

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
June 16, 2008
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, 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; Steve Levesque, Executive Director of the MRRA; Tom Farrell, Director of Parks and Recreation Department; Clark Labbe, Fire Chief; Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer; John Foster, Public Works Director; Matt Eddy, Director of Economic Development; Richard Rizzo, Police Chief; Marc Hagan, Police Commander; Mark Waltz, Police Lieutenant, and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment: None

Correspondence:

Chair King thanked Councilor Favreau, along with School Board member Corinne Perreault, for their hard work explaining the elementary school project to citizens.

Adjustments to the Agenda: None

Manager's Report:

(a) Update on Base Reuse

Steve Levesque, Executive Director of the Midcoast Regional Redevelopment Authority (MRRA), updated the Council on the base closure process. It will be closed by September 2011, with the first squadron, which represents 200 families, leaving this fall. All the squadrons will be deployed by 2010. This will have a major impact on the local economy. The State Planning Office believes between 6,000 and 6,500 jobs will be lost statewide, with a \$20 million loss to state revenues. The reuse plan is done and now MRRA is managing the transition to get it reused as rapidly as possible. The Navy is starting its environmental impact statement to see what the effects will be on the area when fully built out. This will include traffic, natural resources, etc. The MRRA is working with town staff on zoning language; the Planning Board voted to accept the reuse plan as part of the proposed Comprehensive Plan Update. They are working on the airport master plan with a focus on fixed business operations. The Navy will be done

Town Council Minutes

June 16, 2008

Page 2

with the airport in early 2010 so they could start using that area. The operation plan is for the entire property, including what is going to happen with the housing and they are trying to figure out how best to work with GMH on this. They are working with the Navy on cleaning up contamination. The last piece MRRA is doing is on the financing strategy to purchase land. They need to start marketing properties now. Responding to Councilor Webb's question, the aviation facilities will be available first; then the public works building will be empty. Responding to Councilor Favreau's question, he is not sure when the handover of security will happen.

Mr. Levesque said, responding to Councilor Klatt's question on the overpass and handling traffic, currently there are two openings to the base and there will be eleven in the future. They are proposing a direct linkage to Route One and widening Bath Road. The state looked at other issues on Pleasant Street and the Topsham bypass.

Mr. Levesque said, responding to Chair King's question on a business park, they cannot accommodate anyone at this point so they refer businesses to the local network if there is some interest immediately. Going forward his job is to refill the base with businesses that fit the plan. The whole base will be a business park, with a section at the front that is designed for office space.

Councilor Augur asked if there is anything the Council should be doing now to make business development. Mr. Levesque responded one needs to have an area ready to move into and the town needs a business park so they have a place to go. Businesses look regionally and not within community boundaries.

(b) Council Committee Updates

Councilor Webb said the Economic Feasibility Committee met on June 5 to get a report from the engineers and on the vernal pools study. As a result, they excluded the Douglas and Water District properties, which were two infill sites. The Moore property has some wetland issues, but they need to get a better sense of them from the consultants. The Regional park meeting will be on Wednesday night.

Councilor Knight said as a reminder from the Maine Street Station Oversight Committee, the Planning Board is meeting on Tuesday, June 24, for the project's final approval.

Councilor Favreau said the Elementary School Building Committee met last Wednesday and they wanted to thank the voters for supporting the new school.

(c) Upcoming Council Meetings

Manager Gerrish reviewed schedule of upcoming meetings.

(d) Update on Mere Point Boat Launch

Manager Gerrish does not have a date yet, but they are very close, and he will be having a conference call with the state to finalize the agreement on the mooring issue. The issue of moving the wire is in CMP hands and he has asked them to do this as quickly as possible.

(e) Homeland Security Grant

Chief Labbe is requesting authorization to expend the \$8,090.00 for the State Homeland Security Grant Program. The money will be used for specialized hazardous materials training and participation in a large regional exercise this fall.

Councilor Watson moved, Councilor Daughtry seconded, to accept and expend the \$8,090.00 for the State Homeland Security Grant Program for Hazardous Materials training and participation in a large regional exercise this fall. The motion carried with nine (9) yeas.

