

**-- APPROVED --**  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**October 20 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, Newell A. Augur, and David C. Webb.

**Councilors Absent:** None

**Town Staff Present:** Donald Gerrish, Town Manager; Patricia A. Foley, Executive Administrative Assistant; Gary Brown, Assistant Town Manager; Jeff Hutchinson, Codes Enforcement Officer; Richard Rizzo, Police Chief; Police Detective Mark Waltz; Amanda Similien, Economic Development Specialist; Attorney Pat Scully; and the TV video crew.

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

**Public Comment:**

Chair King cited Council Rules of Order on the Public Comments and Decorum Order sections.

**Art Boulay**, 32 Federal Street, said he would like a letter he sent to the Council via e-mail on record.

*(A copy of the e-mail will be attached to the official minutes.)*

**Bill Ferdinand**, Longfellow Avenue, said he has been working with the Richmond Company in reference to the construction of Walgreens. He urges the Council to continue with the Gateway Plan. He referred the Council to a letter from Rob Jarrett, Chair of the Brunswick Downtown Association, urging the Town to place the comprehensive planning of the gateway area as a top priority.

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

**Correspondence:**

Chair King read the list of the Top Ten Taxpayers in Fiscal Year 2008. Manager Gerrish said that Bowdoin College shows up on the list as paying \$180,725.72, but that they also pay the town \$105,000.00 in lieu of taxes, plus they pay another \$30,000.00 for the McLellan Building, bringing their total payment to \$315,725.72.

*(A copy of the memo showing the ten largest taxpayers for 2008 is attached to the official minutes)*

Councilor Knight requested that a copy of Mr. Daniels' e-mail referring to the Disorderly Housing Ordinance be added to correspondence.

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*(A copy of the e-mail is attached to the official minutes.)*

**Adjustments to Agenda:** Manager Gerrish requested that item #157 be tabled as there are no matching funds at this time.

**Councilor Webb moved, Councilor Augur seconded, to table Item #157 until the matching funds become available.**

**The motion carried with nine (9) yeas.**

### Manager's Report:

#### a) Council Committee Updates

Councilor Knight recognized the Maine Street Station groundbreaking, saying it was very well attended.

Councilor Webb recognized the Joshua L. Chamberlain award Manager Gerrish received from the Navy for his outstanding service to the community.

#### b) Manager's Search Update

Manager Gerrish advised that the rescheduled date for the consultant interviews will be on Monday, October 27, 2008 at Southern Maine Community College in the Advanced Technology Training Center beginning at 4:30 P.M.

#### c) Annual Household Hazardous Waste Collection Day

Manager Gerrish stated that the annual household waste collection day will be on Saturday, October 25<sup>th</sup> from 9:00 a.m. to 1:00 p.m. at Public Works. Residents are welcome to bring any household hazardous waste they have, but they must pre-register by calling Public Works at 725-6654.

#### d) Streaming Community Videos

Amanda Similien, Economic Development Specialist, announced that the town has signed a contract with CGI Communications from Rochester, New York, to place 10 one minute videos on the Brunswick Downtown Association and Brunswick Economic Development Corporations websites to feature various aspects of Brunswick, ranging from education to tourism to economic development. Kaile Sawyer will be in town next week to meet with local businesses regarding sponsorship for the program.

She also announced that the Office of Community Development has invited the town into the project development phase of the application process for a \$10,000 planning grant. This grant was submitted in August and is working toward the redevelopment of the northwest neighborhood area of downtown Brunswick.

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Councilor Klatt would like to invite the public to meet with her on Saturday, October 25, 2008, at Little Dog from 11:00 a.m. till 1:00 p.m. with any concerns or questions they may have. She would like the public to know that the Manager's search interviews being held at the Southern Maine Community College, Advanced Training Center, Monday, October 27, 2008 at 4:30 P.M. are open to the public. She announced that the League of Woman Voters will be holding a candidates' forum on October 22, 2008, at 6:30 p.m. in Council Chambers at the Old High School on McKeen Street.

**156. The Town Council will hear public comments regarding zoning amendments to the sign ordinance based on Planning Board recommendations relating to MDOT official business directional signs, and will take any appropriate action.**

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

Councilor Favreau said this opens doors for businesses that are hard to find, like on the Farley Road and the Farmer's Market. He would like to see this item approved.

