

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
July 9, 2007
6:30 P.M. Executive Session
7:00 P.M. Meeting Continues
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, Newell A. Augur, and David C. Webb

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Mary Reindl, Human Services Director; Tom Farrell, Director of Parks and Recreation Department; and the TV video crew

Executive Session: **Discussion of Confidential Records Per M.R.S.A. § 405(6)(F) (Poverty Tax Abatement)**
Labor Negotiations per M.R.S.A. § 405(6)(A)

Councilor Augur moved, Councilor Favreau seconded, to go into executive session to discuss Confidential records per M.R.S.A. § 405(6)(F) for a poverty tax abatement and Labor Negotiations per M.R.S.A. § 405(6)(A). The motion carried with seven (7) yeas. Councilor Webb and Councilor Daughtry were not present for the vote.

Meeting Continued: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment:

None

Correspondence:

None

Adjustments to Agenda:

Add item #114 regarding a poverty tax abatement.

Manager's Report:

a) **Council Committee Updates**

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Councilor Ewing said the Maine Street Station Committee met; no details need to be reported at this time.

b) Financial Updates

Manager Gerrish said the town has ended the fiscal year. The town is more than \$300,000 over on revenues and more than \$200,000 under budget for expenditures. For next fiscal year, the town may get an addition \$100,000 in state revenue sharing and \$15,000 more in payment for roads.

c) Recognition of Lacrosse Teams

Manager Gerrish recognized the Brunswick High School Boy's and Girl's Lacrosse teams. Both teams competed in the state championship; The Boy's team won their championship and a sign will be put up in town recognizing their achievement. The girls were state runners-up.

d) Update on State and Local Screening Requests

Manager Gerrish gave this update on the locations the LRA local screening group supported and those they opposed.

Supported:

Parcel 1A for conservation

- Bowdoin gets 170 acres between Parcels 1C and 1D and the rest will be for conservation. (If unable to get all acres, Bowdoin can look at a section of Parcel 1A.)
- Parcel 2 for conservation
- Sixty-six acre site in east Brunswick for recreation (off Old Bath Road)
- Neptune Hall building for recreation (17 acres total)
- Firing range for Police – hoping it will be a regional use
- Five acres to be determined for Police Station

Did not support:

- Parcel 3 for conservation since it is too valuable for development
- Recreation mall or hobby shop for recreation
- Police request on Bath Road for station
- Bus garage for school department.
- Athletic fields, but did support 65-70 acres in one or more locations, to be determined, for future development

Councilor Sartoris said the town staff did a great job putting a case together, but there is a gap in the process without the Comprehensive Plan being passed. In the proposal there were elements of how to develop part of the base property. This should be looked at for future zoning changes since it is currently all in one special zone. She wants a reminder

upfront that what is done with the base zoning should be consistent with what is being done off base.

e) (ADDED) Applications for MidCoast Regional Redevelopment Authority

Manager Gerrish said applications are available on the Town Clerk's web page, and are due by July 20, 2007. A person who is an elected official can go through the process, but if chosen must resign if their term is not over by the time they begin serving.

108. The Town Council will hear public comments on the following Special Amusement License Applications, and will take any appropriate action.

Special Amusement License

Praphan's Thai Paradise

D/B/A: Thai Paradise

136 Pleasant Street

Tim Staples

Bowl New England, Inc.

D/B/A: Yankee Lanes

276 Bath Road

Cory Dionne

Renaissance Bistro, LLC

D/B/A: Renaissance Bistro

25 Mill Street

Ms. Tanya Chasse

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

Councilor Ewing moved, Councilor Webb seconded, to approve Special Amusement License applications from Thai Paradise, Bowl New England, and Renaissance Bistro. The motion carried with nine (9) yeas.

109. The Town Council will hear public comments regarding authorizing the execution of a Purchase and Sale Agreement with the Trust for Public Land for the purchase of approximately 126 acres on the southerly side of Bunganuc Road and frontage on Maquoit Bay, and appropriating a sum not to exceed \$3,000,000 from funds provided by the Coastal and Estuarine Land Conservation Program (CELCP) and the Land for Maine's Future Program, and will take any appropriate action.

Manager Gerrish said this item is for public comments and to authorize and execute the Purchase and Sale Agreement with the Trust for Public Land for the purchase of approximately 126 acres on the southerly side of Bunganuc Road and frontage on Maquoit Bay, and appropriating a sum not to exceed \$3,000,000 from funds provided by the Coastal and Estuarine Land Conservation Program (CELCP) and the Land for Maine's Future Program. Per town charter, the Council needs to hold a public hearing even though town funds are not being used.

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Chair King opened the public hearing.

Bill Ferdinand, Chair of Conservation Commission, thanked Sam Hodder from the Trust for Public Land, for all the work his group did.

Chair King closed the public hearing.

Councilor Daughtry thanked the Stoddard family for their generosity in donating the easement on their land.

