

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
September 15, 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; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Mat Eddy, Director of Economic Development; Anna Breinich, Director of Planning and Development; Steve Leveque, Executive Director of MRRRA; Brian Dancause, Economic Development Specialist; Terry Goan, Police Officer; and the TV video crew.

Executive Session: **Personnel Matters per 1 M.R.S.A. § 405(6)(A) (This was done at end of meeting)**
Economic Development per 1 M.R.S.A. § 405(6)(B) (

Councilor Tucker moved, Councilor Daughtry seconded, to go into Executive Session to discuss economic development per 1 M.R.S.A. § 405(6)(B). The motion carried with seven (7) yeas. Councilor Webb and Councilor Auger arrived late.

MEETING RESUMED 7:00 P.M.

Chair King asked for the Pledge of Allegiance.

Public Comment: None

Correspondence:

Chair King said several citizens' written correspondence will be attached to the record, including comments from Robert and Eileen Cole, Bill Moore, Anne Marr, and Marji Greenhut.

Adjustments to the Agenda:

Items 146, 147, and 148 will be taken up prior to Item 145.

Councilor Webb moved, Councilor Knight seconded, to table Item 149. The motion carried with nine (9) yeas.

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Councilor Klatt wished to table Item 148 since it was received on Friday and she did not have enough time to go over the materials.

Councilor Tucker asked why this is a time sensitive matter, to which Manager Gerrish said it needs to be done by October 1, 2008.

Councilor Daughtry said she is willing to second the motion because there had not been enough time to study, but she would like a more detailed breakdown.

Councilor Klatt moved, Councilor Daughtry seconded, to table item 148 due to late arrival of the material. The motion failed with two (2) yeas. Councilor Watson, Councilor Tucker, Chair King, Councilor Favreau, Councilor Knight, and Councilor Webb were opposed.

Manager's Report:

(a) Business Park Update

Councilor Webb said the Economic Feasibility Committee has terminated its function and he thanked those involved. He wanted to publically state why they did not purchase the Moore property. After meeting on August 18 in Executive Session the Council asked staff and Councilor Augur to negotiate a price. On September 2 in Executive Session, this price came back and the Council declined to accept the proposed amount, so it was decided to discontinue any action on this park. He added the message is out that Brunswick is still open for business and there are some infill sites available.

(b) Council Committee Updates

Chair King said the Efficiency Committee will be starting on September 29 and their meetings are on Thursday afternoons between 4:00 p.m. and 5:30 p.m.

Councilor Knight said the Maine Street Station Oversight Committee will be discussing what worked and what could be improved. There will be more chances for public input. The Downtown Master Plan Committee will be meeting to create a vision for the downtown.

Councilor Klatt said the Teen Center Board will have an SAT prep course and she gave dates.

Councilor Favreau said the Elementary School Building Committee looked at additional designs.

Councilor Watson said the Old High School Farewell Committee has tickets for the barbeque and sock hop on sale at Fat Boys, Danny's, and Warmings, along with others. He gave the dates and times. Councilor Favreau discussed the tours and photo shots. There will be a tee-shirt with the winning design of the school that students are working

on. Councilor Watson said this committee voted to start the Brunswick High School Alumni Association.

Councilor Daughtry said the Elementary School Building Committee also started forming subcommittees, like one for artwork and one to name the elementary school. The Facilities Committee met to deal with finding a home for the Council Chambers and Cable TV. At the previous meeting they had a large number for renovation of the building based on a wish list, and the architect came back with a more realistic number of \$4.7 million to move the municipal offices and Council Chambers. They will meet this Thursday to continue this conversation. The Architect will be bringing back a life cycle study and snow load on the roof.

(c) West Bath Town Line

Manager Gerrish said, as the Council is aware, the dispute between Brunswick and West Bath as to where the town line is located has been determined by a three member commission appointed by the Court. The results of their determination are included in a report. The results show the town line to run in the middle of the New Meadows River at low tide. This issue arose because of an initial dispute on where the line is between New Meadows Marina and a proposed marina across the river in West Bath. The town then became involved in the issue. New Meadows Marina hired Pierce Atwood to represent them on the issue and took the lead in presenting the information to the Commission. Their position and the town's was that the line was closer to the West Bath side of the river. The Commission ruled it was in the middle of the river. This ruling will possibly affect the placement of docks for the New Meadows Marina.

(A copy of the report from the Commission will be attached to the official minutes.)