Councilor Augur questioned if there was any information from other towns that have this ordinance in place.

Councilor Favreau stated that the Town of Bath currently has this ordinance and it seems to work very well for locating out of the way businesses. He also advised that this is not for in-town businesses like those located in TC1 or TC3 zones.

**Councilor Webb moved, Councilor Knight seconded, to amend the Sign Ordinance relating to MDOT official business directional signs.**

**The motion carried with nine (9) yeas.**

**157. The Town Council will hear public comments regarding applying for a River Bond Grant, and will take any appropriate action.**

This item was tabled under adjustments to the agenda.

**158. The Town Council will hear public comments regarding eliminating overnight parking on Potter Street, and will take any appropriate action.**

Chair King opened the public hearing.

**Caroline Troll**, Potter Street, asked why the town cannot just make Potter Street a one-way street.

**McGregor Cray**, 12 Potter Street, said this change will clean up long term 3-5 day parking, which is a problem in the winter when plows have a hard time getting around cars.

Councilor Daughtry wondered if there was adequate parking for all the residents on Potter Street.

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Councilor Knight stated that the residents took this issue to the Police. She also stated that notices were left in all the residents' doors to contact her with any issues.

**Councilor Watson moved, Councilor Favreau seconded, to adopt an amendment to eliminate overnight parking on Potter Street. The motion carried with nine (9) yeas.**

**TABLED:**

**114. The Town Council will discuss the Disorderly House Ordinance, and will take any appropriate action.**

Councilor Knight stated that the communities of Portland, Norway, Orono, Bridgton, and Bar Harbor have adopted this ordinance, which helps to protect and preserve the quality of life in a neighborhood.

Councilor Klatt said she likes the fact that a landlord can use this ordinance as a good tool for disorderly tenants.

Councilor Augur proposed to change language in the Ordinance from "shall" to "may" in Sections 1-6. He had requested to move language in Section 8 to Section 10, however, after speaking with Manager Gerrish and Chief Rizzo, he feels comfortable leaving it the way it is.

**Councilor Tucker moved, Councilor Knight seconded, to adopt the Disorderly House Ordinance.**

**Tricia Welsh**, 15 Cleaveland Street, stated that there are no provisions in this ordinance for public to know how complaints will be addressed. She suggested that if a tenant is served a notice for disorderly conduct that the town notify the abutters by mailing a notice to those homes located within 250 feet.

**Debbie Atwood**, Hennessey Avenue, questioned how fining a landlord is a tool. She is concerned about being held accountable for her tenants.

**Anthony Seretakis**, 17 Cleaveland Street, said this ordinance is not fair and that the responsibility should be split between landlord and tenant.

**Jeff Matthews**, 16 Oak Street, said he wanted to know if Brunswick Housing or Tedford Shelter would be included in this ordinance, as well as mobile home owners and businesses that have tenants in their building. He also stated that the town has a noise ordinance and wonders why we do not use it rather than enact a new ordinance. He also wanted to know how many people work in security at Bowdoin.

**Randy Nichols**, Director of Security at Bowdoin, advised that they have 21 full time and 10 part time security personnel, and that there is always a shift supervisor on duty weekends and special event nights.

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Pat Scully, Town Attorney, said the ordinance does not exempt any rental unit. This would apply to the Tedford Shelter and mobile home renters as well. This ordinance will be used as a tool for the town through its Chief of Police.

He noted changes to be made in the ordinance; Section 8, Sub Section 2, reference to Section 9 should be Section 10, change 3, 4 and 5; Section 10 Sub Section 4 references Section 12 and that should be Section 13; Section 11 Sub Section 9 should be Sub Section 10.

Councilor Daughtry wanted to know if a landlord hires a manager would the manager be responsible if the owner is away.

Pat Scully, Town Attorney, advised that ultimately, the owner is responsible.

Councilor Augur said the owner and property manager could have a separate agreement stating that the property manager is responsible.

Pat Scully stated that Councilor Augur's statement above is correct.

Councilor Knight agrees with Attorney Scully in that the owner should be responsible for writing the rules of the ordinance into the lease.

Councilor Daughtry said houses are not disorderly, people are disorderly. She has a problem with this ordinance and does not feel the town should hold owners responsible. She questioned the time frame if there is no lease and a landlord tries to evict the tenant.