Councilor Sartoris moved, Councilor Daughtry seconded, to approve the ordinance authorizing the execution of the Purchase and Sale Agreement with the Trust for Public Land for the purchase of approximately 126 acres on the southerly side of Bunganuc Road and frontage on Maquoit Bay, and appropriating a sum not to exceed \$3,000,000 from funds provided by the Coastal and Estuarine Land Conservation Program (CELCP) and the Land for Maine's Future Program. The motion carried with nine (9) yeas.

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

110. The Town Council will hear public comments regarding adopting the ordinance changes to the Brunswick Community Health and Land Care Ordinance, and will take any appropriate action.

Manager Gerrish said this item is for public comments and to adopt the ordinance changes to the Brunswick Community Health and Land Care Ordinance. These changes are being proposed in light of a court ruling and will permit the use of biosolids on town recreation fields.

Chair King opened the public hearing.

Tom Fusco, 66 Board Road, said his group did not appeal the Court ruling since the issue is not if the ordinance is legal. If the Council honors the voters they should use organic products on the recreation fields. He discussed his concerns for the data used to create federal regulations. Composted human sludge has caused difficulties. The voters were insulted. Just because a product is legal does not mean it is safe, like tobacco, for example. Marblehead, Massachusetts has saved money using organic products, yet this Council says it will cost more. The issue is one of leadership; the town manager and Council showed a lack of leadership by bringing the lawsuit instead of seeing how the ordinance could be accomplished. What does the judge's decision mean? Does the town have to place signs indicating the playing fields are "solid waste" facilities; will students have to sign waivers? He urged the Council to spend the extra \$8,000 and wait to see if biosolid products are proven safe to use.

Councilor Sartoris said the biosolid product is less expensive, and the safety concerns were reviewed by the peer group, who reported the product was safe to use.

Councilor Sartoris moved, Councilor Augur seconded, to adopt the ordinance changes to the Brunswick Community Health and Land Care Ordinance as proposed.

Councilor Augur said the language for banning the product is still present in the “Whereas” clauses and under the Definition section. He would like to have them all gone.

Councilor Sartoris said there is much language she would like to change but 90% of ordinance has nothing to do with biosolids. The town worked to come up with a consensus with the group on the use of non-pesticide items. Most of the practical parts of the ordinance could be embraced, and it was passed by voters. There is language she would love to change, but in the spirit of compromise, it should not be changed.

Councilor Augur suggested removing the four “Whereas” and one “Therefore” clauses, and removing the second sentence under the Definition section. He asked that it be done as a friendly amendment, and Councilor Sartoris, as the motion maker, agreed.

Chair King said she does not support these additional changes since the ordinance came from the people. She will vote against the ordinance with the additional changes.

Councilor Webb said the “Whereas” could cause problems in the future. He will support the amendments.

Councilor Sartoris moved, Councilor Augur seconded, to adopt the ordinance changes to the Brunswick Community Health and Land Care Ordinance as amended to remove the “Whereas” and “Therefore” phrases and the second sentence under the Definition section. The motion carried with seven (7) yeas. Councilor King and Councilor Daughtry were opposed.

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

111. The Town Council will consider accepting funding from the Brunswick Development Corporation to pay for the Economic Development Feasibility Study, and will take any appropriate action.

Mr. Brown explained the scope of work and introduced the team of professionals from CBRE/Boulos Group that will be doing the study. They include: George Campbell, Harvey Oest, Andrew Nelson, Andrew Gilmore and Craig Seymour. There are four tasks at hand, as explained in the attached agreement.

(A copy of the agreement and scope of work will be attached to the official minutes.)

Councilor Webb thanked the BDC for funding this project. He also thanked members of the committee and members of the public. They are working to find valuable sites.

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George Campbell, representing the team, explained his understanding of the scope of the project and how they will achieve the results. They will be working around studying market absorption, utilizing the engineering discipline, and using their base closure experiences. He is confident they have the skill set to do this study well.

Councilor Sartoris said Brunswick is part of a bigger market and those market forces need to be considered. Mr. Campbell said they would be doing that and putting it in context with the region.

Councilor Augur moved, Councilor Favreau seconded, to accept funding from the Brunswick Development Corporation to pay for the Economic Development Feasibility Study. The motion carried with nine (9) yeas.

112. The Town Council will discuss the recommendation of the new Elementary School Committee, and will take any appropriate action.

James Ashe, Superintendent of Schools, said the School Committee voted to select the old high school site as the location for the proposed new elementary school. He explained his memo, which discussed trying to save the A/B wing, relocating the skate park, and other items.

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

Mr. Ashe, responding to Councilor Favreau's question, said the architect has not completed any preliminary designs. Responding to Councilor Augur's question, he said the whole site is very buildable regardless of the A/B wing's status.

Margo Knight, Chair of Old High School Implementation Committee, referred to the letter they provided the Council about supporting the school committee's decision and things they hope the Council and School Board will consider regarding this site. She hopes the state considers keeping the main building's facade. She also wanted the town to keep a close eye on costs so there are no surprises with operational or construction costs.

