouellet, Dana Totman, Robert Jarrett, William Babbin, Stephen Tibbetts, and Forrest Lowe.

Councilor Daughtry said one applicant is her spouse and she recused herself from discussion and vote on the item.

Councilor Augur moved, Councilor Favreau seconded, to forward all the applications to the Governor's Office for consideration. The motion carried with seven (7) yeas. Councilor Daughtry did not vote as her husband was one of the applicants.

- 118. The Town Council will consider setting a public hearing to amend Section 201.2 of the Town of Brunswick Zoning Ordinance, to increase the maximum residential density in the Town Center 3 (TC3) Zoning District from 5 units per acre to 7 units per acre, and will take any appropriate action.**

Manager Gerrish said this item is to consider setting a public hearing to amend Section 201.2 of the Town of Brunswick Zoning Ordinance to increase the maximum residential density in the Town Center 3 (TC3) Zoning District from 5 units per acre to 7 units per acre.

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

Councilor Ewing moved, Councilor Schneider seconded, to set a public hearing for August 6, 2007, to amend Section 201.2 of the Town of Brunswick Zoning Ordinance, to increase the maximum residential density in the Town Center 3 (TC3) Zoning District from 5 units per acre to 7 units per acre. The motion carried with seven (7) yeas. Councilor Daughtry was not present for the vote.

- 119. The Town Council will consider setting a public hearing to amend our Military Redevelopment Zone map to include the property of WESTCON in the Industrial Park, and will take any appropriate action.**

Manager Gerrish said this item is to set a public hearing to amend our Military Redevelopment Zone map to include the WESTCON property in the industrial Park. There is no land being swapped, but additional acreage is coming from the land bank for the region.

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

Councilor Sartoris moved, Councilor Favreau seconded, to set a public hearing for August 6, 2007, to amend our Military Redevelopment Zone map to include the WESTCON property in the industrial Park. The motion carried with eight (8) yeas.

CONSENT AGENDA

Minutes of April 23, 2007 -- Minutes of May 21, 2007

Minutes of May 31, 2007 -- Minutes of June 04, 2007

Minutes of June 11, 2007 -- Minutes of June 18, 2007

Minutes of June 25, 2007 -- Minutes of July 09, 2007

Town Council Minutes

July 23, 2007

Page 12

Councilor Daughtry moved, Councilor Sartoris seconded, to approve the consent agenda. The motion carried with eight (8) yeas.

Councilor Augur moved, Councilor Sartoris seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 10:52 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
August 21, 2007*

September 4, 2007

Date of Approval

Council Chair