

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
November 3, 2008
7:00 P.M.
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, and Newell A. Augur. Councilor David C. Webb arrived for the executive session at the end of the meeting.

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Patricia A. Foley, Executive Administrative Assistant; Gary Brown, Assistant Town Manager; Police Detective Mark Waltz; Anna Breinich, Director of Planning; Craig Worth, Assistant Director of Public Works; and the TV video crew.

Chair King called for the Pledge of Allegiance.

Public Comment: None

Correspondence:

Councilor Daughtry mentioned the passing of a constituent of hers, Dick Spindler, and sends her deepest condolences to his family.

Adjustments to the Agenda:

Manager Gerrish requested that the consent agenda item for a pole location at Mere Point Road be pulled from the agenda at this time.

Manager's Report:

a) Financial Update

Manager Gerrish informed the Council that excise tax through the month of October was \$4,000 ahead of this time last year, although down about \$10,000 in the first four months of the year. State Revenue Sharing is ahead of last year by \$10,000 to \$15,000. Interest will not reach the projection of \$275,000. Building permits were down so revenues in that area are also down. On the expenditure side, a memo has been issued to all departments that any major proposed expenditure has to be approved. Any open positions must be reviewed before they are advertised. Mr. Gerrish said they are keeping an eye on the budget and will keep you updated.

b) Council Committee Updates

Chair King announced that the committee working on efficiencies and savings in all Town departments has one more meeting, which is to be held with the Manager's office and the Economic Development Department.

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Councilor Knight reported that the Maine Street Station Oversight Committee had a meeting to finalize a survey to send out to the Steering Committee and Implementation Committee members. This was in response to an item that Councilor Webb had sponsored a few months back about changing Council rules regarding those instances where there is a joint development agreement. The committee agreed that they should survey the members who took part in that process. They will meet on November 19th to go over the responses and then plan a public workshop in December with other members of the public to give feedback on that process.

Manager Gerrish reported that the Annual Halloween parade was held last Friday and that he received a report that it was the largest crowd the Town has ever had. He thanked all citizens for their involvement and the Parks and Recreation Department for their hard work.

c) Election Update

Manager Gerrish stated that the state and municipal election will be held tomorrow and listed the various districts and their polling locations. Polls will be open from 8:00 a.m. to 8:00 p.m. He encouraged everyone to get out and vote. He advised that all registration changes and enrollments can be done at district polling places. The clerk's office has received 5,000 absentee ballots this year.

d) Report on Growstown School Roof

Manager Gerrish stated that the Town estimates around \$12,000 to do the work on Growstown School. The roof is sagging and it is recommended it be done before snow comes. The Town did not go out to bid on this as the work must be done right away. In order to keep the historical value of this building, we are using the same company who repaired the other side of the roof.

Councilor Daughtry said that the chimney needs to be replaced as well.

Manager Gerrish said he realized that there are other repairs, but that the roof was the most important issue at this time.

Councilor Daughtry moved, Councilor Watson, seconded to appropriate the funds to get the work done at Growstown School.

The motion carried with nine (9) yeas.

(e) "2008" Maine Bureau of Highway Safety Holiday Enforcement Grant

Manager Gerrish said the Town has received the Maine Holiday Enforcement Grant worth \$11,661.00 and asked the Council to accept this grant to use for 24 OUI and 44 seat belt enforcement details between late October and January. The only cost to the Town is if it should be required to go to court.

Councilor Watson moved, Councilor Daughtry seconded to accept and expend the Maine Holiday Enforcement Grant in the amount of \$11,661.00 to do OUI and seat belt details.

The motion carried with nine (9) yeas.

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(f) Holiday Schedule for Trash & Recycling

Manager Gerrish reminded everyone that next Tuesday is the Veteran's Day Holiday; the Town offices will be closed, however, Pine Tree Waste will be collecting trash.

(g) Letter regarding Comcast Fee Increases

Manager Gerrish advised that a letter was received from Comcast regarding a fee increase which will begin in December.

(A copy of the letter from Comcast is included in the official minutes)

(h) Workshop on Economic Development

Manager Gerrish advised that the Council had planned to hold a workshop on November 24th, however, a number of Councilors could not attend that meeting nor could Mike Ouelette, President of the Brunswick Economic Development Corporation. The recommendation is that this workshop be held on Thursday, December 11, 2008, where there would be a discussion with the Council and the Brunswick Economic Development Corporation. The plan is to hold a second workshop with other Economic Development Corporations in the State to see how their departments conduct their business.

