

-- APPROVED --  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**May 19, 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; David Wallace, Interim Superintendent of Schools; John Eldridge, Finance Director; Greg Bartlett, Assistant Superintendent of Schools; James Oikle, Business Manager for the School Department; Anna Breinich, Director of Planning and Development; Tom Farrell, Director of Parks and Recreation; Richard Rizzo, Police Chief; Clark Labbe, Fire Chief; John Foster, Public Works Director; Craig Worth, Deputy Public Works Director; Mat Eddy, Director of Economic Development; Mike Moody, Police Officer; and the TV video crew.

**Public Comment:**

**Tom Fusco**, 66 Board Road, said at a meeting held in Topsham there was an interesting statement by a State staffer that the loss of 6,500 jobs (from the base closure) are jobs the state anticipated having, not ones that exist. This should be looked into further. Regarding the proposed business park for the Moore property, there will be a quit claim deed issued if the town buys it; this would not give the town a clear title so why should it be accepted for the taxpayers. This is unacceptable for the town to do. If the town cannot get clear title to the property, it should not even be on the table for discussion.

**Correspondence:    Update on Vernal Pool Study**

Manager Gerrish said the study has started and they have received permission to look at 280 out of 500 plus pools. He feels it is going well.

*(A copy of an update on the vernal pool study will be attached to the official minutes.)*

**Adjustments to the Agenda:** None

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**Manager's Report:**

**(a) Council Committee Updates**

Councilor Knight reported the Maine Street Station Oversight Committee met and saw the site elevations.

Councilor Favreau said the Elementary School Committee will be meeting Thursday night. There will be a slide show with the sports groups invited.

**(b) Update on Memorial Day Parade**

Manager Gerrish said the Memorial Day Parade starts at 9:00 a.m. in Topsham and ends in Brunswick at the mall.

**(c) Update on Mere Point Boat Launch**

Manager Gerrish said there have been a lot of activities taking place. The work at Simpson's Point and Wharton's Point is done; the contract for improvements to the dock has been awarded and the dock will be worked on this week. Overhead wire will be done, hopefully, by the end of the month. The only issue is moving the moorings. He hopes to have the launch open in mid June. The State has been active in this.

Chair King said Councilor Tucker and she will be looking at work to be done on Mere Point Road.

Manager Gerrish said it will be done later this summer into the fall.

**(d) Town Proclamation recognizing Town Commons Day**

Manager Gerrish said each year the Town proclaims May 19 as Town Commons Day.

**Councilor Favreau moved, Councilor Webb seconded, to proclaim May 19, 2008 as Town Commons Day. The motion carried with nine (9) yeas.**

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

**65. The Town Council will hear public comments on removing the fee waiver language from Section 10-26 of the Business License Ordinance, and will take any appropriate action.**

Chair King said she would like to change the waiving of the fee to no fee altogether.

Chair King opened the public hearing.

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**Roxanne Rathjay**, Executive Director of the Brunswick Downtown Association, said they want a vibrant downtown and this would be a good way to assist with this. She would agree with allowing the fee to be waived, but she prefers to have the fee gone. Her group wants to promote Brunswick as a dining destination. From the e-mails she has received from their members, they support ways to make the downtown more visible, including this change.

**Joshua Davis**, owner of Gelato Fiasco, spoke in support of having the fee removed as it does not just benefit him, but helps other businesses, also.

**John Gerard**, Chair of Brunswick Community Affairs Committee (part of the Brunswick Downtown Association) spoke in support of having the fee removed as a way to support the downtown, especially with the losses coming from the base closure.

Chair King closed the public hearing.

Manager Gerrish reviewed the history of this fee. They need to set up a process to have permission granted at the staff level if there is no fee.

Councilor Favreau supports the fee being removed with a processing fee of \$25 for the application.

Councilor Augur said he is concerned about fairness with those who pay property tax on the land in front of their stores, but he noted that the Little Dog owner supported removal of the fee. He has a little concern with it, but agrees with Ms. Rathjay's argument.

Councilor Daughtry said the amount of tax revenue is minimal and this is meaningless in the overall goal of vitalizing the downtown. She supports the removal of the fee.