(d) Fuel Bids

Manager Gerrish will discuss the fuel bids. By waiting the town did the right thing as they are much lower than they were in June.

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

(e) 2008-2009 Tax Rate

Manager Gerrish said the tax rate for 2008-2009 will be \$22.54 per thousand. This is a 1.5% increase. This is lower than they had expected when the Council passed the budget in June with an expected 2% tax increase. The town was able to lower the rate since there was more new value than expected, which is good news.

(f) New Employee in Economic Development Department.

Mat Eddy introduced Brian Dancause, the new Economic Development Specialist. He said he was pleased to be here.

(g) Council Workshop

Manager Gerrish said on September 22, there will be workshop on the Right-To-Know Law, conflict of interest, and a process to hire a new manager.

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

Special Amusement

Bowdoin College

D/B/A/: Bowdoin College Dining Service-Magee's Grill

David Saul Smith Union

Ms. S. Catherine Longley

Councilor Augur arrived.

Chair King said this item is to consider approval of the special amusement license for Bowdoin College Dining Service-McGee's Grill at David Saul Smith Union.

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

Councilor Webb moved, Councilor Favreau seconded, to approve the Special Amusement License for Bowdoin College Dining Service-Magee's Grill at David Saul Smith Union. The motion carried with nine (9) yeas.

145. The Town Council will hear public comments on the 2008 Comprehensive Plan Update, and will take any appropriate action.

This item was done after other items.

Chair King said tonight is the night the Council is going to ratify the Comprehensive Plan Update. The town needs to submit the copy of the final plan by September 20, 2008, so it falls under current State laws - not the new ones that were adopted. She wanted to point out she asked the Planner to prepare recommendations that take out the expansion of the growth zone in the west end. It was a hard decision to come to since the Council followed a process that said the town needed a business park in the west end to help with economic development with the base closure. The Council did go through the process and in the end it was the financials that derailed the process. There were two Councils in the last ten years that have tried to put a business park in this area. She favors removal due to cost, with infrastructure only going up. The process did answer the question. There were Councilors who wanted to add a footnote that the Council looked at this process and the financials stopped it. Other issues tonight are density, character and BNAS reuse removal from the Plan.

Steve Leveque, Executive Director of the MMRA, asked the Council respectfully to remove references to the base reuse in the plan. If the State Planning Department holds

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up the plan, it could hurt this process. MRRA will be working at the federal level, and at this point just to remove the reference to reuse plan makes more sense.

Councilor Augur asked what the downside is to removing it.

Margaret Wilson, Chair of Comprehensive Plan Update Committee, said there was no reference to the plan in the beginning, and about six weeks ago staff put in that reference. She sees no reason to go back to it. There is general language that there is an ongoing base re-planning process.

Chair King said the major downside with it in there is that the HUD and environmental issue could be delayed and delay this redevelopment. There were changes at the state level and the new people at the state felt they did not have enough input the first time when doing the reuse plan.

Chair King opened the public hearing.

Michelle Small, 34 Stanwood Street, has lived there for 17 years. She can see the stop light at Pleasant and Stanwood Streets. She quoted the Brookings Institute Report on zoning and sprawl. The proposed gateway corridor district allows incompatible structures in the corridor zone. This language is here to allow Walgreens. The gateway corridor districts are not limited to just this area. Without planning, sprawl grows. Walgreens should look for an infill site instead.

Mark Phillips, Deerfield Drive and President of Deerfield Association, said they anticipated the growth zone expansion being approved and asked to leave the other areas in if the Council decides to remove it for the west end.

David Israel, 32 McKeen Street, spoke against the coordinator gateway changes. He feels this is to support Walgreens and it is spot zoning. The new pharmacy will not create new revenue or jobs since they will just move from other locations. He is not against Walgreens, just wants them in proper zones and with a level playing field.

Emily Swan, Chair of the Village Review Board, read a prepared statement from the Board on the Plan.

(A copy of Ms. Swan's letter will be attached to the official minutes.)

Krista Cornell, 619 Mere Point Road and former Comprehensive Plan Update Committee member, said the timing for the business park is not right. The reason for the proposed process in the Plan was the closure of the base. Now it has been 2.5 years and that is too long to get a park in place to get replacement jobs. She does not see the reason to have footnotes in the Plan that should be a living document. There are meeting minutes and videos that do that. The town needs to now focus on the development in the current business zones. She is glad the Council went through the process for the business park. On the gateway corridor issue, the committee accepted that they are important to

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define and enhance. They did not see the possibility of the proposed Walgreens. Any change to wording is not from the pretense that the committee supported it.