(i) Public Meeting on Bath Road Corridor Improvements

Manager Gerrish advised that the Council has authorized funding to finish the Bath Road Corridor Improvements. A public meeting will be held in the Library Space on November 19th at 7:00 p.m. Citizens will be invited, and the businesses along that stretch of road will be sent notices.

(j) Report on School Funding

Manager Gerrish was asked to report on school bonding. He reported that the project is still going forward with an anticipated start time beginning in March or April of next year. The only issue is that the State has postponed the borrowing date by six months. It was planned to borrow in the spring; however, it is put off until the fall of 2009. It will probably cost around \$40,000 to \$50,000. The interest rate is still unknown at this point.

PUBLIC HEARINGS:

164. The Town Council will hear public comments regarding the closing of Sawyer Road from December 1, 2008 to March 31, 2009 as permitted under Title 23 M.R.S.A. Subchapter VI, Section 2053, and will take any appropriate action.

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

Councilor Daughtry moved, Councilor Watson seconded, to close Sawyer Road from December 1, 2008, to March 31, 2009. The motion carried with nine (9) yeas.

165. The Town Council will hear public comments regarding amending the General Assistance Ordinance Maximums, and will take any appropriate action.

Manager Gerrish explained that each year the Council reviews the guidelines for general assistance. Maine Municipal gives us a proposed ordinance. Each year the maximum allowed for food, assistance and housing changes to keep up with inflation and to be sure Brunswick's numbers are in line with other communities.

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

Councilor Daughtry moved, Councilor Knight seconded, to approve the General Assistance Ordinance Maximums. The motion carried with nine (9) yeas.

166. The Town Council will discuss the proposed overlay and transitional zoning standards for the intersection of Route 1, Stanwood and Mill Streets, and will take any appropriate action.

Councilor Webb stated his reasons for bringing this back to the Council. At the October 6, 2008 meeting, Chair King proposed language dealing with zoning standards for this area and he voted against it as he felt the language was too directive to the Planning Board. Specifically, he did not feel comfortable instructing the Planning Board to develop zoning amendment language that includes standards to allow for the proposed development by Walgreens at this intersection. Likewise, he did not feel comfortable setting a deadline. Councilor Knight and he found they had some mutual concerns about the language for the proposal. They worked together to find a proposal that they felt allowed the Planning Board to consider guidelines to recommend commercial development for this specific location and at the same time be responsive to citizens and businesses who want to move to this town. They propose that the Planning Board prioritize its consideration of the standards of this intersection to respond to several development proposals. In light of Maine Street Station and the elementary school, he thinks it is likely an increase in the amount of traffic in this area will occur. The proposal before the Council specifically asks the Planning Board to consider the appropriate appearance, size and scale of buildings, along with traffic and pedestrian improvements. They would also ask the Planning Board to consider lighter sound impacts on neighbors and appealing signage for the approach to our historic area.

It is expected that the Planning Board will get input from the public and businesses. There are not any deadlines proposed. He thinks it is appropriate to consider this a gateway first and foremost. The Planning Board is looking for direction from the Council.

Councilor Knight said the last time she spoke about this she wanted a comprehensive approach to zoning. The majority of her constituents who had contacted her when this was brought up before were against this project. She still believes the Planning Board should take a comprehensive approach to zoning, but she feels they should tackle gateway standards first, and this gateway first among other gateways in town. She said she heard Charlie Frizzle, Chair of

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the Planning Board, say that it is easier for the Planning Board to do its work when they have an example or proposal in front of them. That is why they are proposing the Planning Board use the Walgreens development as a case in point. She, like everyone else, has to decide which stand would bring the best outcome for this town.

Chair King said that it seems like this has been discussed for a long time and that it appeared like Council shopping was going on. She asked that Anna Breinich, Director of Planning and Development, speak to the number of different meetings when this item was discussed between Planning Board, Village Review Board, and Council.

Anna Breinich, Director of Planning and Development, stated that a total of eleven meetings were held on this item. The Council had it either on the agenda as an item or as a part of the discussion of the comprehensive plan update under public hearings five times, the Planning Board had discussed it at three meetings, the Village Review Board discussed it at two meetings, and at a joint Planning Board and Village Review Board meeting it was discussed once.

