

-- APPROVED--  
**BRUNSWICK TOWN COUNCIL**  
**MINUTES**  
**September 4, 2007**  
**Executive Session 6:45 P.M.**  
**Meeting Resumes 7:00 P.M.**  
**Municipal Meeting Facility**

**Councilors Present:** Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, and Newell A. Augur

**Councilors Absent:** Ryan E. Ewing and David C. Webb

**Town Staff Present:** Donald Gerrish, Town Manager; Elin M. Gould, Deputy Town Clerk; Gary Brown, Assistant Town Manager; John Foster, Public Works Director; Rick Desjardins, Police Commander; William Dana, School Board Chairman; Eileen Murphy, School Board Vice Chairman; Pat Scully, Town Attorney; and the TV video crew

**6:45 P.M. Executive Session: Sale of real property per 1 M.R.S.A. § 405(6)(C)**

**Councilor Augur moved, Councilor Favreau seconded, to go into executive session to discuss the sale of real property per M.R.S.A. § 405(6)(C). The motion carried with five (5) yeas. Councilor Sartoris and Councilor Daughtry arrived after the vote.**

**Meeting Continued: 7:00 P.M.**

Chair King called for the Pledge of Allegiance.

**Public Comment:**

**Pem Schaeffer**, Crestview Lane, spoke about why he thinks few people are contacting their Councilors to offer their opinions; he cited as one reason his perception that the Council vote last month approving the old high school site for the new elementary school was pre-determined. He added that the straw vote held later opposed the use of the site and it appears as if the public's voice is irrelevant. Mr. Schaeffer then spoke in a positive vein about what he termed "smart decline", where many of the concerns about stress on infrastructure in Brunswick will be alleviated by the closure of the naval air station.

**David Dube**, Minott Shore Road, referencing his letter that recently appeared in the Times-Record, said the old high school building should be saved; it could eventually be used as a junior high school. He would like to know how Councilors feel about that, before the Election.

*(A copy of Mr. Dube's letter will be attached to the official minutes.)*

**Bernard Coombs**, 28 Merryman Lane, said he is still waiting for answers to his plight. He is getting very frustrated and would like to put it in the past.

**Correspondence:**

Chair King noted that the Council received a letter from Pem Schaeffer regarding the impact of the base closure.

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

**Adjustments to Agenda:** None

**Manager's Report:**

(Items taken out of order)

**a) Recognition of Cal Ripken's 9 & 10 year old baseball player's season**

**Dick Lancaster**, President of Cal Ripkin, said that until now there has never been a nine year old state championship team.

**Dave Brooks**, Team Manager, recognized the players, the Board of Directors, the Recreation Department, and the coaches, for their efforts in making the season a success. He said the boys played as a team and understood the team concept from the beginning. Everyone should be proud of their abilities and they way they represented themselves, their families, the Town and the State when playing in the New England Regionals.

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

**b) Financial Update**

Manager Gerrish said so far, in the first two months of the fiscal year, excise tax is between two and three thousand dollars short of last year. State Revenue Sharing is doing exceedingly well at this point. The Town recently received a \$20,771 workers compensation and general insurance rebate for last year from MMA. As to Expenditures, it is very early, but most accounts are in good shape.

**c) Council Committee Updates**

Chair King extended Councilor Webb's apology for being unable to make tonight's meeting due to a teaching commitment, and passed along the information that the Economic Feasibility Committee will meet this Thursday on the subject of infill engineering, and will meet again next Thursday. They will meet with the Council at the first Council meeting in October.

Councilor Watson announced that there will be an East Brunswick meeting for Districts one and five, on Wednesday, October 3, 2007, at 6:30 p.m. The meeting will be held at the East Brunswick Fire Station and the subject is recreation for East Brunswick.

Councilor Augur said the second annual committee volunteer appreciation picnic will be held September 22, 2007, at 1:00 p.m. Invitations will be mailed out this week.