Councilor Webb agreed to waive the fee and said the success of the art exhibition was good. He wants to give fees back to those who paid already this year.

Manager Gerrish said that would need to be brought back at a future time to give those fees back.

Councilor Knight said she supports removing the fee.

**Councilor Daughtry moved, Councilor Favreau seconded, to adopt the amendments to the Business Licensing ordinance, which removes the fee for outdoor seating on a public way, except for a \$25 application fee. The motion carried with nine (9) yeas.**

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

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**66. The Town Council will hear public comments on the proposed budget, and will take any appropriate action.**

Manager Gerrish said this evening is a chance for the public to speak on the proposed budget. This evening the proposed budget has a 1.75% tax increase.

Chair King said there is some interest in doing a compromise on Saint John's Catholic School's budget expenditure reduction.

**Dan Doiron**, 20 Cushnoc Lane, representing Saint John's School, thanked the Council for their assistance in the past and he recognizes the town is in hard times. He spoke in support of funding for the school. School staff and parents, both nonresidents and residents, patronize the downtown businesses. They provide community support in a variety of ways. The bus service is not available in the mornings and the afternoon is a short trip to the Junior High, which is 1.2 miles one-way. It is important to continue this service for the taxpayers' children. This also gives the Saint John's students a chance to meet and socialize with the public school students. The school's budget for next year has been done already, so he is asking for a reduction in the funding, not getting rid of it altogether.

**Grace Wright**, 15 Locust Lane, a senior at Brunswick High School, spoke in support of Saint John's School, which she attended. She thanked the town for funds to support books, the school nurse, and buses. She hopes this support continues.

**Hank Baribeau** spoke in support of Saint John's School. The families worked hard all year to raise money for the school. They donate \$3,000 annually to the Curtis Library. The school is an asset to the town. He asked the Council to be as generous as possible.

**John Richardson**, 19 Juniper Road, spoke in support of the school. He understands the difficult choices facing the Council as he has been in similar situations. When looking at the balancing of the benefit and cost, he pointed out that the cost to educate a student with town funds is \$6,000 per year, with 94 students from Brunswick attending Saint John's, the \$33,000 is cheap. The School is willing to share the pain and has taken a cut, but asked the Council to hit them fairly.

**Jeff Ward**, Chair of Recreation Commission, spoke on the closing of Coffin Pond. These are hard times, but he asked the Council not to erode the quality of life in Brunswick. Nine thousand different users use this pond. Brunswick is a community that supports recreation. This facility serves those most unlikely to be served by other places. Coffin Pond serves those who do not have the option to go to the YMCA due to financial issues. He is not sure the benefit from going from a 3% to 2% budget increase is a good choice.

**Ellen McPherson**, as a former member of Recreation Commission, spoke in support of Coffin Pond and said it would be a shame for that facility to go away. With gas prices as they are, it is hard to afford to drive further.

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**Jan Donelon**, Greenleaf Street, spoke in support of Coffin Pond and has used it with her children and grandchildren. It gets a lot of use and she urged the Council to keep it open.

**Carolyn Tebben**, 13 Patricia Road, spoke in support of Saint John's School and Coffin Pond. She is a third generation Saint John's alumna and has a doctorate, in which her Saint John's education factored. Her two-year old uses Coffin Pond and his daycare takes him there every day. She grew up using Coffin Pond and it has a benefit for all residents.

**Lisa Boyle**, 8 Sandy Ridge, spoke in support of Coffin Pond.

**Dave Nadeau**, Chair of the Brunswick Teen Center, spoke in support of Saint John's School. In addition, he provided information on the Brunswick Teen Center, which has been open for 3 years serving children ages 11 to 18 years old, has up to 60 kids daily, and is open 4 days a week.

**Heather Witwicki**, 190 River Road, spoke in support of Coffin Pond being kept open. She runs a daycare near Coffin Pond and the children go there every day.

**Marji Greenhut**, Noble Street, thanked the Council for all their work. Closing or limiting hours of Coffin Pond will hurt the low income residents. She also spoke in support of foreign language being in the schools.