(f) Awards for Firefighters

Chief Labbe said the American Legion presented an award to two members of the Brunswick Fire Department for their outstanding service. Lieutenant Donald Koslosky was selected as the EMT/Paramedic of the Year for 2007-2008. Firefighter Steve Emmons was selected as the Firefighter of the Year for 2007-2008.

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

Councilor Watson moved, Councilor Daughtry seconded, to write a letter of commendation to Lieutenant Donald Koslosky and Firefighter Steve Emmons. The motion carried with nine (9) yeas.

(g) Donation of storage building for Parks & Recreation at Lishness Field

Tom Farrell, Director of the Parks and Recreation Department, said the Cal Ripken Baseball League is donating a storage building at Lishness Field for athletic equipment. The town got the authorization from the Sewer District since the Sewer District owns the property. There is a shared agreement with the League relative to insurance, with the contents of the building being insured by the League.

Roland Blier, President of the Brunswick Cal Ripken League, said they are trying to improve the services they provide to 350 children. They will build the building and put it up to the satisfaction of the town and in the off season it can be used by others for storage.

Councilor Favreau thanked Mr. Blier for all the help with this league.

Councilor Daughtry moved, Councilor Watson seconded, to accept the donation from the Cal Ripken Baseball League of a storage building at Lishness Field. The motion carried with nine (9) yeas.

89. The Town Council will hear public comments on the ordinance amendments to Chapter 14 of the Code of Ordinances regarding removing the fees for Coffin Pond from the ordinance and have them set by the Recreation Commission, and will take any appropriate action.

Manager Gerrish said this was passed on an emergency basis at the last meeting and this will make it permanent.

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

Councilor Watson moved, Councilor Tucker seconded, to remove fees for Coffin Pond as stated in Chapter 14 of the Code of Ordinances and have them set by the Recreation Commission. The motion carried with nine (9) yeas.

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

90. The Town Council will hear public comments regarding an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$450,000 to finance the acquisition of a new fire truck, and will take any appropriate action.

Manager Gerrish said this item is for public comment regarding an ordinance authorizing the issuance of Bonds and Notes in an amount not to exceed \$450,000 to finance the acquisition of a new fire truck.

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

Councilor Watson moved, Councilor Augur seconded, to adopt an ordinance to authorize issuance of Bonds and Notes in an amount not to exceed \$450,000 to finance the acquisition of a new fire truck. The motion carried with nine (9) yeas.

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

91. **The Town Council will hear public comments regarding an ordinance authorizing issuance of Bonds and Notes therefore in an amount not to exceed \$750,000 and appropriating additional funds constituting the Bath Road Corridor impact fees to finance the reconstruction of a portion of Bath Road, and will take any appropriate action.**

Manager Gerrish said this item is for public comment regarding an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$750,000 and appropriating additional funds constituting the Bath Road Corridor impact fees to finance the reconstruction of a portion of Bath Road.

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

Councilor Watson moved, Councilor Favreau seconded, to adopt an ordinance to authorize issuance of Bonds and Notes therefore in an amount not to exceed \$750,000 and appropriating additional funds constituting the Bath Road Corridor impact fees to finance the reconstruction of Bath Road. The motion carried with nine (9) yeas

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

92. **The Town Council will hear public comments regarding an ordinance authorizing the issuance of Bonds and Notes in an amount not to exceed \$1,000,000 to finance storm drain improvements, and will take any appropriate action.**

Manager Gerrish said this item is for public comment regarding an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$1,000,000 to finance storm drain improvements. Bowdoin College will give \$400,000 toward the project.

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

Councilor Augur moved, Councilor Tucker seconded, to adopt an ordinance to authorize issuance of Bonds and Notes in an amount not to exceed \$1,000,000 to finance storm drain improvements. The motion carried with nine (9) yeas.

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

93. **The Town Council will hear public comments regarding an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$1,300,000 to finance the reconstruction of a portion of Mere Point Road, and will take any appropriate action.**

Manager Gerrish said this item is to hear public comments regarding an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$1,300,000 to finance the reconstruction of a portion of Mere Point Road. The work will begin in the spring of next year.

John Foster, Public Works Director, said it is the last 2.4 miles of Mere Point Road. Responding to Chair King's question about the shoulder treatment, they can pave but it will not be as wide as earlier parts of the road. They are not widening the road - just paving the improved section.

