

-- Approved --
BRUNSWICK TOWN COUNCIL MINUTES
March 15, 2004
7:30 p.m.
Municipal Meeting Facility

**6:45 P.M. Executive Session – Request for Poverty Tax Abatement
Acquisition of Property
Discuss legal rights & obligations with the Town Atty.**

Councilor King moved, Councilor Priest seconded, to go into executive session to discuss a request for poverty tax abatement, the acquisition of property and legal rights and obligations with the Town Attorney. The motion carried with seven (7) yeas. Councilor Sartoris and Councilor McCausland arrived after the vote.

7:30 P.M. Chair Lowe called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Charles R. Priest, Barbara A. Desmarais, Forrest Lowe, Joanne T. King, Stephen H. McCausland.

Councilors Absent: None.

Others Present: Donald Gerrish, Town Manager; Patricia Harrington, Assistant Town Manager; Elin M. Gould, Deputy Town Clerk; Jerry Hinton, Police Chief; Gary Howard, Fire Chief; Theo Holtwijk, Director of Planning and Development; Steve Walker, Natural Resources Planner; John Foster, Public Works Director; John Eldridge, Finance Director; Rick Desjardins, Police Commander; Geoff Hole, Town Attorney; Betheda Edmonds, State Senator; John Richardson, State Representative; Stan Gerzofsky, State Representative; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: **March 1, 2004**

Hearing no objection, Chair Lowe declared the minutes of March 1, 2004, approved as written.

Public Comment:

Claudia Knox, 36 Cumberland St., spoke against Town Hall Place as a location for the new fire station.

Janet Brand, 318 Bunganuc Rd., asked the Council to table the Rural Brunswick Smart Growth Report, scheduled to be submitted at this meeting, until financial implications are presented.

Correspondence:

Councilor Sartoris introduced Flat Stanley, an educational tool from Pod 3 at Jordan Acres School. Flat Stanley is part of a geography project and Brunswick unit at the school. He will be sent to locations throughout the world to be returned with information about the area he visited.

Councilor Desmarais said a letter has been received from the Department of the Interior stating that the Joshua Chamberlain House is being considered as a National Historic Landmark.

Manager's Report: (Taken out of order)

a) Legislative Delegation: Update on Property Tax Reform

State Senator Beth Edmonds, State Representative John Richardson and State Representative Stan Gerzofsky shared information and opinions on the tax reform issue in the state. They explained that the MMA proposal will go on the ballot in June, the Palesky plan will be either in June or November, and the Governor's plan is currently being worked with by the legislature in hope of coming up with a competing measure to the Palesky plan.

Senator Edmonds said the Governor's plan calls for repealing the homestead exemption, increasing the circuit breaker, and a soft cap on municipal, county and education spending. The education plan is that by 2010 there would be an Essential Programs and Services model, with a 9 mil cap per town, then the state would pay the difference between that and the EPS assessment. She agrees with some aspects of the Governor's plan.

Senator Edmonds, responding to a question from Councilor Sartoris, said it is unclear at the moment if the municipal cap would include operational and capital. It would be a formula tied to a ten year average of personal income growth.

Manager Gerrish pointed out that the cap would be a spending cap, not a tax rate cap; it would limit the amount that could be raised from taxes.

Representative Richardson said that revenue growth is up, per capita income growth is above the national average and unemployment is below the national average. Different tax reform initiatives are being looked at in different areas of the state. There is a shrinking sales tax base: Maine is increasingly a service sector economy burdening the property and income taxes. Representative

Richardson said the MMA proposal and the Palesky plan are bad for Brunswick. He supports the Governor's plan with a few modifications.

Manager Gerrish asked about the possibility of repealing personal property taxes, a key element of the Governor's program.

Representative Richardson said not many legislators agree with repealing it. He agrees with repealing it only if a way can be found to make up what the town would lose.

At this point, the legislature is somewhat in agreement on spending caps, an expansion of the circuit breaker program and Essential Programs and Services share of 55%. What is still not agreed on is the funding source for all this, as it would require raising taxes in an election year.

In response to Councilor McCausland's question on the timing of the Palesky plan on the ballot, Representative Richardson said he prefers June so that all the options can be considered at once. The town should be looking at a contingency plan either way.

Representative Gerzofsky, a member of the Tax Working Group, said the group has brokered a compromise between the MMA plan and the Governor's plan. It is about 85% complete. They are looking at county and town spending caps; the state is already capped by statute. He expects a competing measure to come out against the Palesky plan in June. He cautioned it will not make everyone happy.

Manager Gerrish asked about the possibility of a constitutional tax cap.

Representative Gerzofsky said that is being seriously debated right now. He personally doesn't think it is needed, it is not governing.

Chair Lowe and Manager Gerrish expressed concern about the amount of time available and the method to educate the public on the tax plans if June is the chosen date.

