

Approved
BRUNSWICK TOWN COUNCIL MINUTES
March 20, 2006
6:30 p.m.
Municipal Meeting Facility

6:30 P.M. Chair King called the meeting to order.

Councilors Present: Chair Joanne T. King, W. David Watson, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, Newell A. Augur, and Forrest Lowe.

Councilors Absent: Councilor Jacqueline A. Sartoris.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Mat Eddy, Economic Development Director; Tom Farrell, Parks and Recreation Director; Clark Labbe, Fire Chief; John Eldridge, Finance Director; John Foster, Public Works Director; Steve Levesque, Executive Director of LRA; Peter Baecher, Facilities Manager for Parks and Recreation Department; and TV video crew.

EXECUTIVE SESSION: 6:30 P.M. Poverty Tax Abatement per 1 MRSA Sec. 405(6)(F) Acquisition of Property per 1 MRSA Sec. 405(6)(C)

Councilor Ansari moved, Councilor Watson seconded, to go into executive session to discuss a poverty tax abatement pursuant to 1 M.R.S.A. §405(6)(F) and to discuss acquisition of property pursuant to 1 M.R.S.A. §405(6)(C). The motion carried with five (5) yeas. Councilor Augur, Councilor Daughtry, and Councilor Ewing arrived after the vote.

MEETING CONTINUES: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment:

Pem Schaeffer, Crestview Lane, said, for the record, after he made the offer, he received no calls for a suggested prioritization of the CIP. He spoke on the Taxpayers Bill of Rights (TABOR) initiative. He provided information on it and said it has been misrepresented in the newspapers. He expects that MMA and the teacher's union will spend \$1 million to defeat it. He made three points: 1) it does not cut anything, 2) it does not cut spending, and 3) it does not cut budgets.

Correspondence: Letter from Marty Wilk dated March 14, 2006

Chair King said Marty Wilk has resigned from the BEDC due to his responsibilities on the LRA.

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Manager's Report:

(a) LRA Update

Steve Levesque, Executive Director of the LRA, was introduced, and he provided an update on the LRA's activities. Some key issues brought up at the last meeting include the following points:

- 1) What is going to happen to the over seven hundred fifty housing units. GMH will dispense with the housing, and there will need to be plans for those units.
- 2) The federal screening process ends on March 23. There are four proposals so far from the FAA, the Air National Guard, the Army, and the Penobscot Nation.

The LRA has eighteen months to develop a reuse plan. They are bidding out for a land use consultant and an aviation consultant. By May 9, the federal government will let the LRA know what property will be available to use in the redevelopment plan. The LRA is expressing concern about some of the requests due to their size and location on the base. Responding to Councilor Augur's question about bargaining position, Mr. Levesque said it is a lot stronger than in the past processes since the Navy is now trying to maximize return on their investment.

Councilor Lowe added that the LRA does have a place at the table since the Navy understands the property the LRA gets is useful for its planning purposes. Plus, the LRA has taken an active role in this process.

(b) SusCom Channel Relocation from Channel 7 to Channel 3

Manager Gerrish said SusCom notified the town that it is relocating the town's public access channel from channel 7 to channel 3 effective April 25, 2006.

(c) Donation/Acceptance of SCBA Equipment

Clark Labbe, Fire Chief, said there has been a donation of four Scott self-contained breathing apparatus to the Fire Department by Northrop Grumman Mission Systems Team, Supervisor of Shipbuilding in Bath, and Bath Iron Works. The value is about \$10,000.

Councilor Watson moved, Councilor Daughtry seconded, to accept the donation of breathing apparatus for the Fire Department. The motion carried with eight (8) yeas.

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

(d) Railroad Update

Manager Gerrish said they have had a meeting with MDOT regarding the Maine Street and Park Row project that will be going forward. State highway traffic engineers found this location had ten accidents last year and they will support the Council's recommendation for lengthening the proposed island. The work will begin in June, over a weekend, with one lane closed.

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(e) Council Workshop Updates:

Monday, March 27: BEDC Workshop

Monday, April 10: Maine Street Station Workshop

Saturday, May 6: Budget Workshop

Manager Gerrish gave the dates of workshops. The date of May 6 may need to be changed to allow for all Councilors to be present.