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

Councilor Tucker moved, Councilor Watson seconded, to adopt an ordinance authorizing issuance of Bonds and Notes in an amount not to exceed \$1,300,000 to finance the reconstruction of Mere Point Road. The motion carried with nine (9) yeas.

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

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

**Full-Time Spirituous, Vinous & Malt
ZEK, LLC
D/B/A; Captain Daniel Stone Inn
10 Water Street**

Ms. Jolanta Starsiak

Manager Gerrish said this item is for public comments on the Full-Time Spirituous Vinous & Malt License for ZEK, LLC D/B/A/ Captain Daniel Stone Inn at 10 Water Street.

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

Councilor Knight moved, Councilor Webb seconded, to approve the Full-Time Spirituous Vinous & Malt License for ZEK, LLC D/B/A/ Captain Daniel Stone Inn at 10 Water Street. The motion carried with nine (9) yeas.

95. The Town Council will discuss the “Disorderly House” ordinance and the “Citation Ordinance,” and will take any appropriate action.

Councilor Knight said she and Councilor Klatt are glad to bring this forward. This ordinance does not penalize responsible landowners. She briefly explained both proposed ordinances. The Citation Ordinance gives the town the ability to give citations and the disorderly ordinance allows the Police Chief to address houses where problems exist.

Chief Rizzo said the Disorderly Ordinance seems like a clear cut ordinance and holds the homeowner accountable for their renters’ activities. It seems clear cut the officer has discretion to pass on issues to the chief if they feel it is warranted.

Councilor Daughtry asked Chief Rizzo to go over the steps to become a disorderly house.

Chief Rizzo reviewed the process. After an event, he notifies the property owner of what occurred. If problems continue they take additional steps for the second, third, and beyond, events.

Councilor Daughtry said this feels more restrictive than the Bath ordinance with less strikes before becoming a disorderly house.

Councilor Webb asked about the history of enforcement in other communities and about an appeal process. What has been the experience in other communities?

Chief Rizzo said currently there is no appeal process and he is the last word.

Commander Hagen said Bath has not used it, but Norway has used it repeatedly. The ordinance in front of the Council tonight is from Orono and has been used there, but has not often gotten to the fine stage.

Councilor Daughtry said she has some concern with the landlord being responsible, not the person who is doing the activity. How long does eviction take if the landlord wants to do it? Is there a way to have the person who does the activity, not the landowner, responsible?

Commander Hagan explained with a disorderly call the Police have to give a warning first, but that warning does not apply to the next night if they do the same thing.

Councilor Favreau said there is a process for eviction on the books.

Councilor Augur said the key is the remediation process and agreement; if the landowner says he is going to evict the person, he would expect the Chief would feel that is a good remediation agreement even it takes some time to do the eviction. This makes the landlord responsible for tenants in his apartment.

Town Council Minutes

June 16, 2008

Page 8

Commander Hagan said if the landlord is working with the Police Department, there would not be fines.

Chair King sees this is as something the Council can work with for enforcements issues.

Councilor Watson said he would like a definition of the seven days as being either business or regular. He would prefer seven working days.

Councilor Augur said he would like to see an appeal process.

Manager Gerrish said the Council can set a public hearing tonight and staff can come back with an appeal process, which is less restrictive so the Council could make a change the night of the hearing.

Councilor Favreau moved Councilor Watson seconded, to set a public hearing for the Disorderly House Ordinance for July 7, 2008. The motion carried with nine (9) yeas.

Jeff Hutchinson, Codes Enforcement Officer, gave an overview of the Citation Ordinance. It will improve his ability to deal with violations in all code related ordinances, including building, and zoning. Currently, if he hears a complaint, he makes verbal contact and if that does not work, he has to issue a notice of violation. If the property owner is not receptive to it, the town needs to have a civil case. Under this proposed ordinance, he has to do a notice of violation. It helps with repeat offenses, with the fines paid to the town, and if they are not paid, the town can begin the civil process. Citations are cumulative and the more citations, the higher the fine is.

Councilor Daughtry asked if there is a span of time between notices of violations. Mr. Hutchinson responded there is no length of time or expiration of a notice.

Chair King added this also covers life safety issues.

Mr. Hutchinson said, responding to Councilor Augur's question on who is responsible, under this ordinance it is the property owner's responsibility.