Benjamin Gellaher, 17 Everett Street, has lived here two weeks; said it's a great community and part of it is the downtown character. By putting in Walgreens, it would hurt a neighborhood, and he does not support this.

Skip Edgerly, Deerfield Drive, said they are in one of very few zones that has a private sewer district and they are looking forward to having the expansion of the growth zone. They wanted this to help them so the Sewer District could take this over. They are going to have a serious problem in a couple of years with the base loss and businesses are going, like Bookland. The town needs to keep going with economic development and needs areas to do this. He encourages some of the economic development areas, especially in the east area.

Laura Lienert, High Street, said the perception of this corridor language being added is a way to get a zoning change in the plan.

Liz Pierson, Harpswell Road, urged the Council not to accept the change to the proposed gateway language. She gave the example of other towns and not knowing when you are entering the heart of the town, but one knows that one is entering the heart of town in Brunswick. Bookland was driven out by a big box. The second thing is to say she appreciates the work put into this project, and Chair King, for the changes to section 8 with the growth zone removal. She is not supportive of adding the footnote to it, especially the reference to the Campbell report.

Resident, 79 Pleasant Street, said his home is next to the proposed Walgreens. He spoke against this. He grew up in Pennsylvania and saw the changes with all the car dealerships, fast-food restaurants, and that those towns with downtown character were the envy of others. Brunswick has a vibrant downtown with historical value. There is a clear distinction between coming into town and the downtown area. Outer Pleasant Street should mirror inner Pleasant Street, not the opposite.

Chris Ledwick, 4 High Street, said he does not want a Walgreens, but respects those who do. There could be unintended consequences if this change was made. A smaller Walgreens can be there without zoning changes. The town does not have to change its ordinances for Walgreens. He said look at the Freeport McDonalds; Freeport's rules were not changed. He does not think the plan is flawed with the last minute change, but it could be damaging.

Bill Moore, 25 Blackstone Club Road, read his email that he had sent to the Council regarding the Comprehensive Plan Update. (This email has been attached earlier in the permanent record.)

Scott Howard, BEDC, said he is concerned about what is happening nationally, but he is more concerned with what is going to happen locally. The town needs to look at every opportunity to get job development. It is unfortunate one week prior to the Council

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meeting to see the results of the study; it was decided not to include the business park. There was \$300,000 spent, along with four years of time and study for a regional business park, and the information was going to be enlightening and complicated, but not without risk. Yet, this information was not presented to the public. He is concerned where the town is going. The Governor, State Planning office, and other entities are predicting economic calamity. Since people cannot see or feel the calamity, they do not see why there is a need to do this, or others do not want economic development. The Governor and others have said the town needs to plan early and be willing to take risk to invest in the future. If one owns a business, home, apartment, have children in the school, or rely on public works/public safety, one will be impacted. They are talking about slowly trying to replace 7,000 jobs, millions in spending, filling 1,700 apartments and/or homes off base. Without a regional business park, it will be a painfully slow recovery; there cannot be a quality of life without jobs.

Ted Crooker, 44 Storer Road, said the gateway has changed a lot the last few years. The town is going to continue to grow and needs to have a happy medium. He would like to keep the language for the industrial park in the plan. Walgreens has a nice looking building and will put \$1 million into the intersection. Regarding the Moore property, the \$12,000 per acre was a fair price and it is a shame the Council voted against it at that cost.

Nat Wheelright, 299 Durham Road, said the BEDC gave information regarding the business park that cost the town money, like grants that did not materialize and the Moore property ended up being smaller. People who have opposed expansion of the growth zone are not against Economic Development but just want it in the appropriate area.

Catherine Johnson, 275 Durham Road, said those who are against the business park know the economic problems the town is facing. She added Walgreens should follow the town's rules.

Don Kalvoda, 141 Durham Road, said the past Council and current one has studied this area and by adding the footnote to the Comprehensive Plan will result in money being spent to look at this again. He wanted the Council to leave the footnote out.

Resident, Durham Road, said she believes the town needs many options, like expanding existing business, having a creative economy, and attracting new businesses. She wanted the reference to a business park removed from the Comprehensive Plan and there to be a focus on a variety of strategies.

John Lemont, Maple Street, said it was not a bad idea, just pricey. As far as Walgreens, he is not a fan of zoning, and the gateway is a way to get Walgreens in. They can build a smaller one and by dangling \$1 million for repairs, if the town does this, is selling the integrity of the town.