**d) Reminder on Nomination Papers**

Deputy Town Clerk Elin Gould reminded potential candidates that nomination papers are due in the Town Clerk's office by this Friday, September 7, 2007, at 4:30 p.m.

**e) Casco Bay Estuary Partnership Grant**

John Foster gave a brief explanation of the grant and the work to be performed.

Manager Gerrish said this is a great project and very innovative.

**Councilor Sartoris moved, Councilor Watson seconded, to accept and expend the Casco Bay Estuary Partnership Grant to provide five water quality filters along the edge of the upper mall, south of College Street, in the amount of \$13,804. The motion carried with seven (7) yeas.**

*(A copy of a memo from John Foster and a Subcontract for Special Services will be attached to the official minutes.)*

**f) Update on meeting with State on Elementary School project**

Manager Gerrish said the Department of Education has declined to come to Brunswick to meet and explain the process but has extended an invitation for the Council and School Board Chairs to meet with them in Augusta. Next Monday, September, 12, 2007, Mr. Gerrish, along with the School Superintendent, and Council and School Board Chairs and Vice Chairs, will go to Augusta for the meeting.

*(A copy of a memo from the Superintendent of Schools will be attached to the official minutes.)*

**g) Report to Council on Regional Transportation Collaborative**

**Maria Hinteregger**, representing the United Way of MidCoast Maine, and **Sara Trafton**, Coastal Trans Transportation Director, spoke about the recognized need for transportation in the area and the Wheels bus service that is being proposed. Brunswick is in Region Five, along with Harpswell and Sagadahoc, Knox and Lincoln counties. They have been working with Social Service agencies and the BLRA. In tackling this project they considered the factors of mobility, economy, community and environment. Ms. Trafton said the three new hybrid buses Wheels will be using will create some very necessary transportation options in an environmentally safe way. This is gaining interest from groups throughout the State and the Northeast.

**Ms. Trafton** went on to say it is time to move from planning to implementation. They have received substantial financial commitments from several entities such as the United Way,

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Bowdoin College, Sweetser and MidCoast Hospital, and will come back in the future to request some funding from the Town of Topsham and Town of Brunswick. One incentive for the towns to do that is the Transit Bonus Payment Program whereby any money a town designates for passenger transportation, fixed route systems in particular, beyond what they contributed in 2001, can come back as part of the Urban Rural Initiative Program. All the commitments being requested are for three years.

Councilor Sartoris said the Town has been providing staff time; having a multiplicity of transportation options is important and this is worth taking seriously.

Chair King said that when this comes back to the Council she will recuse herself as this is in direct conflict with her livelihood.

Councilor Augur asked for a breakdown of ridership in other service center communities between those going to social service agencies and those riding for other reasons such as jobs.

Ms. Hinteregger responded that one of the pieces of funding that is available is specifically for a back to work program for people without transportation.

Councilor Sartoris said another issue she keeps hearing about over and over is the need for a Park and Ride in Brunswick.

*(A copy of the "Wheels" report will be on file in the Town Clerk's office for a period of five years. A summary document will be attached to the official minutes.)*

### **h) Update on Swinging Bridge dedication**

Manager Gerrish announced that the dedication of the Swinging Bridge will be this Saturday, September 8, 2007, at 10:00 a.m. He encouraged everyone to attend.

### **i) (Added) Acceptance of donation from Bowdoin College**

Manager Gerrish requested the Council accept a donation of \$19,657 from Bowdoin College toward the installation of a lighted crosswalk on Bath Road near North Campus Drive.

John Foster, responding to a concern from Councilor Sartoris about the duration of the flash, said that the standard for crossing is four feet per second and the flash has been shortened from twenty to sixteen seconds at the current lighted crosswalks; shortening it further may be problematic for some to cross within the allotted time.

**Councilor Sartoris moved, Councilor Daughtry seconded, to accept and expend \$19,657 from Bowdoin College for a lighted crosswalk on Bath Road near North Campus Drive. The motion carried with seven (7) yeas.**

*(A copy of a letter from Bowdoin College will be attached to the official minutes.)*

Manager Gerrish said that Topsham is agreeable to meet regarding regionalization of fire services. They would like all five of their Selectmen at that meeting. Hopefully, the initial meeting will take place this month.