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

Chair King thanked Ms. Knight and her committee for all their hard work.

Pem Schaeffer, Crestview Lane, said he has concerns with cost estimates from architects. The Council needs to be stern with the process or it will get away from them. He has taken a public position on not having the new school built, and he has been contacted by many who have concerns around this issue and others. The bigger issue appears to be how the town is being run.

Brooks Stoddard, member of Old High School Implementation Committee, said he was impressed with the work done to deal with this problem, but the Council has to be mindful that they are losing part of the town's history (in the old high school). He urged

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the Council to give the architect free reign to see what could be done to save the main part of the old high school.

Rudy Smith, Topsham resident and Brunswick taxpayer, said he would like to see the old high school main building be preserved so there will not be comments made like have been made about the old town hall, which was torn down, and how it should have been saved.

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

Pilar Tirado, Brunswick resident, agreed with the previous speaker and felt that the facade of the building should be kept. Bowdoin College has done a similar preservation with a building of theirs. She wanted the Council to be aware of the historical meaning that Hawthorne and Longfellow schools have to many.

Marji Greenhut, 10 Noble Street, felt that that there should be elementary schools in different locations including east Brunswick. One with over 700 students is too large. Students need to walk to school; busing costs will be great. Enrollment will drop when the base closes, plus with state consolidation there should not be a vote now. She does not want a Council vote tonight since they need to have time to consider the public input given tonight.

Richard Nemrow, member of citizen group looking at old high school, agreed with previous comments. This issue has not been really looked at enough in view of previous studies done on this property. There are three issues involved: 1) the emotional one with the destruction of the old high school, 2) Mr. Schaeffer's concerns that there needs to be no new elementary school at this time, and 3) not enough time was given to the Old High School Implementation Committee to present alternate uses for the property.

Chair King said the Council is not taking a vote on the site this evening – just reacting to this information and formulating a plan.

Tom Cornell, Brunswick resident, provided a copy of his Letter to the Editor. Building a community is the most important thing the town can do at this time. The Council has a responsibility to put the development of community at the highest possible level.

Anne Smith, Brunswick resident, said the quality of education has not been included in this discussion and smaller schools are better for education.

Mr. Ashe said, responding to a citizen's comment, the architects have said they will not be able to use the main structure of the old high school in the design of the elementary school. There have been children in portables for many years, which needs to be addressed regardless of the base closure. The state has set aside this money and if Brunswick does not use it, SAD 75 is next on the list. They are proposing to have two smaller schools within one school. He asked when the Council is going to make a decision on this site since time is limited.

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Councilor Sartoris said tonight the issue is about the site location only - not on the school's configuration. The Council has been holding this site since 2001 pending this decision. Other things to keep in mind are that this site is home to a colony of chimney swifts. She is really concerned about the proposed school configuration and the town may need to look to at having advisory questions on this November's ballot to help make sure what goes to the voters in March will pass.

Councilor Watson said the community and multigenerational needs must be central. The School Department needs a new elementary school. Both Hawthorne and Longfellow schools cannot be expanded. The old high school site could meet all these needs. He asked the Town Manager to clarify how funding will work.

Manager Gerrish said if the school project goes forward, both the state and town have to support it, and the state will let the town know how much they will pay for. They can agree to up to 100% of the cost, but if the town wants additional things, it has to participate in those costs. The town borrows the full amount of the bonds, and the state pays the town annually for their debt service.

Chair King agreed with an advisory type of referendum.

Councilor Augur said he is a little troubled with having a referendum. The School Board spent a long time discussing the configuration and making this decision. The Council needs to either take it as recommended or do not move forward. He would disagree with an advisory referendum.

Councilor Webb said he would not be at the next meeting so he wanted to comment that he would support the recommendation for this site. He supports comments from the Old High School Implementation Committee. A possibility may be asking the public if they want to keep part of the facade at an extra cost, and have that question as part of the possible advisory referendum vote.

113. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.

The Council appointed the following people with a unanimous vote.

Davis Fund Committee (06/30/2010)

Lois Widmer

Housing Authority (06/03/2012)

James MacLeod

Marine Resource Committee (05/01/2010)

Robert Graffam Jr. (Commercial Harvester members)

Frederick Wigand (No License Holder member)

People Plus Board of Trustees (07/01/2010)

Michael Feldman

Dennis Knox

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Recreation Commission (07/01/2010)

Tracey Peck-Moad

Jeffrey Ward

ZBA (7/1/2010)

John Perreault (Associate member)

Councilor Sartoris wanted to have the board policy brought back to the Council.

Councilor Ewing added that conflict of interest needs to be addressed.

114. (ADDED) The Town Council will consider a poverty abatement, and will take any appropriate action.

Councilor Sartoris moved, Councilor Augur seconded, to deny the poverty tax abatement. The motion carried with eight (8) yeas. Councilor Webb was not present for the discussion so he did not vote.

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

The meeting adjourned at 9:21 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

July 11, 2007

July 23, 2007

Date of Approval

Council Chair