(f) Frank Wood Bridge Update

Manager Gerrish said MDOT held a public meeting last Tuesday on this project, and the work will be done this summer. Topsham, Brunswick, and businesses in the area have made the recommendation to close the bridge for a maximum of two weeks, sometime between September 15 and October 15, rather than close one lane for a longer period of time.

(g) (ADDED) Maine Trails Funds

Manager Gerrish said the town has heard that it has been approved by Maine Trails to fund recreational trails to attach the Town Commons to neighborhoods. The award will be in the amount of \$26,000 if approved at the federal level. If that is awarded, the town will bring this back to the Council for acceptance.

Adjustments to Agenda:

Added item 52 on poverty tax abatement.

Added item 53 on the Project Canopy Assistance Grant.

45. The Town Council will consider an appropriation ordinance authorizing the reconstruction of a portion of Jordan Avenue, and take any appropriate action.

Manager Gerrish said this public hearing and item is for the approval of the appropriation ordinance to authorize the reconstruction of a portion of Jordan Avenue at an amount not to exceed \$1,684,000.

John Foster, Public Works Director, gave a brief overview of the project. It is a complete reconstruction from Federal Street to Lori Drive. He discussed the scope of the work which includes sidewalks, granite curbing, paving, stormdrain work, and an island to slow traffic around Lori Drive. He discussed what had been done to Jordan Avenue in the past. If this receives Council authorization, the project can go out to bid in about a week, with work beginning in mid-May.

Chair King opened the public hearing.

Roy Peddle, 4 Lori Drive, said he has been at every meeting regarding Jordan Avenue over the last three years. It has been forty years since the road has been worked on and the sidewalks are not ADA accessible. There are over 450 residences that have direct access, along with having

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Jordan Acres School, Edward's Field, Pejepscot Terrace and other town facilities along it. He talked about an informational traffic study and how many vehicles used Jordan Avenue that day versus Center Street, which was rebuilt last year. He cannot see why the Council would not vote to support this project.

Cody Gillis, 127 Jordan Avenue, said this reconstruction has been talked about since 2002, and it is time to do this project. It should have been done earlier.

Louisa Hart, 9 Jordan Avenue, expressed concerns about speeding on Jordan Avenue and that she does not see the police often. She is concerned about the effect widening the road will have on the trees there. She wants the trees preserved as much as possible, and she talked about their benefits for air quality, aesthetics, and property values. She asked the Council to stipulate that proper measures be taken to protect trees and have an arborist review the plan to ensure the wellbeing of the trees. She also said the widening will increase the speed.

Amanda Similien, 7 Lori Drive, encouraged the Council to support the project. She spoke of the roughness of the road while traveling with her child in a stroller.

Sam Whitaker, 19 Arrowhead Drive, said he would like to see the road repaired.

Roy Peddle added he had talked with the Chief of Police who said an upgraded road requires enforcement of the speed limit. Once construction is done, it will need to be stepped up.

Chair King closed the public hearing.

John Foster said the consultants are aware of the tree preservation plan. They are working with Peter Baecher, the town arborist, who provided tree protection specifications. The road from the train tracks to Federal Street will remain the same width. The Sewer District has already done some work, and any work to the railroad bridge would be done by the railroad company.

Mr. Foster said, responding to Councilor Ewing's question on underground utilities, because of the great expense to put in underground utilities, the plan is to use the existing poles. He gave the example of a proposed cost on a small section of McKeen Street that was \$500,000 to put the utilities underground, plus there are liability issues with homes connecting as part of this process.

Mr. Foster said, responding to Councilor Augur's question on widening and speed increases, there will be a widening to thirty feet from the railroad to Lori Drive, with a striped bike lane. To control the increased vehicle speed, there will be striping that gives a narrowing effect and there will be a number of cross walks. There are no speed tables or bumps proposed since it is a collector road. Responding to Councilor Ansari's question about having an island from Minat Avenue and Jordan Acres School, Mr. Foster said there are a number of driveways there and they do not want it too close to the curb.

Councilor Ansari spoke about the section that is going to be widened; she supports having another island there to reduce speed.

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Mr. Foster responded to Councilor Daughtry's question about stormwater issues and the cost of granite curbing, saying sedimentation is the only treatment of water that is needed, and if granite curbs are not used, asphalt ones would be used, and they damage more easily. It is more cost effective in the long-run to do granite curbs.

Manager Gerrish said it is town policy to put granite curbs, if possible, in the downtown and on heavily traveled roads for sturdiness and for visual appeal.