**Debbie Atwood**, Hennessey Avenue, would support holding a landlord and tenant equally responsible, however, she does not feel the landlord should be totally responsible.

**Jeff Matthews**, 16-18 Oak Street, wanted to know if Bowdoin College enforces students living off campus.

**Mr. Nichols**, responded they hold all students accountable on or off campus.

Chair King said she has become more aware of vacant apartments and that burden is already on the landlords. She believes we already have the tools on the books to handle this and does not support this ordinance. She thinks landlords would be hesitant to rent to college students with this ordinance in place. She apologizes to those who worked so diligently on this ordinance.

Councilor Favreau said he is on the fence about this ordinance and thinks it leaves the door open for further problems.

Councilor Webb appreciates the work Councilors Knight and Klatt have put into this ordinance but wonders if language can be put in to give the police discretion to assign responsibility to the landlord or the tenant. He does not feel the Town should hold a guest of the tenant responsible if they are the disorderly party.

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Councilor Watson said he is not comfortable with this ordinance. He did not consider this to be town wide or that it would include mobile homes and NAS housing, and feels they should be advised. He agrees that “shall” should be changed to “may”.

Councilor Augur said he doubts that any changes to the ordinance will satisfy those who oppose it.

Manager Gerrish said he is concerned with having the fault and the percentages of fines determined by the Chief of Police. He encouraged the Council not to let this happen.

Councilor Daughtry said she thinks the ordinance would have a bad effect on renters in Brunswick.

Councilor Klatt said this is being made way too complicated. As long as the landlord is taking action with their tenants and the police are enforcing the ordinance, it should work.

Chair King asked for a motion to amend “shall” to “may” on page 3 Section 8 Line 7 and number changes previously stated by Attorney Pat Scully.

**Councilor Tucker moved, Councilor Knight seconded, to amend “shall” to “may” on page 3 Section 8 Line 7 and number changes previously stated by Attorney Pat Scully.**

Manager Gerrish reminded the Council that if you vote for these changes, you are voting for the ordinance.

**Councilor Tucker moved, Councilor Knight seconded, to adopt the Disorderly House Ordinance as amended above. The motion carried with Five (5) yeas. Opposed: Councilors Watson, Daughtry, Favreau and Chair King.**

**159. The Town Council will receive a report from the Facilities Committee, and will take any appropriate action.**

Assistant Manager Brown said the Facilities Committee recommends that the Town of Brunswick sell Hawthorne and Longfellow Schools once they are transferred by the school department to the town. The Town is continuing to look at purchasing the land adjacent to the Town Office at 9 Center Street to either build a facility or add on to the existing Town Office for the purpose of housing Town Council Chambers, Cable Television and other uses based on the plan. Costs of leasing space for the Council Chambers and Cable Television for a period of 2-5 years are being explored.

Chair King said she is not ready to agree to buy, rent or sell until it is figured out what to do with the empty spaces the Town currently has.

Manager Gerrish said that he needs to come back to the Council with a CIP for the next 4-5 years. The three year lease with Southern Maine Community College will be up in 2009, and they say they want to extend the lease further.

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Councilor Augur thinks this committee has given valuable insight into where the Town is with the existing buildings. He hopes this is a blueprint for the next five years and he wants to meet once or twice more to figure out where the police will be locating.

Chair King stated that Manager Gerrish suggests having a workshop of the entire Council to discuss this issue further. To continue leasing out the Times Record building is not fiscally prudent.

Manager Gerrish suggested the workshop be held on November 10, 2008.

Councilor Klatt suggested sending a mailing to citizens to get their input.

Councilor Augur advised that it would be better to invite citizens to be present at the workshop to give their input.

**160. The Town Council will consider appointing a subcommittee comprised of three Councilors to address the Council's role and oversight of economic and community development in Brunswick, and will take any appropriate action.**

Councilor Webb said he would like to see the BEDC become more transparent by making their process more public, such as by adding a committee of Councilors to the BEDC or considering attracting different types of businesses.

Councilor Knight said the website for BEDC has not been updated and would like the BEDC to address this issue at the workshop.

Councilor Favreau feels the BEDC has done a lot of hard work. There are two At-Large Councilors on this board who could report to the Council. He quoted Art Boulay's editorial "The oversight of a corporation belongs to that corporation."