It was explained that the competing measure would go against the Palesky plan, which the MMA plan must stand alone. The possibility of putting it on in June is part of the current discussion. There will need to be a public education campaign.

Representative Richardson was confident the people would be able to understand the options and he said he thought when done, Maine Municipal Association, Maine Education Association and the Chamber of Commerce would support the competing measure.

Representative Gerzofsky said the Palesky plan has yet to be debated in the legislature. The competing measure will be done before the middle of April and it will be widely publicized.

Representative Richardson summarized that the Governor's plan provides about twenty five million dollars of tax relief without raising taxes. The Republicans talk of increasing the sales tax base as long as there is a constitutional amendment, spending caps for the state, counties and municipalities. The Democrats are split, some with the Governor and some with broadening the sales tax base and providing state statute spending caps. There is commonality among four (4) core ingredients, the EPS of 55%, spending caps, reinstating the homestead exemption from six thousand (\$6000) to seven thousand (\$7000) thousand dollars, and expansion of the circuit breaker program.

b) Rural Brunswick Smart Growth Report

Natural Resources Planner Steve Walker gave a presentation on the Rural Brunswick Smart Growth plan.

Councilor Desmarais said she was pleased to see all the options for landowners. She asked if the abutting communities had been consulted regarding this plan.

Mr. Walker responded that several towns are looking at it with some interest.

Councilor Priest said it was an imaginative concept with a lot of good things in it, but he was concerned with the lack of a budget.

Mr. Walker said there would be very few costs associated with implementation of this plan. It can be coordinated through the Planning Department and the developers without having to acquire land.

Councilor Desmarais asked Mr. Walker to elaborate on the professional realtors not liking the current open space subdivisions.

Mr. Walker responded that it was procedural, entering the whole open space subdivision process they weren't sure up front what would be expected, which land should be designated as the open space, what the town was looking for as to why certain land should be protected, and what the greater thinking was, not just specific to the lot.

Mr. Holtwijk added they had met with fifteen (15) realtors, who were supportive of the effort, being able to show the bigger picture and it being an incentive based program.

Councilor Sartoris said she sat in on some of the meetings and was impressed with the level of hard work and debate that went on with the group. There have been a record number of housing permits recently and this makes sure we have the space to cohabitate with wildlife. This is a great beginning to a program with an emphasis on education.

Chair Lowe said there would be public comment on this plan taken at the April 5, 2004 Council meeting.

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

c) New Meadow River Watershed Management Report

Theo Holtwijk said this completes the first watershed management plan ever prepared for the New Meadows River and the first chapter of work on the New Meadows River.

Councilor Sartoris agreed with the high priority items and asked that the Council be kept informed regarding funding for implementation. She said this is an important piece of work.

Chair Lowe commented that this project has utilized a regional approach for the past five years.

(A copy of the New Meadows River Watershed Management Report will be attached to the official minutes.)

d) Homeland Security Grant Application

Chief Howard said the Town of Brunswick received \$178,000 of grant money to be used to better prepare itself for a terrorist incident. Several Departments have met to decide how the money should be utilized. Chief Howard said they tried to purchase items that could also be used for everyday emergencies.

Chief Hinton said he looks forward to bringing the Fire Department, Communications office and the Police Department under one software system and getting the mobile digital terminals in the cars, fire apparatus and mobile emergency unit. This package brings together the tax maps, Planning Department and Public Works so that digital mapping will be available in the field as well as in those departments.

Manager Gerrish complimented both the Police and Fire Departments for coming up with a program that will benefit the community and the Departments. He also said there is a good chance the Town will get \$185,000 more next year.

(A copy of the application narrative and summary will be attached to the official minutes.)

e) Update on Swinging Bridge Committee Fundraising

Nancy Randolph, representing the Swinging Bridge Committee, said that fundraising is currently at \$62,555. The Maine Historical Preservation Committee has placed the swinging bridge on the National Register. Ms. Randolph said there will be a 5K run/walk on April 18, 2004, sponsored by the Recreation Commissions of Brunswick and Topsham to benefit the swinging bridge. She also said there are panoramic pictures of the bridge available for sale, with partial proceeds going to the swinging bridge restoration.

Manager Gerrish said the fundraising goal is seventy-six thousand dollars (\$76,000). If the goal is not met, the Town of Topsham has agreed to split the difference of any shortage with the Town of Brunswick. A resolution in the full amount has been prepared for the Council's consideration. The funds collected will go back into the general fund.

Councilor Sartoris moved, Councilor King seconded, to pass a Resolution Authorizing an Emergency Appropriation of up to \$76,000 from Unappropriated Available General Fund Revenues for the Purpose of Providing the Local Match for the Androscoggin River Pedestrian Bridge Rehabilitation Project. The motion carried with nine (9) yeas.