Councilor Ewing said for those in the historic area it would be nice to have the utilities underground, if possible. There may be assistance available through grants, and it could be included in future CIP projects.

Councilor Daughtry agreed with Councilor Ewing about having the utilities underground. She wanted to make sure that Mr. Baecher was involved to ensure the health of the trees.

Councilor Ansari said she has been traveling on Jordan Avenue for seventeen years; she shared experiences of being splashed, and talked about the amount of repairs to her vehicles as a result of damage from the road. She wholeheartedly supports this project.

Councilor Lowe said this project is a long time coming. This is an expensive project, but it is exactly the correct project to be supporting. The sidewalk piece is the most important to him to allow people to use them more.

Councilor Augur said he will be supporting it also, although he would have liked to do it next year. It is an important project and the granite sidewalks should be done on both sides. He added that under the TABOR initiative, these types of proposals would not be able to be done.

Councilor Watson supports this project; it has waited long enough.

Chair King said the speed is an enforcement issue, and it will be discussed in the future.

Councilor Ansari moved, Councilor Watson seconded, to approve the Appropriation Ordinance Authorizing the Reconstruction of a Portion of Jordan Avenue at an amount not to exceed \$1,684,000. The motion carried with eight (8) yeas.

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

46. The Town Council will discuss approving a Resolution regarding the Town's approval of Comcast acquiring SusCom, and take any appropriate action.

Item 49 was taken out of order and done prior to Item 46.

(Councilor Watson left the meeting after Item 49 and the votes reflect his absence.)

Assistant Town Manager Patricia Harrington explained the sale of SusCom to Comcast, and a proposed Resolution approving the sale. Council members and town staff have been meeting with SusCom and she is asking the Council to approve this resolution regarding the sale. The

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town has until April 5, 2006, to take action or to take no action. The town expects Comcast to follow the Cable Franchise agreement. They discussed customer service and she does not expect any changes for the time being. If Comcast does not follow the agreement, the town would have to follow-up with the enforcement action. Manager Gerrish added that there are penalties in the existing contract.

Ms. Harrington said, responding to Councilor Ewing's question about the negative press that Comcast has had recently, the town felt it did not have enough evidence to follow through, and there are also customer service penalties in the current agreement. Comcast did not provide answers to some of the questions. The biggest complaint she hears about SusCom is that they cannot provide the services that larger companies do.

Councilor Lowe said this is going to happen and the town should get an oar in the water to start things out correctly.

Chair King said they were strong in their comments in continuing the same service. The town has a pretty good agreement, and, regardless, the town has no control over the sale occurring.

Councilor Lowe moved, Councilor Augur seconded, to approve the Resolution regarding Comcast acquiring SusCom. The motion carried with six (6) yeas. Councilor Ewing was opposed.

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

47. The Town Council will discuss authorizing the Town Manager to enter into Purchase and Sale Agreements for properties on Town Hall Place as follows: Property owned by W. F. Senter for the purchase price of \$100,750, and property owned by J&A Seafood for the purchase price of \$107,500, and take any appropriate action.

Manager Gerrish said a year ago the Council discussed the expansion of the central fire station, and what properties would be needed for it. The town has come to an agreement on two of the three properties it needs to acquire. This item will give him the authority to enter into agreements to purchase them.

Councilor Ewing moved, Councilor Ansari seconded, to authorize the Town Manager to enter into Purchase and Sale Agreements regarding properties located on Town Hall Place. The motion carried with seven (7) yeas.

48. The Town Council will consider applying for a CDBG grant for public service, and take any appropriate action.

Mat Eddy, Director of Economic Development, said this is the fourth grant in a series that was discussed in November. This one will be the submission of a 2006 Public Service Grant Application for the CDBG program. This \$40,000 grant is structured to create joint programming for People Plus and the Brunswick Teen Center. There will be no matching town funds; there will be a 20% match raised by the Teen Center and People Plus. They hope to use

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some funds for part-time staff and hope to be able to raise additional funds as they would like to work toward a full-time executive director.

Councilor Ansari asked about funding for the Teen Center and its positions.

Mr. Eddy responded that they currently ask for \$5,000 from the town, but he cannot say in the future they may not ask for more. They are working to be self-sustaining.

Chair King expressed concerns about the town having to fund a position in the future if other funds are not available.