Bill Ferdinand, Comprehensive Plan member, agrees with Ms. Cornell, as they did not discuss much on what the gateways look like, just that they needed to be improved. It is a good idea to allow flexibility to deal with each situation and gateway. The amendments

allow flexibility to look at each situation. Speaking on behalf of Walgreens, which he does represent, this is a way to improve the gateway and control how it looks. It is a mixed use area there. The developer has been willing to work with the town and neighbors to make it work, and work to improve traffic and the appearance of the corner.

Michael Caine, 64 Pleasant Street, said he does not see a major traffic problem at that intersection. Building a big box store to fix a little problem will create a bigger problem with having the big box there.

Chair King closed the public hearing.

Chair King wants to have a motion to adopt the plan and then look at the items.

Councilor Watson moved, Councilor Favreau seconded, to adopt the Comprehensive Plan Update.

Amendment #1

Councilor Daughtry moved, Councilor Watson seconded, to strike from the Comprehensive Plan Update the recommended language as presented tonight on the base reuse plan. The motion carried with nine (9) yeas.

Amendment #2

Councilor Daughtry moved, Councilor Tucker seconded, to strike all language pertaining to the business park as prepared by staff.

Councilor Favreau said he respectfully disagrees and it has taken a long time to get this language and it should be in the plan.

Councilor Augur said his vote would be based on if a footnote was included. The goal was to try to address the effects of base closure and he could not support it if it was going to financially hurt the town more by building it. The time has not lapsed to include language as Ms. Cornell had indicated. There should be some reference in the Comprehensive Plan Update that the committee designed a structure to look at a business park and the Council followed this process. There was a lot of input of the committee and the Council.

Councilor Daughtry said while she agrees with much of what Councilor Augur said, in keeping with the spirit of the plan she would like to drop all reference to a business park and focus on the base.

Councilor Augur said because of the pending closure of the base the economic need is there as Ms. Cornell stated, and if in three years there is a need to have a business park, he does not want to preclude future Councils from considering this business park.

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Councilor Klatt said she does not know the motive for this footnote; this plan is a guideline. It is well documented with the studies done

Councilor Augur felt there should be something in the plan in order not to prevent future Councils from looking at this. If the Council is saying no, it is on the economic cost issue.

Manager Gerrish said only if the Council leaves in the original proposal could they change the growth zone in the future; the footnote does not give the Council the authority to change the growth zone. The footnote does not do that in itself.

Councilor Webb said for better or worse, the Council had a process of looking at the economics of this before the town finished the process and has a chance to talk about it openly. The committee has an open process. There were more than just economics in place. He is not sure of saying that it was all economic, he does not think that is so since there were other reservations. There is other documentation of what happened with discussion that a future Council could look at.

Councilor Tucker does not think the footnote is necessary; it does not clarify, but opens up interpretation. The clear thing to do is to remove growth zone language.

Councilor Klatt said she likes what Councilor Webb said – it is not all about economics. She supports economic development, but this process was not good and that is one reason she is not supporting it.

Councilor Watson said the footnote is important, or something that the Council did look at, and this was the site. It is important that the Council makes some statement that this happened.

Chair King said the money that was spent was done at the urging of citizens who wanted to make sure if this park was needed in West Brunswick. It was money well spent to follow a process, and the majority had a problem with the finances that derailed it. As time went on, she was concerned about the timing, and the funding did not look to be very solid. She felt it was a risky venture. She agrees with Councilor Augur to put something in that the Council did their due diligence and that in the end did not support it due to financial cost. This footnote does not allow the town to expand the growth zone, but it is saying the Council followed a process and removed the language on the growth zone.

Councilor Augur said maybe this speaks to some of the points to put in “due primarily to financial considerations this project did not go forward” that at least speaks to the issues of other Councilors. Others can read into that what they will.

Councilor Knight said she likes to have a history as to why something happens. Coming to the end of this the Council did follow a process. She would support adding the footnote.

Vote on Amendment #2

Councilor Daughtry moved, Councilor Tucker seconded, to strike all language pertaining to business park as prepared by staff. The motion carried with eight (8) yeas. Councilor Favreau was opposed.

Amendment #3

Councilor Augur moved, Councilor Knight seconded, to add a footnote adding “due primarily to financial considerations this project did not go forward.” The motion carried with five (5) yeas. Councilor Tucker, Councilor Daughtry, Councilor Klatt and Councilor Webb were opposed.