Chair King asked her to describe what work has been done on this transitional zoning since it was discussed at the comprehensive plan level.

Anna Breinich advised that on June 2nd the Council instructed the Planning Board to look at various options that the Planning Board had provided to the Council. At that time, the Planning Board started doing research on gateway zoning. They took a look at seven different communities through case studies in Scarborough, Gray, Portland, Yarmouth, Naperville, Illinois; Coventry, Connecticut; and Granville, Ohio; and what they did with gateway overlays. The Planning Board identified five gateways as possibilities: Bowdoin Pines from Bath Road; Mill Street exiting to Maine Street; Outer Maine Street towards the downtown area; outer Pleasant Street to inner Pleasant Street; and the Cooks Corner approach from the Gurnet Road.

They also talked about different types of gateways, and the need for transitioning, such as some areas not needing as drastic a transitioning as other areas. The Planning Board decided to table further discussion until the Comprehensive Plan was adopted and the Planning Board received additional direction, which was on August 5, 2008.

Councilor Favreau commented on a letter from Claudia Knox indicating that this gateway be considered first rather than looking at all of them together since each one will have their own controversial aspects.

(A copy of this letter will be attached to the official minutes)

Councilor Tucker said he will not support a motion if it is made. He pointed out that listing the number of times this has been discussed is not an argument to do it. The language of this proposal does not hide the fact that it is directed to a specific project at a specific location and he feels this Council should do everything it can to prevent the continuance of the Pleasant Street sprawl into the Town core.

Councilor Favreau moved, Councilor Knight seconded, to send this back to the Planning Board to recommend zoning standards and other development parameters for the

intersection of Route 1, Stanwood and Mill Streets in a manner consistent with the recently enacted Gateway Corridor District provisions of the Comprehensive Plan.

(A copy of Councilor Webb's draft proposal is attached to the official minutes.)

Councilor Tucker made a point of order asking if this is an improper motion to consider since Council moved and failed two meetings ago.

Chair King asked the Town Manager to reference the opinion received by the Town's attorney on this matter.

Manager Gerrish, said he spoke with the Town Attorney, Pat Scully, and he advised that what was originally on the October 6 meeting compares it to tonight's meeting, and he felt after looking at Robert's Rules that it was appropriate for the Council to take this item up. There was a question regarding renewal, which applies to a motion that is a similar motion that comes back at the same session. Attorney Scully looked at this and felt it was appropriate for the Council to take this up. He did say the Chair applies points of order subject to an appeal by the full Council. His view is that the action by the Brunswick Town Council at a subsequent meeting of the Council is a separate session within the meaning of Robert's Rules.

Councilor Tucker reiterated that his question is regarding a ruling that this is an improper motion for reconsideration not an improper consideration for renewal.

Chair King said that what Manager Gerrish had read from Town Attorney Scully had covered renewal and reconsideration and she agrees with his findings.

Anne Marr, Cumberland Street, is concerned about discussions with a potential developer in mind – is the town preventing an unbiased look at the ideal of what citizens' want for this town? She wonders why they are looking at this corner when all of Pleasant Street needs a master plan before any land is developed. There is a need to develop the standards, then have them available to anyone who wants to develop on that corner.

Frank Smith, 68 Pleasant Street, said he feels bad for those who live on Stanwood Street and stated that it is a mess, but solving the problems of Stanwood Street by throwing away the viability of it is not the answer. If this corner gets developed he is going to sell his property, Lower Pleasant Street homes will be turned into apartment buildings and it will look like lower Lisbon Street in Lewiston. Zoning already exists for the corner of Stanwood and Pleasant Streets and he does not believe we need to change it.

Madeline Msall, 69 Pleasant Street, said she has been watching the meetings and is frustrated to see this item keep coming back She is concerned about spreading the blight onto the lower part of Pleasant Street. She recommends rejecting the motion to send this back to the Planning Board.

Ben Swan, 4 Page Street, thinks this item should be put away and feels that the Council and Planning department should consider our neighborhoods. He would like to see discussions for neighborhoods start by holding a neighborhood meeting.

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Chair King called for public comments and hearing none, closed the public comment section of this hearing.

Councilor Webb agrees that neighborhoods should be involved in discussions with any potential development in their neighborhood.