Councilor Daughtry moved, Councilor Augur seconded, to apply for the 2006 Public Service Grant from the State's Community Development Block Grant program. The motion carried six (6) yeas. Chair King was opposed.

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

49. The Town Council will discuss the referendum date regarding the Community Health & Land Care Ordinance, and take any appropriate action.

Tom Farrell, Parks and Recreation Director, said after the decision to place the question on the ballot in June, there began to be issues with hiring lifeguards since there was no guarantee of a job because if the ordinance passed, Coffin Pond could not open. The town has been fortunate to have the staff return year after year. Mr. Farrell asked to have the referendum changed to November so that they could hire staff and still open the pond this summer and if it passed in November, the town would have plenty of time to notify staff before next summer.

Ellen McPherson, Recreation Commission, said the town is lucky to have Coffin Pond and the town has great lifeguards there. There are a great number of people using the facility so the Commission discussed the concerns and felt that having the vote in June puts the Recreation Department in the position that they cannot effectively recruit workers. They want to delay the vote until November, or, if not, allow the Recreation Department to pay staff if the pond cannot open.

(A copy of a memo from Tom Farrell and a letter from Bernstein Shur will be attached to the official minutes.)

Craig Cunningham, Town Attorney, said, responding to Chair King's question about doing a waiver for a public safety issue, under the ordinance it is a thirty-day temporary waiver and is provided for limited circumstances. He feels it would be an inappropriate use of the waiver to use it to allow Coffin Pond to open for the entire summer.

Manager Gerrish said, responding to Councilor Ewing's question about whether or not this is allowed under the charter process, it is allowed since the Council is still within the thirty-day provision of setting an election date after holding the public hearing.

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Councilor Watson said if he had known by going to vote in June Coffin Pond may need to close, he would not have moved to that date.

Councilor Watson moved, Councilor Augur seconded, to re-schedule the referendum regarding the Community Health & Land Care Ordinance to November 7, 2006. The motion carried with eight (8) yeas.

Councilor Watson left the meeting after Item 49 and the Council resumed with Item 46.

50. The Town Council will consider a request by Downeast Hot Dogs (Sandra Webber) for a Seller of Prepared Food on Public Ways license on the Brunswick Mall, and take any appropriate action.

Manager Gerrish said this item is an application for a Prepared Food on a Public Way license for Downeast Hot Dogs, which had been on the last agenda. The Council wanted to see a picture of the hotdog cart prior to approving it on the mall. The dimensions of the cart are 8' x 14', which, according to Peter Baecher of the Recreation Department, is within the size allotted for a cart on the mall.

Councilor Lowe and Councilor Ansari said they would support it, but liked the old cart better.

Councilor Ansari moved, Councilor Schneider seconded, to approve the request by Downeast Hot Dogs for a Seller of Prepared Food on Public Ways license on the Brunswick Mall . The motion carried with seven (7) yeas.

51. CONSENT AGENDA:

- (a) The Town Council will consider abating personal property taxes assessed in error.**
- (b) Minutes of the March 6, 2006 Town Council meeting.**
- (c) Minutes of the February 21, 2006 Town Council meeting.**

Councilor Lowe moved, Councilor Schneider seconded, to approve the Consent Agenda. The motion carried with seven (7) yeas.

(A copy of a memo from Assessor Cathy Donovan, requesting the abatements, will be attached to the official minutes.)

52. (ADDED) Town Council will consider a request for a poverty tax abatement, and take any appropriate action.

This item was discussed in executive session and added as a result of that.

Councilor Lowe moved, Councilor Daughtry seconded, to approve a poverty abatement for 2003. The motion carried with seven (7) yeas.

53. (ADDED) Town Council will consider applying for a Project Canopy Assistance Grant, and take any appropriate action.

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Peter Baecher said the grant is a 2006 Project Canopy Assistance Grant; he is seeking to get \$6,000. If awarded, the funds would be used to install protective barriers around some trees on the sidewalk on Maine Street. The town's match will be in-kind from the labor to install the trees.

Councilor Lowe moved, Councilor Ewing seconded, to apply for a Project Canopy Assistance Grant. The motion carried with seven (7) yeas.

Councilor Schneider moved, Councilor Daughtry seconded, to adjourn the meeting. The motion carried with seven (7) yeas.

The meeting adjourned at 9:27 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 Smith

Town Clerk

April 7, 2006

April 18, 2006

Date of Approval

Council Chair