**129. The Town Council will hear Public Comments on the proposed Charter Amendments to add language to Section 115 (C) to allow for the Council to adopt a title and summary to be included on the ballots for a citizen initiated question, and will take any appropriate action.**

Manager Gerrish explained that the proposed Charter amendment would allow the Council to set up a committee if a petition for a new ordinance comes in, which puts together the ballot question and puts an explanation of the ordinance on the ballot. A suggested change, recommended by the Town Clerk, is that the committee be a standing committee able to meet and determine the ballot question prior to signatures being solicited by the petitioners; the explanation would be worked on afterward.

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

Pat Scully, Town Attorney, said that the body of a proposed ordinance would not be affected at all, just the title, and a summary of the substance of the ordinance would be created.

Councilor Sartoris wondered if a registered Democrat and a registered Republican should serve on the committee for a balance of representation.

Mr. Scully said there are lots of variations in the way this is done. This is not usually a partisan question at the local level. How to balance the committee is a policy question. There is not a clear answer to the best possible approach.

Councilor Sartoris asked what would happen if the petition member of the committee does not agree with the wording.

Manager Gerrish responded that the Council ultimately makes the decision on the title and the summary.

Councilor Sartoris is concerned that this is creating a level of control beyond just clarifying language.

Chair King asked for feedback from the Town Attorney about the process.

Mr. Scully said Brunswick has a home rule Charter and how it works can be modified. There is a lot of discretion about the initiative process, including not having one in the Charter at all. It is common at the State legislative level to have some third party involvement in drafting the question to ensure the voter is given a fair sense of the initiative. None of this affects the ability of the voters to put an ordinance of their own wording on a ballot. As to the policy question, it is valid to question whether there is another way to achieve the same result.

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Manager Gerrish said one of the other issues talked about is possible voter confusion if the title on the petition does not match that on the ballot.

Councilor Sartoris agrees with the intent; however, she is worried that this is going from clarification to massaging in a big way. She suggested keeping the title and ordinance language as the citizens presented it and putting a parenthesis with a couple of sentences about the legal review and any concerns it raised, so that the ramifications are made clear.

Councilor Augur thought both the title and summary should be done ahead of time. However, he was concerned about the delay in issuance of the petitions.

Councilor Sartoris would like the Town Attorney to provide other examples of ways to do this. She is very concerned about creating hurdles.

Councilor Augur is opposed to scrapping both this and the original proposal. At a minimum, he recommends allowing the committee and the Council to provide a summary.

Councilor Favreau said messing around with people's initiatives gets hairy, amending the Charter to control the process is scary, and the Council is overstepping their bounds. Perhaps there could be a group to advise the petitioners before they submit it.

Councilor Daughtry agreed the right to petition and referendum is one of the most sacred tenants of democracy.

Councilor Augur suggested it might be more palatable for everyone to authorize the Committee to just provide a written summary to the Council for review and adoption, and inclusion when the voters go to the polls, and not address determining the title at all.

Chair King said that sounded like a good recommendation.

Manager Gerrish recommended the committee be a standing committee.

After further discussion about the wording of the most recent suggestions, the item was set aside until the end of the meeting while the language was re-worked by the Town Attorney.

The final draft of the proposed Charter amendment is as follows:

Section 1105(c) is added at the end of existing section 1105(c):

The Town Council shall appoint a Standing Committee of 5 members to include 2 Town Councilors and two Brunswick citizens, with the 5<sup>th</sup> Committee member to be a Brunswick citizen designated by the original petitioners after the petition is presented to the Town Clerk. The Committee shall meet and no later than 30 days after the public hearing shall prepare and submit to the Council a brief written summary of the substance of the proposed ordinance. Upon receipt of the Committee's recommendation, the Council shall have final authority to modify or

adopt the written summary of the proposed ordinance to appear on the ballot or determine no summary is necessary.