Councilor Tucker said that Councilor Webb's proposal is good. This would be a quick short-term study and feels it needs to happen. He is not able to serve on this committee. He said that the public is uncomfortable with the way business transactions have been handled in the Town of Brunswick over the last few years and that if projects require public monies, the meetings should be public.

Councilor Daughtry said she supports Councilors Webb and Tucker in that a vision on economic development is needed. She is grateful for the efforts the BEDC has put in. She stated that the public has a perception about business being done behind closed doors. An overall plan is needed.

Councilor Klatt passed out a copy of the minutes of an October 2003 meeting when the BEDC was established. In the minutes Steven Weems stated that the BEDC was intended to complement the Council and town staff and that it has no ability to commit town funds without prior Council approval. She feels that the BEDC has the power to steer the Council toward projects under pretense of economic development. The board is made up of developers, bankers and pavers, not citizens.

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*(A copy of the October 2003 BEDC Minutes is attached to the official minutes)*

Manager Gerrish said all projects are public bids and have the full recommendation of the Council.

Councilor Augur said to my knowledge, BEDC had nothing to do with the Walgreens project. It is clear that what is being done is not working. He would like to see a collaborative process using the existing Councilors along with one other Councilor to come up with recommendations to make the meeting more cohesive with the Town. He would be willing to serve on this committee.

Chair King would like a workshop with the BEDC and the entire Council. She feels that Council members who serve on the BEDC have failed by not advising the public about information relating to their meetings. The last meeting she attended, they spent 45 minutes talking about how to find someone to go into Grand City when it closes.

Councilor Webb said he is open to a workshop and to look at the way other communities handle their economic development. He is willing to commit his time.

Councilor Daughtry said, just for the record, citizens do sit on the board of the BEDC. She likes the idea of a third Councilor on the BEDC.

**Art Boulay**, said he is not a member of the BEDC and after listening to the negative comments at the meeting tonight does not want to be. He feels Brunswick is anti-development and is appalled that the Council made an allegation that they do not have a development plan. He feels Council has failed as a group.

**Julie Poole**, 4 Moody Road, said projects voted down were piecemeal; citizens know what they want their town to look like. Citizens do not want to let builders construct buildings wherever they want or they could destroy the nature of the town and cause environmental issues. She has researched different projects and it looks like nepotism to the citizens when you see who actually gets awarded the projects.

**Kathy Barter**, Bostwick Road, served on a nominating committee on the BEDC and said it is hard to get volunteers. Anyone who wants to be on the BEDC board should call them.

**Hanna Curtis**, 11 Lombard Street, said placing three Councilors on the BEDC is a good idea.

**Mike Ouellette**, Chair of the BEDC, speaking as a member, said he encourages Council input. He is very passionate about this town. The town needs to think about business 12 to 24 months ahead. The impact of the base closure will result in a 6 to 8 year recovery and the town needs to find a way to work together.

Councilor Klatt said the BEDC forgets to tell the citizens about tax benefits, such as the aviation company coming to Brunswick after NAS closes; only the down side of business is heard about.

Councilor Favreau said the BEDC has a web site and if anyone is interested in knowing what is going on, they should look there.

Manager Gerrish said there will be a workshop on Monday, November 24, 2008, for the Council to discuss the BEDC.

**161. The Town Council will consider approving the request from Brunswick Downtown Association to hold an outdoor arts festival in the summer of 2009, and will take any appropriate action.**

Councilor Knight said this is a great event and she highly endorses it.

Councilor Daughtry said this event should be held more often. It is a wonderful occasion and all the citizens enjoy it.

**Councilor Favreau moved, Councilor Knight seconded, to approve the request from Brunswick Downtown Association to hold an outdoor arts festival in the summer of 2009.**

**The motion carried with nine (9) yeas.**

**162. The Town Council will hear public comments on the winter closing of Sawyer Road, and will take any appropriate action.**

Manager Gerrish said that Sawyer Road has historically been closed during winter months so plowing is not necessary.

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

**Councilor Daughtry moved, Councilor Watson seconded, to approve the winter closing of Sawyer Road. The motion carried with nine (9) yeas.**

**Councilor Watson moved, Councilor Favreau seconded, to adjourn the meeting.**

**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.**

*Patricia A. Foley  
Executive Administrative Assistant  
November 10, 2008*

December 15, 2008  
*Date of Approval*

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*Council Chair*