Amendment #4

Councilor Tucker moved, Councilor Daughtry seconded, to strike language in the memo dated August 15, 2008, item 41, beginning with “as well as areas shifting between incompatible zoning districts, e.g. high intensity commercial to low density residential.”

Councilor Tucker said why he wanted to strike this language and leave the original language. It was a well intentioned proposal, but that it would have unintended consequences and blur the line between the downtown and Pleasant Street. This long term plan should not be change for a short term issue.

Councilor Knight agrees with Councilor Tucker on the generalities and this Comprehensive Plan Committee saw this as a general vision for the town. She will support this motion.

Councilor Daughtry agrees with the others. Transitions are alright if they happen in the commercial zone and not residential areas. She quoted Mr. Lemont and the resident of Pleasant Street as to points that hit home to her. The Council has to make a stand as to way to stop creep.

Chair King said she is going to vote against taking the language out since the Planning Board needs another tool to deal with other areas needing to be dealt with. She will rely on the Planning Board to use this tool responsibly.

Councilor Favreau agrees with Chair King. The Planning Board will not roll over on issues.

Councilor Augur said the town wants to preserve residential areas and also grow businesses. The ugly house on the corner of Pleasant and Stanwood Streets does not say welcome to Brunswick. The Planning Board told the Council originally not to redo the zone since that would be spot zoning. This is a planning document that gives the Planning Board and future Councils flexibility to solve issues.

Councilor Webb said from a zoning standpoint to give the Planning Board the flexibility and way to deal with incompatibility, it makes sense as policy to have this language and does not mean a change to the downtown character. It is a good idea to see how to abut zoning areas.

Vote on Amendment #4

Councilor Tucker moved, Councilor Daughtry seconded, to strike language in the memo dated August 15, 2008, item 41, beginning with “as well as areas shifting between incompatible zoning districts, e.g. high intensity commercial to low density residential. The motion failed with four (4) yeas. Councilor Watson, Chair King, Councilor Favreau, Councilor Augur, and Councilor Webb were opposed.

Amendment #5

Councilor Daughtry moved, Councilor Watson seconded, to make the changes outlined by Emily Swan to clean up language to reflect an expanded Village Review Zone to include Chamberlain House. The motion carried with nine (9) yeas.

Amendment #6

Councilor Augur moved, Councilor Webb seconded, to add to the language the language that they just discussed on page 2nd regarding the gateway coordinator section, to read “the transitional gateways should highlight, maintain, and enhance both the rural character outside growth areas, as well as areas shifting between zones....” The motion carried with nine (9) yeas.

Amendment #7

Councilor Daughtry, Councilor Tucker seconded, to strike language added on the growth area section page 69 paragraph 2 “to be consistent with neighborhood character” and on page 70 go to original language as written by the Comprehensive Plan Committee. The motion failed with two (2) yeas. Councilor Watson, Councilor Klatt, Chair King, Councilor Favreau, Councilor Knight, Councilor Augur and Councilor Webb were opposed.

VOTE ON PLAN

Councilor Watson moved, Councilor Favreau seconded, to adopt the Comprehensive Plan Update with approved amendments. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

(A copy of the adopted plan as amended will be attached to the official minutes.)

146. The Town Council will consider authorizing and sending a letter from the Town of Brunswick to the Maine Board of Environmental Protection in

support of upgrading a portion of the Androscoggin River from water quality Class “C” to “B”, and will take any appropriate action. (Tucker)

Councilor Tucker said he is requesting Council support for reclassifying a portion of the Androscoggin River from water quality class “C” to class “B” from Pleasant Point in Topsham to Worumbo Dam in Lisbon Falls or the Durham Boat Launch. They have asked for support from the Androscoggin River Alliance. The town has, in the past, supported it.

Dewitt John, from the Alliance, said they came a year ago and asked for support for another section of the river, which was accepted by the Department of Environmental Protection. Now they are asking for another part of the river from Lisbon Falls or Durham. Mr. John said the Class “C” is the lowest classification and Class “B” is the middle level, and indicated the ecosystem is in better shape. As a matter of public perception, most feel it is dirtier than it really is, but data shows it meets the Class “B” standards. The Alliance feels it would be good to see that the river as an asset to the community, which this higher rating would show. Responding to Councilor Favreau’s question, Mr. John said DEP looks at worst case and the Alliance looks at the current quality. Plus the additional data gathered by the Friends of Merrymeeting Bay supports the higher class. The department does not question the data.