**Councilor Sartoris moved, Councilor Favreau seconded, to approve the Order containing the final draft of the Charter amendment to provide for a brief written summary of the substance of proposed citizen initiated ordinances, to be placed on the November 6, 2007 Municipal Election ballot, and to file the report and the Town Attorney's opinion with the Town Clerk. The motion carried with seven (7) yeas.**

*(A copy of the order and letter from the Town Attorney will be attached to the official minutes.)*

**130. The Town Council will hear public comments on the following Special Amusement License application, and will take any appropriate action.**

Bowdoin College

D/B/A: Bowdoin College Dining Service-Magee's Grill Ms. S. Catherine Longley

David Saul Smith Union

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

**Councilor Augur moved, Councilor Favreau seconded, to approve the Special Amusement License for Bowdoin College Dining/Magee's Grill. The motion carried with seven (7) yeas.**

**131. The Town Council will hear public comments on the following Full-Time Spirituous, Vinous & Malt License application, and will take any appropriate action.**

**Full-Time Spirituous, Vinous & Malt**

Augustine R .Lett Jr.

D/B/A: Augustine's at the Daniel Stone Inn

10 Water Street

Augustine R. Lett Jr.

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

**Councilor Daughtry moved, Councilor Sartoris seconded, to approve the Full-Time Spirituous, Vinous & Malt License application for Augustine's at the Daniel Stone Inn. The motion carried with seven (7) yeas.**

**132. The Town Council will consider accepting a conveyance of two small parcels of real estate from Marion Crooker to the Town of Brunswick, and will take any appropriate action.**

Richard Bryant, representing Marion Crooker, said the parcels are a two foot strip on the side of Driscoll Road and a trapezoidal piece attached to that strip. The pieces are unusable to them, and

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the taxes are less than one hundred dollars a year. He asked the Council to accept this gift from Marion Crooker.

Manager Gerrish said John Foster reviewed the proposal and felt the Town could accept both the properties.

**Councilor Sartoris moved, Councilor Favreau seconded, to accept the conveyance of two small parcels of real estate from Marion Crooker. The motion carried with seven (7) yeas.**

*(A copy of a letter from Ms. Crooker's attorney, maps of the properties, and a memo from John Foster will be attached to the official minutes.)*

### **133. The Town Council will receive a report from the School Board regarding Consolidation, and will take any appropriate action.**

Bill Dana, School Board Chair, gave a brief history of the school consolidation law passed in June. In July, Brunswick hosted a meeting on the subject with all area schools. In August the Superintendent asked Department Heads to show how money could be saved. There is a meeting tomorrow with Durham to discuss going forward. Durham is also considering going with Freeport and Pownal. On September 18, 2007, Durham will make their decision. After that, he will come back to the Council to develop a regional planning committee. If Brunswick stands alone it will be a municipal school unit.

Chair King said the Town has met what was required by August 31, 2007, and is still meeting with others to regionalize where it can. She said the material provided was helpful.

Responding to Councilor Favreau's question, Mr. Dana said under current law SAD 75 cannot be separated but the law may be changed in January. The letter sent to the State left the door open for other opportunities to consolidate.

Councilor Augur asked about the School Board's strategy with regard to the soon to be vacant Superintendent position.

Mr. Dana responded that the Durham Superintendent is shared with Lisbon. Brunswick is the first school in the State to be put in this position. The Board is looking for an interim Superintendent, with no search being conducted until after the consolidation decision in December. If Brunswick does partner with Durham, legal advice will be needed.

Manager Gerrish said the implementation committee will have to be set up, consisting of citizens, Councilors, and School Board members. The Council needs to set up the committee and be involved, including with Durham.

Responding to Councilor Sartoris' inquiry, Mr. Dana said by September 15, 2007, acknowledgement should be received that Brunswick has completed the requirements for the notice of intent that was due August 31, 2007.