Councilor Favreau agrees with Councilor Webb and agrees that any process set by the Planning Board will clean up this neighborhood regardless of who develops in this area.

Councilor Tucker said that with the parliamentary inquiry he made, he was trying to make the point regarding the issue of fairness. He feels it is unfair to keep bringing this item back. He said he does not want Pleasant Street to spread into the Town core.

Councilor Klatt is concerned that the Town is wasting taxpayer money, Council's time and Planning Board's time over and over again for a particular developer and it is not right. She likes what Vicky Marr said about planning first, then finding a developer. She would like to meet with the neighborhood to find out what they want before developing. That particular corner does not have to be residential but it does not have to be a big box development. She also stated that there are already zoning standards for this intersection.

Councilor Augur said he appreciates the fact that Councilor Tucker brought up the renewal section because it is important that Council stay in touch with the issues. He wishes he had this proposal a month ago rather than the one we had. A traffic study was done at this intersection and he believes that is why this issue keeps coming up. He stated that there needs to be some kind of commercial development on this corner because residential won't work. He said he will vote for this tonight.

Councilor Daughtry said that Anna Breinich, the Planning Director, has reminded the Council that they have voted on this item five times before, and she stated that she is going to vote against it the sixth time. The standards are already in place, and zoning is in place. She feels that the overlay zone should occur before it reaches Stanwood Street and not extend into the Town core. She believes the Town needs to take care of the traffic issues in that area and she hopes that we would get assistance for it. Doing it this way looks like we are asking the Planning Board to make it work.

Chair King said Councilors who are on a winning side can bring an item back and those who are on the opposite side cannot. She said one month ago that she would not talk about this item again and she meant it and hoped it would be the case, however, the way this item is worded is much better than the last time it was on the agenda, and she is voting in favor of it.

Councilor Favreau moved, Councilor Knight seconded, to send this back to the Planning Board to recommend zoning standards and other development parameters for the intersection of Route 1, Stanwood and Mill Streets in a manner consistent with the recently enacted Gateway Corridor District provisions of the Comprehensive Plan. The motion carried with six (6) yeas; Councilor Tucker, Councilor Daughtry and Councilor Klatt were opposed.

167. The Town Council will discuss the Town Manger's search, and will take any appropriate action.

Manager Gerrish advised that the Council asked him to try to find other consultants who do this type of work in the Northeast. He spoke with the Mercer Group, Slavin Management Consultants, and Ralph Anderson Associates. He would like direction as to whether the Council wants further information from these companies.

Chair King asked Councilor Tucker to speak to this since he asked for this information.

Councilor Tucker said he thought it would be a good idea to find out how many more of this caliber of consultants were out there. He feels that Manager Gerrish did a good job in finding these companies and would like to set up telephone interviews with them.

Councilor Webb agreed that telephone interviews would be a good way to conduct these interviews.

Manager Gerrish stated that if the Council wants to interview all of these companies he would first ask them for a proposal.

Chair King agreed with Manager Gerrish and asked him to get the proposals from these companies.

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

Councilor Daughtry recommended the following names to the full Council for the three positions. She recommended appointing Art Boulay to the Personnel Board, Jane Crichton to the Village Review Board, and John Poutree as a reappointment to the Zoning Board of Appeals.

Councilor Tucker asked for a separate vote on each of the appointments.

Councilor Daughtry moved, Councilor Favreau seconded, to appoint Art Boulay to the Personnel Board. The motion carried with seven (7) yeas. Councilor Tucker and Councilor Klatt were opposed.

Councilor Daughtry moved, Councilor Favreau seconded, to appoint Jane Crichton to the Village Review Board. The motion carried with nine (9) yeas.

Councilor Daughtry moved, Councilor Knight seconded, to appoint John Poutree to the Zoning Board of Appeals. The motion carried with nine (9) yeas.

Consent Agenda:

- (a) This item is to approve a permit for Central Maine Power to locate a pole at a location on Old Bath Road. (The one for Mere Point Road was pulled.)

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

Councilor Favreau stated that the BDA will hold a Silent Auction on Thursday evening, November 20th at the Inn on Park Row at 5:00 p.m.

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

*Patricia A. Foley
Administrative Assistant
November 17, 2008*

December 15, 2008
Date of Approval

Council Chair