

**--APPROVED--**  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**June 4, 2007**  
**6:30 P.M. Executive Session**  
**Meeting Continues 7:00 P.M.**  
**Municipal Meeting Facility**

**Councilors Present:** Chair Joanne T. King, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Ryan E. Ewing, Newell A. Augur, and David C. Webb. Councilor W. David Watson arrived at 7:30 p.m.

**Councilors Absent:** None

**Town Staff Present:** Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; John Foster, Public Works Director; Clark Labbe, Fire Chief; John Eldridge, Finance Director; Jerry Hinton, Police Chief; James Ashe, Superintendent of Schools; Tom Farrell, Director of Parks and Recreation; Geoff Hole, Town Attorney; Jeff Emerson, Deputy Fire Chief; Kevin Schofield, Police Commander; and the TV video crew

**Executive Session:** Consultations with legal counsel per 1 M.R.S.A. § 405(6)(E)

**Councilor Webb moved, Councilor Favreau seconded, to go into executive session to consult with legal counsel per 1 M.R.S.A. § 405(6)(E). The motion carried with five (5) yeas. Councilor Sartoris, Councilor Daughtry, and Councilor Augur arrived after the vote.**

**Meeting Continued: 7:00 P.M.**

Chair King called for the Pledge of Allegiance.

**Public Comment:**

**Bernard Coombs**, Merryman Lane, spoke on the Merryman Lane issue. The Brunswick Police Department has been fair and professional. This lawsuit was thrust upon him due to a town issue. He has paid \$20,000 in legal fees. The town sued him. His property has been in his family for 178 years. He has gotten his permit. The lawsuit was due to road disputes, with the neighbor claiming they owned the road. The town should pay his cost due to a grossly inadequate town map, which was the basis of the claim. He has a survey showing the town owned the area in question. This issue still has not gone away and it has been over four years.

**Lori Bozeman** spoke about property at 55 Jordan Avenue which abuts Jordan Acres School. This property is town-owned and is being used by renters.

**Cathy Eastman**, 29 Merryman Lane, thanked the Council for this forum to voice opinions. She is hearing the same frustration from others for not receiving responses to letters; she is grateful there is going to be a look into the complaints made. She hopes this will make the town follow its codes, ordinances, and state law.

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Chair King said this issue has been categorized as serious neighbor disputes and legal counsel has said they are the most difficult to resolve. The town is looking into these issues and thanks people for bringing up the concerns.

### **Correspondence:**

Councilor Favreau said he had received a letter from Hunter Johnson regarding the budget and asked to have it included in the record.

Chair King recognized the passing of Verdi Tripp, a former State Representative from Topsham. He was supportive of her running for office. He did many wonderful things and he will be missed.

### **Adjustments to Agenda:**

Item 86 on the budget will be removed and placed on a workshop to follow this meeting.

### **Manager's Report:**

#### **a) Financial Update**

Manager Gerrish said in both revenues and expenditures the town is in good shape. Total expenditure should be \$200,000 below budgeted amounts. Excise tax and State Revenue Sharing should come in at budgeted amounts. There was a \$70,000 savings in the winter works budget.

#### **b) Council Committee Updates**

Councilor Sartoris asked if there will be a follow-up meeting regarding the town's requests to the LRA. She would like to have a full update at the next Council meeting.

Manager Gerrish said there will be a follow-up meeting on June 25. He will get information out to the Council.

#### **c) Election Update**

Town Clerk Fran Smith reminded citizens about the upcoming June 12 Election. There will be only one polling location, at the old high school, and absentee ballots are currently available. There will be extended office hours for absentee voting.

#### **d) Comcast Communications**

Manager Gerrish said there was a letter from Comcast stating they will be eliminating the current \$10.00 HD tier charge for High Definition services.

**e) Court Ruling on the Brunswick Community Health and Land Care Ordinance**

Manager Gerrish said the Court Ruling upheld the town's position.

*(A copy of the Court Ruling will be attached to the official minutes.)*

**f) Maquoit Bay Conservation Project**

Manager Gerrish said the town received word that the NOAA has awarded the town the final \$1.45 million that was needed to purchase property along Maquoit Bay in Brunswick.

*(A copy of a memo from the Natural Resources Planner will be attached to the official minutes.)*

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

**Special Amusement**

**Joshua's Restaurant & Tavern**

**123 Maine Street**

**T.J. Siatras, Treasurer**

Chair King said this is a request for a Special Amusement License for Joshua's Restaurant and Tavern on Maine Street. They are proposing to have live entertainment on Fridays and Saturdays from 9:00 p.m. to 1:00 a.m. The music will consist of duos, trios, and four piece bands. The activity will take place on the first floor.

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

**Councilor Augur moved, Councilor Ewing seconded, to approve a Special Amusement License for Joshua's Restaurant and Tavern on Maine Street. The motion carried with eight (8) yeas.**

**82. The Town Council will hear public comments on Emergency Medical Services Ordinance, and will take any appropriate action.**

Manager Gerrish said the key is the billable charges and non-transport fees. He asked to have this tabled after the public hearing so they could finish the final wording, with no fee changes as part of this.

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

**Councilor Augur moved, Councilor Daughtry seconded, to table this item until June 18, 2007. The motion carried with eight (8) yeas.**

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- 84. The Town Council will discuss the moratorium on Outdoor Wood Boilers, and will take any appropriate action.**

Deputy Fire Chief Jeff Emerson presented the Council with a memo explaining the latest status of state legislation on outdoor wood boilers. Based on what is happening, he recommended extending the moratorium until the end of the year.

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

Deputy Chief Emerson said, responding to Councilor Augur's question, the standards beginning in April 2008 are for new ones only. Rule-making will deal with the existing ones. He did not get a sense of where that issue was going. Responding to Councilor Sartoris' question, he said the EPA will be coming to Brunswick and he would recommend they light up the boiler to see how they work even if the ordinance does not allow them to be operated at this time of year.

Councilor Sartoris said the proximity to others may still be an issue.

Manager Gerrish suggested setting a public hearing to extend the moratorium on new boilers, to be enacted on a regular and emergency basis.

**Councilor Sartoris moved, Councilor Daughtry seconded, to set a public hearing for June 18, 2007, to extend the moratorium on new outdoor wood boilers until December 31, 2007. The motion carried with eight (8) yeas.**

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

Councilor Watson arrived at the meeting.

Councilor Augur recommended William Wilkoff for the Bicycle and Pedestrian Advisory Committee.

**The Council voted nine (9) yeas to appoint Dr. Wilkoff to the Bicycle and Pedestrian Advisory Committee.**

- 86. The Town Council will discuss the 2007/2008 budget, and will take any appropriate action.**

This item was removed from the agenda to be taken up at the workshop that immediately followed the meeting.

**CONSENT AGENDA:**

- a) Approval of Games of Chance Licenses:**

**Sealed Tickets & Member Only Card Games:**

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**Brunswick Lodge of Elks #2043  
D/B/A Brunswick Elks Lodge  
179 Park Row**

**Collette Cullen, Chairperson**

**Sealed Tickets & Beano:**

**Evergreen Senior Citizens Club  
1 Columbus Drive**

**Rena Rittall, Chairperson**

**Knights of Columbus  
2 Columbus Drive**

**Robert Rainville, Bingo Manager**

**Councilor Daughtry moved, Councilor Daughtry seconded, to approve the consent agenda. The motion carried with nine (9) yeas.**

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

The meeting adjourned to workshop at 7:46 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  
June 25, 2007*

July 23, 2007

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*Date of Approval*

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*Council Chair*