Councilor Watson said he feels if the owner is acting in good faith and doing his best to solve a problem, there needs to be some responsibility falling on to the renter.

Councilor Augur said, if the landlord is taking action to evict a tenant that should be considered by the Codes Enforcement Officer.

Councilor Knight said good faith efforts to communicate should happen before fines in both cases.

Town Council Minutes

June 16, 2008

Page 9

Councilor Klatt thanked staff for their work on this. She still thinks this is a zoning ordinance issue, but that will be worked on later.

Councilor Watson moved, Councilor Daughtry seconded, to set a public hearing for the Citation Ordinance for July 7, 2008. The motion carried with nine (9) yeas.

96. The Town Council will appoint three Councilors to the subcommittee to review the current organizational structure and operational functions of the services provided by the town, and will take any appropriate action.

Items 96 and 97 were done after Items 98, 99, and 100.

Chair King appointed five Councilors to this subcommittee. They were Chair King, Councilor Webb, Councilor Favreau, Councilor Daughtry, and Councilor Watson. She would like to have the committee meet between 3:00 p.m. to 5:00 p.m. and select a regular day to meet.

Councilor Favreau moved, Councilor Augur seconded, to adopt the charge for this subcommittee to review the current structure and operational functions of the services of the town. The motion carried with nine (9) yeas.

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

97. The Town Council will consider changes to the Council rules to have Council hold public hearings before selling property or entering into Joint Development Agreements, and will take any appropriate action.

Councilor Webb said he would like to add an item in the Council rules that states the following: "The Town Council will hold a public hearing before selling any Town property or before entering into a Joint Development Agreement." This came about as a result of how the Maine Street Station project was handled, so the Council would allow for better public input. If this is an extension to business park land the Council would have one public hearing on types of use, not on each lot sale.

Councilor Favreau said there was nothing done in the Maine Street Station agreement that was done in secret and it was all public. He is concerned this takes away the executive session negotiations and puts them into the public arena.

Councilor Webb said there were many concerns from citizens not having as much input as they should have.

Manager Gerrish said he has concerns with the no less than 30 days before conveyances.

Councilor Augur said he agrees in principle and did think that the approval of the JDA felt a little rushed, but there would have been no different outcome with an additional 30

Town Council Minutes

June 16, 2008

Page 10

days. They should add that some other public hearings on this issue could serve the purpose of the Rule's public hearing.

Councilor Daughtry agreed with the intent of this.

Councilor Klatt thanked Councilor Webb for doing this. She is for openness and important projects should be taken slow. When she read the JDA she was disappointed with it. She wishes there could be a workshop with the public to discuss this type of agreement prior to it being signed.

Manager Gerrish said this sets up a public hearing, which is the key difference from what the Council does now.

Chair King feels the original rules have this addressed and this may be redundant.

Councilor Watson moved, Councilor Daughtry seconded to bring this back at the next meeting. The motion carried with nine (9) yeas.

98. The Town Council will discuss the Home Investment Partnership Program, and will take any appropriate action.

Mat Eddy explained this HUD HOME program. It will bring an additional \$650,000 into Cumberland County to work on housing issues and helps go after other grants.

Aaron Shapiro, Portland/Cumberland County HOME Program Consortium, said their group is on the threshold of getting the necessary votes in Portland, Brunswick and other Cumberland County communities. This is primarily a community based program. The town does not have to select from HUD state and local HUD programs – instead it can get funds from both areas. These would be additional funds. Qualifications are based on a formula as to how much each community gets. The City of Portland will be running the program, but working throughout the county. The Town of Brunswick will have a representative on the oversight committee.

Councilor Augur said this is a great program and this is a great regionalization approach to the housing issues.

Councilor Daughtry moved, Councilor Augur seconded, to have the Town Manager enter into this agreement regarding the Home Investment Partnership Program. The motion carried with nine (9) yeas.

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

- 99. The Town Council will discuss an Emergency Operations Plan, and will take any appropriate action.**

Clark Labbe, Fire Chief, introduced Josh Francis, who has 14 years of experience in emergency management planning and assisted with this plan. This plan is a requirement of State of Maine law and the town's emergency management ordinance. The plan has been reviewed by department heads and it will be reviewed every six months so it is an evolving document.