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Councilor Sartoris said the State has recently made it clear that just because a school system is over 2,500 students, as Brunswick is, does not automatically mean they can opt out of consolidation. If Durham chooses not to consolidate with Brunswick and Brunswick stands alone, she would like to make sure the State understands that Brunswick did due diligence. She also praised the School Board for the terrific job and thorough review that was done.

*(A copy of a memo from Bill Dana, along with back up material, will be attached to the official minutes.)*

### **134. The Town Council will discuss the proposed Towing Policy and Guidelines, and will take any appropriate action.**

Chair King said that a great analysis was done by Commander Desjardins and the Police Department.

Commander Desjardins said they work with the towing companies as those companies affect the Police Department's ability to do their work. The guidelines are being amended after more than twenty years. The proposal is specifically for individuals the Police Department contracts with for services; it is not a regulation of towing in the Town of Brunswick. The Police Department wants to ensure safe towing of vehicles and sensitive evidence. This proposal goes beyond the companies to license the drivers who operate the tow vehicles.

He went on to say there had been some conflict about "bona fide" companies, which this proposal attempts to address. The purpose is to tighten up without regulating commerce. It will be financially less attractive to have multiple companies.

Chair King said it makes perfect sense to protect the citizens by ensuring that the drivers are safe and it is a great addition to the guidelines; her only concern is about there being no point in having a rotation if all the businesses are the same.

Commander Desjardins explained that if the Police Department was the entity ordering the towing and the company on the rotation list can't come, only another approved company and driver can tow.

Councilor Augur asked how good moral character is evaluated.

Commander Desjardins responded that the driver would fill out an application for a permit with the Town Clerk; the Police Department can check for a prior record of convictions and previous contacts with Police. The decision is up to the Chief of Police, and there is a provision for appeal to the Town Manager.

Councilor Augur said that might invite litigation and he would like to know the experiences of other town's in this regard.

Commander Desjardins said the Town Attorney looked at about ten other communities and it was felt that keeping it generic would be the best way to proceed.

Councilor Favreau asked about the rotation list and what he sees as an unfair advantage for one particular auto body shop.

Commander Desjardins said he met with a couple of body shops and there was a conversation about rotating body shops. It became an issue of management, and ultimately they decided not to become involved in limiting relationships between towing companies and body shops and they haul to. Responding to Councilor Sartoris' question about who determines which body shop to go to, he said towing companies have relationships with certain body shops.

Chair King said owners and operators will be notified and this will come back to the Council for public comment and action.

*(A copy of letters from the Town Attorney and Commander Desjardins, as well as the proposed Towing Policy and Guidelines, will be attached to the official minutes.)*

**135. The Town Council will consider authorized funding for work done at the old Times Record building and will take any appropriate action.**

Manager Gerrish said this request is for the final \$100,000 to finish all the work inside that the Town is obligated to do under its agreement with the community college.

Responding to Councilor Watson's request about what positives this brings to the community, Manager Gerrish said classes have begun and composites training is ongoing. Composites will be a mainframe of the future, not only for ship and boat building, but also for aeronautics and wind generated power.

**Councilor Sartoris moved, Councilor Watson seconded, to adopt the Resolution for an Emergency Appropriation of \$100,000 from Unappropriated Available General Fund Revenues to Fund Renovations at the Times Record Building. The motion carried with seven (7) yeas.**

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

**CONSENT AGENDA**

Minutes of May 7, 2007

Minutes of July 23, 2007

Minutes of August 6, 2007

**Councilor Augur moved, Councilor Favreau seconded, to approve the Consent Agenda. The motion carried with seven (7) yeas.**

Councilor Sartoris announced she will not seek re-election. Law school and full time parenting will not leave her with enough time to devote to Council activities.

**Councilor Favreau moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with seven (7) yeas.**

The meeting adjourned at 9:30 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.**

*Elin M. Gould*  
*Deputy Town Clerk*  
*September 11, 2007*

October 1, 2007

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*Date of Approval*

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*Council Chair*