**Dick Lancaster**, member of the Recreation Commission, spoke in support of Coffin Pond, which has been part of the town for 40 years. Coffin Pond is the town's pool. Thirty-five children participate in two sessions of swim lessons, and recreation programs from other communities bring their kids there. Staff worked hard to make Coffin Pond affordable, \$35 for a family pass. He would rather see an increase in that cost. He strongly feels if it is eliminated then it will not come back.

**Robin Gay**, 1 Fox Run Drive, spoke in support of Coffin Pond. It is a nice place for teenagers to work, also, and a safe place for the children to swim.

**Joanne Rosenthal**, 49 Bunganuc Road, questioned why there are very valuable programs being cut when giving property away.

Chair King closed the public hearing on the budget.

Councilor Augur said Saint John's School has done their budget for the next year. This is a big factor in him not favoring cuts. He asked what other communities do to support similar private schools.

**Mrs. Tostevin**, Principal of Saint John's School, responded Portland, Rumford, Lewiston and Bangor do provide some services to their Catholic Schools.

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Chair King said she wants to make a compromise.

Councilor Augur said, regarding Coffin Pond, he would only entertain the idea if a similar rate for families to use Thomas Point Beach could be found. The town needs to increase the family rate, which has not been done for two decades. He is opposed to closing Coffin Pond.

Councilor Webb said he liked the idea of doing a compromise. He asked about the cost of the bus service for St. John's.

Manager Gerrish said the Saint John's principal and the superintendent of schools are working on the cost. Only the town can contract services, which is around \$16,000; Saint John's cannot contract directly with the school department. The town funds some books and part of the school nurse. Saint John's would agree to pay for the books and nurse if the town paid for the transportation.

Councilor Webb said he is having second thoughts on cutting Coffin Pond, especially if the town can increase the revenue and possibly reduce some hours.

Councilor Favreau said, speaking as an alumni of Saint John's, it has been a prominent part of this community. In 1974 funding was provided to the school, which was the earliest he could find, but it may be longer. There is a savings to Brunswick with the students going there, and this is a partnership with the town. Saint John's is willing to work with this compromise, so it should be supported.

Councilor Knight agreed with other Councilors that it would be unfair to cut them completely. The Council does have to look at cutting some funding since times have changed.

Councilor Daughtry said, regarding Saint John's funding, she had a few conversations and the majority of people did not know that it was in the budget. Some were angry because of the issue of separation of church and state. Councilor Daughtry said there is a fairness issue for those who go outside of town who do not get any help, but she is willing to compromise. On Coffin Pond, last year she was opposed to cutting it, but this is a different time. Yet, with the comments in support and by raising fees, she is willing to compromise.

Councilor Favreau and Councilor Knight said they will support keeping it open with the fees looked at.

Councilor Watson said he is in full support of Saint John's, with the transportation being the most important part. He will support the compromise for the transportation. Coffin Pond is vital and important to this community, and it has to stay, with an increase in the fees to use it.

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Councilor Tucker would like to fully fund both programs, but if the majority of the Council would like to compromise, he will support it.

Councilor Klatt said, regarding Saint John's funding, it is a touchy issue and she has a hard time supporting it when funds to others are being cut. She is concerned that the town has to cut expenses to the public schools and yet funds Saint John's. Coffin Pond is the town's pool since the town does not have the benefit of a community pool. She would like to look in the future at developing a pool for both adults and children. If the town closes Coffin Pond, those funds could be saved toward a community pool. The town needs to think about it.

**67. The Town Council will consider a request from 111 Maine Street for Sellers of Prepared Foods on Public Ways, and will take any appropriate action.**

Manager Gerrish said the staff recommends four tables on the building side.

**Jennifer Banis**, owner of 111 Maine, spoke about possibly having a chance to have a measurement done to see if they could have more tables abutting the curb.

**Councilor Augur moved, Councilor Favreau seconded, to approve the request from 111 Maine Street for Sellers of Prepared Foods on Public Ways, as recommended by staff. The motion carried with nine (9) yeas.**

**68. The Town Council will consider the recommendations from the Davis Fund Committee for "2008" allocations, and will take any appropriate action.**

Manager Gerrish listed the recommendations.