Manager Gerrish said the staff has done training and the town needs the plan to be able to get state funding.

Councilor Augur moved, Councilor Favreau seconded, to adopt the Emergency Operations Plan. The motion carried with nine (9) yeas.

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

- 100. The Town Council will consider setting a public hearing on an ordinance amending the Town's prior bond ordinance authorizing the acquisition of a new fire truck, previously adopted on June 16, 2008 to authorize an additional \$450,000 of bonds or notes (for a total authorized amount of \$900,000) to acquire a second new fire truck, and to authorize a lease financing option, and will take any appropriate action.**

Manager Gerrish said this item is to consider an ordinance amendment to the prior bond ordinance authorizing the acquisition of a new fire truck, adopted tonight to authorize an additional \$450,000 of bonds or notes for a total authorized amount of \$900,000 to acquire a second new fire truck, and to authorize a lease financing option.

Chief Labbe said that there could be a savings if purchased this year. The future price will increase due to the cost of raw materials; plus, one vendor has added a tag-on savings if purchased together. It seems to make sense to get two trucks and have the benefit of two trucks being the same for training purposes.

Councilor Webb and Councilor Augur inquired how this would be affected if the town shared with Topsham.

Manager Gerrish said there is no new information and Topsham was not receptive to sharing when last speaking with them.

Mr. Brown said, responding to Councilor Webb's question, MRRRA will be asking to retain the Navy base fire equipment and if they get it, they will keep it. MRRRA is going to be challenged to take care of what is inside the gates.

Town Council Minutes

June 16, 2008

Page 12

Manager Gerrish said the issue of who is going to provide the services on the base has not been resolved yet. Chief Labbe added their chief feels the equipment will go to other military locations.

Councilor Watson moved, Councilor Tucker seconded, to set a public hearing for July 7, 2008, to consider an ordinance amendment to the prior bond ordinance authorizing the acquisition of a new fire truck, previously adopted on June 16, 2008, to authorize an additional \$450,000 of bonds or notes (for a total authorized amount of \$900,000) to acquire a second new fire truck, and to authorize a lease financing option. The motion carried with nine (9) yeas.

101. The Town Council will consider a resolution authorizing the School Department to expend up to \$409,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the town to its school department for an air quality project at the Junior High School, and will take any appropriate action.

Manager Gerrish said this item is to consider a resolution authorizing the School Department to expend up to \$409,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the town to its school department for an air quality project at the Junior High School.

Councilor Favreau moved, Councilor Webb seconded, to adopt a resolution authorizing the School Department to expend up to \$409,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the town to its school department for an air quality project at the Junior High School, and will take any appropriate action. The motion carried with nine (9) yeas.

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

102. The Town Council will consider a resolution authorizing the School Department to expend up to \$19,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the Town to its School Department for the purchase of photocopiers, and will take any appropriate action.

Manager Gerrish said this item is to consider a resolution authorizing the School Department to expend up to \$19,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the town to its school department for the purchase of photocopiers.

Councilor Watson moved, Councilor Webb seconded, to adopt a resolution for the School Department to expend up to \$19,000 more than its 2007-2008 gross budget appropriation for the purpose of reimbursing advances made from the town to its school department for the purchase of photocopiers. The motion carried with nine (9) yeas.

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

103. The Town Council will discuss asking the Facilities Committees to review Hawthorne School for use as a Police Department or Town Offices, and will take any appropriate action.

Councilor King said she would like the Facilities Committee to concentrate on municipal uses for Hawthorne School (Police or Town Offices) and report back to the Council. Now that there is a positive vote on the new elementary school, she feels there needs to be an analysis as to whether this would be a suitable use for this school.

CONSENT AGENDA:

- (a) Utility Location permit for Utility Poles**
- (b) Utility Location permit for Maine Natural Gas**

Councilor Klatt pointed out that the permits state the location as Freeport instead of Brunswick.

Councilor Watson moved, Councilor Daughtry seconded, to approve the Consent Agenda based on changing to the permits to say "Brunswick" instead of "Freeport." The motion carried with nine (9) yeas.

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

The meeting adjourned at 9:50 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
August 11, 2008*

September 15, 2008

Date of Approval

Council Chair