Councilor Tucker moved, Councilor Watson seconded, to send a letter to the Maine Board of Environmental Protection in support of upgrading a portion of the Androscoggin River from water quality class “C” to class “B.” The motion carried with nine (9) yeas.

(A copy of the letter from Friends of Merrymeeting Bay will be included in the permanent record.)

147. The Town Council will consider acceptance of a parcel of land in the Meadowbrook Subdivision adjacent to Sparwell Lane, and will take any appropriate action.

Manager Gerrish said this item is to consider acceptance of a parcel of land in the Meadowbrook Subdivision adjacent to Sparwell Lane. The Town currently has storm drains on the parcel in question and would benefit by accepting ownership.

Councilor Webb moved, Councilor Augur seconded, to accept a parcel of land in the Meadowbrook Subdivision adjacent to Sparwell Lane. The motion carried with nine (9) yeas.

(A copy of the letter from Downeast Energy and a map showing the parcel will be attached to the official minutes.)

148. The Town Council will receive an update on the Maine Street Station project and authorize the signing of the MACTEC Contract Modification #7, and will take any appropriate action

Manager Gerrish said the town opened bid and they want to authorize this project to go forward at a cost \$850,000 above grant amounts. They need to go with bonds which the Council already authorized. The major cost increase is the paving cost, with fuel costs also going up, and by state requirement to do more mitigation for streams work. *(This information is from the explanation provided under adjustments to the agenda.)*

Manager Gerrish said this is to complete the town's requirements for the Joint Development Agreement to do its infrastructure part. It is in two phases - Phase 1 by December and Phase 2 (final paving) needs to be done by July 1. The total cost of this project is paid for by grants and town funds.

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

Councilor Daughtry said she knows the town is committed to this project, but her major concern is the cost creeping up. The \$250,000 paving cost and \$100,000 state mitigation cost increases still leave ½ million dollars not accounted for. She wanted a more detailed cost. She wanted to know if this is the fixed cost, like with Crooker. What is the role of MACTEC for their 13%? Do we need this additional layer if Crooker is the only contractor?

Mr. Eddy responded that, with the remediation piece, the town wants to have someone on site for general oversight of the project and they take on the risk instead of the community. They have agreed to cap their amount and it is a fixed cost with Crooker's that hopefully will be reduced with some value engineering and removal of redundancy. They are working with Enterprise Electric on this to reduce the cost. The other utilities have gone up and they are passing on the cost. The big cost is the pocket park.

Councilor Daughtry said there is the possibility the cost could come in lower. Mr. Eddy said they continue to work on that.

Manager Gerrish said this was a public bid on the project with eight companies showing interest under the pre-bid part, but only two bids came in on the project. Crooker's has ideas for value engineering that may reduce costs. The cost could go down.

Mr. Eddy added the contingency may be a little higher, but they are concerned about the utilities that have to go through areas that they hope are clean.

Manager Gerrish said, responding to Councilor Tucker's question on bonding, the town will not bond it right away and are using other funds until going out to bond another issue. They may be doing a TIF, which may help offset cost.

Mr. Eddy added there is still a chance for grants for Phase 2.

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Manager Gerrish said increases are due to lights, water is \$32,000 more, the pocket park is \$90,000 more, and the rest is broken down in Mr. Eddy's memo.

Sarah Brayman, 10 McKeen Street, said she wanted to underline that the budget had increased this much from what it originally was. She was concerned with the information coming in so close to the vote. She does not understand the rush with the part for next spring. This is \$1 million on the bond; she would like to know the Council is looking over these numbers very carefully.

Councilor Knight moved, Councilor Favreau seconded, to authorize the Town Manager to sign the MACTEC Contract Modification #7. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

149. The Town Council will consider an amendment to Chapter 14 (Streets, Sidewalks, and other Public Places), Article 5 of the Municipal Code of Ordinances, Section 14-124, relative to adding Maquoit Bay Conservation Land to the list of Town parks, to be enacted on an emergency basis, and will take any appropriate action.

This item had been tabled.

CONSENT AGENDA:

(a) Minutes of June 16, 2008 Meeting

Councilor Daughtry moved, Councilor Klatt seconded, to approve the Consent Agenda.

Councilor Webb moved, Councilor Favreau seconded, to go into Executive Session to discuss a Personnel Matter per M.R.S.A. §405(6)(A). The motion carried with nine (9) yeas.

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

The meeting adjourned after the Executive Session.

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

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Date of Approval

Council Chair