**Councilor Daughtry moved, Councilor Watson seconded, to accept the Davis Fund recommendations for the "2008" allocations. The motion carried with nine (9) yeas.**

*(A copy of Davis Fund Committee's recommendations will be attached to the official minutes.)*

**69. The Town Council will receive an update on the Maine Street Station project to include the request from JHR Realty to deed property as per the Joint Development Agreement, acceptance of a parcel from Bowdoin, and an update on continued engineering for the project, and will take any appropriate action.**

Manager Gerrish said under the Joint Development Agreement once the site was cleaned up, the town would deed a portion of the property to JHR Realty.

*(A copy of letter from Mr. Rockett of JHR will be attached to the official minutes.)*

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Mat Eddy, Director of Economic Development, explained the property in the area closest to Hannaford, which has been cleaned up, is what is being deeded.

Councilor Daughtry said she wanted to wait until after the Planning Board was done with their review before doing this.

Manager Gerrish said the agreement states that within 10 days of notice and EPA approval, the town must take this action. The Planning Board's final approval is not until next week. The agreement states that the town shall do this.

Councilor Augur said he does not want to be in any violation of the agreement, but he prefers it wait until after the Planning Board approval.

Councilor Knight said JHR needs to have the property conveyed and in good faith the Council needs to move forward with it.

Manager Gerrish added Bowdoin College is willing to give a site they own to build a park. The town is working with engineers to work out final costs for engineering and coal ash remediation.

**Kathy Leonard**, Church Road, said she has deep roots to the old Saint Charles Church and before giving away any other land, the Council needs to look at what has been part of this community for years.

**Joanne McCartan** said she cannot understand how the town operates fiscally responsibly when it does not have funds.

**Dorothy Hassfeld**, 271 Mere Point Road, said she cannot see where the Maine Street Station Implementation Committee's citizen members had a chance to give input on the Joint Development Agreement.

**Sally Green**, MacMillan Drive, said she has issue with raising taxes as property is given away and the town has to pay for the infrastructure.

**Jennifer Davis**, attorney on behalf of a group of citizens, encouraged all Councilors to review the joint development agreement. The Council is not bound by anything and must review all details to make sure it is correct. Before the deed is signed, the Council needs to review the agreement.

Chair King said the fact is that as a vacant lot it did not give the town any tax dollars, but this project will generate them. She encourages people to go to the Planning Board to express their concerns.

- 70. The Town Council will consider appointing a three member Council Sub-Committee to review all Town Departments for potential cost savings opportunities, consolidation and other changes that would provide better service, and will take any appropriate action.**

Councilor Webb said there was an earlier discussion at the retreat and more recently a discussion about finding efficiencies in how town government works. He and Chair King would like to form a three member Council Committee to review all town services for potential cost savings, potential consolidation and efficiencies in providing services to the town. This would start after the budget is finalized and they would give a report to the Council no later than December 2008 for consideration for the next budget year.

Manager Gerrish said the committee will be working with the School Department and will start in July.

**Councilor Daughtry moved, Councilor Watson seconded, to form a three member Council Committee to review all town services for potential cost savings, potential consolidation and efficiencies in providing services to the town. The motion carried with nine (9) yeas.**

- 71. The Town Council will consider appointing a Council member and a Planning Board member to serve on the Downtown Master Plan Committee, and will take any appropriate action.**

Manager Gerrish said this item is to consider appointing a Council member and a Planning Board member to serve on the Downtown Master Plan Committee. The Planning Board has recommended E. Benet Pols as the Planning Board member to represent them.

**Councilor Augur moved, Councilor Daughtry seconded, to appoint Councilor Knight as the Council representative and E. Benet Pols as the Planning Board representative to the Downtown Master Plan Committee. The motion carried with nine (9) yeas.**

**CONSENT AGENDA:**

- (a) Evergreen Senior Citizens request to change Bingo hours
- (b) Maine Natural Gas request for utility location permit

**Councilor Favreau moved, Councilor Daughtry seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

*(A copy of the utility permit will be attached to the official minutes.)*

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**Councilor Watson moved, Councilor Daughtry seconded, to send a letter of thanks to the Interim Superintendent of Schools, Mr. Wallace, for all his hard work. The motion carried with nine (9) yeas.**

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

The meeting adjourned at 9:36 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 23, 2008*

August 18, 2008

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*Date of Approval*

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*Council Chair*