Councilor Sartoris and Chair Lowe commended Ms. Randolph and the committee for a job well done.

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

Adjustments to Agenda:

Manager Gerrish requested that item number forty-six (46) be added, to consider a poverty tax abatement.

Without objection, item number forty-six (46) was added.

41. The Town Council will hear public comments on the following request for an Alcoholic Beverage License and will take any appropriate action.

Full-time Vinous, Malt and Spirituous

Oriental Restaurant

13 Mill Street

Cecilio Juntura

China Rose Restaurant
42 Bath Road

Cuong Ly

Full-time Malt and Vinous

Maine Pines Racquet and Fitness
120 Harpswell Road

Rob and Alicia Manter

Chair Lowe opened the public hearing. Hearing no comments, he closed the public hearing.

Staff recommended approval.

Councilor Rice moved, Councilor Watson seconded, to approve the Alcoholic Beverage Licenses for Oriental Restaurant, China Rose Restaurant and Maine Pines Racquet and Fitness. The motion carried with eight (8) yeas. Councilor Priest was temporarily absent.

(A copy of the public hearing notice will be attached to the official minutes.)

42. The Town Council will hear public comments on the following request for a Victualer License and will take any appropriate action.

Pop's Inc.
On the Mall

Scott B. Stuckey

Chair Lowe opened the public hearing. Hearing no comments, he closed the public hearing.

Staff recommended approval.

Councilor King moved, Councilor Watson seconded, to approve the Victualer License for Pop's Inc. The motion carried with eight (8) yeas. Councilor Priest was temporarily absent.

(A copy of the public hearing notice will be attached to the official minutes.)

206. (Tabled) The Town Council will consider proposed amendments to Chapter 14: Streets, Sidewalks and Other Public Places, regarding noise, and will take any appropriate action.

This item was taken up at the end of the agenda.

Councilor McCausland moved, Councilor King seconded, to table this item. The motion carried with nine (9) yeas.

43. The Town Council will hear a report on Tipping Fees and Financial Issues for the Landfill and will take any appropriate action.

Finance Director John Eldridge said that he and Public Works Director John Foster are developing a new tipping fee for the landfill. The plan is to capture all of the costs of solid waste disposal into an enterprise fund, removing from the general fund budget current landfill expenses and revenues. The new tipping fee will likely be between seventy dollars (\$70) and eighty dollars (\$80) per ton, to include closure and post-closure costs; The Town will be a customer of the separate enterprise fund. The additional cost to the Town in the General Fund will be approximately one hundred fifty thousand dollars (\$150,000) in next year's budget.

Responding to Councilor King's question regarding fees charged by other towns, Mr. Foster said Bath basically charges seventy dollars (\$70) per ton and Augusta, which operates with an enterprise fund, charges fifty-eight dollars (\$58) per ton. The last time Brunswick's tipping fee was raised was in August of 1992.

Councilor Rice asked about the cost to communities that do not have their own landfills.

Mr. Foster said that the costs are well over \$100 per ton and the municipality must still operate a transfer station.

Councilor Sartoris expressed her frustration over the lack of discussion of increasing recycling in Brunswick. She said there would be a direct, clear, and obvious cost saving to the Town. She would like to see, within six (6) months, a recommendation for changing the way recycling is done in Brunswick.

44. The Town Council will consider a request from St. John and Baptist Church for Beano/Games of Chance licenses for their annual bazaar and will take any appropriate action.

Manager Gerrish said this the annual request from St. John's and approval is recommended.

Councilor Priest moved, Councilor King seconded, to approve the Beano/Games of Chance license applications for St. John the Baptist Church, for the annual bazaar. The motion carried with nine (9) yeas.

(A copy of the letter and State applications from St. John the Baptist will be attached to the official minutes.)

45. The Town council will consider a request from the Ace Detective Agency to appoint Civil Constables and will take any appropriate action.

Manager Gerrish said the Police Department has checked and given their approval.

Approval of the appointments is recommended.

Councilor McCausland moved, Councilor Sartoris seconded, to appoint Harry Darling and Harry Gorman as Civil Constables in the Town of Brunswick. The motion carried with nine (9) yeas.

(A copy of the letter from Ace Detective and Security Agency, Inc. will be attached to the official minutes.)

46. (Added) The Town Council will consider a poverty tax abatement and will take any appropriate action.

Councilor Lowe moved, Councilor Priest seconded, to deny the poverty tax abatement. The motion carried with nine (9) yeas.

Chair Lowe reminded everyone of the Council Workshop to be held on March 22, 2004, at 7:00 p.m. to receive public input on major facilities and capital improvement plan premises.

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

The meeting adjourned at 10:00 p.m.

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

*Elin M. Gould
Deputy Town Clerk
March 17, 2004*

April 5, 2004

Date of Approval

Council Chair

