

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
December 2, 2002
Municipal Meeting Facility

7:30 P.M. Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Forrest Lowe, and Thomas E. Crimmins.

Councilors Absent: Councilors Nancy E. Randolph and Stephen H. McCausland.

Others Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Theo Holtwijk, Director of Planning and Development; Chief Gary Howard, Fire Department; Deputy Chief Clark Labbe, Fire Department; Deputy Chief Michael Robitaille, Fire Department; Geoffrey Hole, Town Attorney; James Ashe, Superintendent of Schools; members of the School Board; Frank McVey, Superintendent of Sewer Department; members of Sewer District Board of Trustees; State Representative Stanley Gerzofsky, District 50; several citizens, members of the press, and TV video crew.

Minutes of Previous Meeting: November 18, 2002

With a correction to the spelling of "bear" on page three (3), Chair Priest declared the minutes of November 18, 2002, accepted as amended.

Correspondence:

Resignation from Brunswick Housing Authority, Harriet Bibber

Manager Gerrish said Ms. Bibber, who will be turning 95 soon, is resigning from the Brunswick Housing Authority after many years of service. He hopes in the near future to recognize her service.

Councilor Watson presented a letter from the 55 Plus Center regarding helping seniors purchase prescription drugs on-line from Canada. They are currently doing this (similar to what the City of Portland is doing.)

(A copy of the letter from 55 Plus Center will be attached to the official minutes.)

Manager's Report:

3). Update on Elementary School Issue

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First, Jim Ashe said there were some donations and monies raised that he would like the Council to accept. In addition to those listed in a memo, there was another donation of six hundred dollars (\$600) for the concession stand.

(A copy of Mr. Ashe's memo regarding the financial gifts will be attached to the official minutes.)

Councilor Sartoris moved, Councilor Lowe seconded, to accept and allow expenditure of financial gifts donated to the School Department. The motion carried with seven (7) yeas.

Dennis Lucas, Chair of School Board, began the discussion on this item and stated they may have a better chance for funding for a new elementary school versus renovating a school or schools.

Allen Springer, Vice Chair of School Board, continued the presentation. Under the state formula, Brunswick may have a chance to get state funding for a new school. Therefore, with this chance, the School Board felt they needed to go through the school funding application process. This will include an assessment of the Junior High and Elementary Schools. The memo from Mr. Ashe outlines a possible time schedule of events starting in August of 2003 and going to 2006.

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

Responding to Councilor Lowe's question on class size for the next few years, Mr. Springer said there is very little they could do to reduce it at the elementary schools; although, they will try to make additional space when they can. Currently, they do not have the capacity to have all day kindergarten.

Responding to Councilor Crimmins' question regarding the changing numbers of Base students, he said they have considered that, along with other students that may move into the area when making student estimates and building appropriate capacity.

Responding to Chair Priest's question on use of the old high school site, Mr. Springer said that they first looked at that site, but the state has asked them to look at different possible sites. A decision has not been made and they should have more information and direction by the end of 2004. Any decision will be made at the local level as to where and what to do if approved for state aid.

Councilor Galloupe commented if the state did an analysis, it would be an accomplishment just to get this type of data – even if they do not get state aid.

1) Financial Update

Manager Gerrish said under revenues, excise tax was down seventeen thousand dollars (\$17,000) from the same month last year, but it is still a little ahead for the five (5) month

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period so far this fiscal year. State revenues are fifty thousand dollars (\$50,000) ahead of last year for the first five (5) months. On the expenditure side, the town continues to do well and is in good shape.

2) Council Attendance at Municipal Leadership Program

Manager Gerrish said Councilor Randolph expressed an interest in attending this program and wanted to know if other Councilors were interested. (No other Councilor expressed an interest and they supported Councilor Randolph's attendance.)

4) (ADDED) Update on the Election

Fran Smith, Town Clerk, gave this update on the November 5 election and discussed why there were lines at District 3.

Adjustments to Agenda: None

PUBLIC HEARINGS

213. The Town Council will hear public comments on the following request for an Alcoholic Beverage license and will take any appropriate action.

**Full-Time Malt and Vinous:
Thai House LLC d/b/a Thai House
207 Pleasant Street**

Khone Sansay

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Lowe moved, Councilor Rice seconded, to approve the request for an Alcoholic Beverage license from Thai House LLC, d/b/a Thai House. The motion carried with seven (7) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

214. The Town Council will hear public comments on the following request for a Victualer License and will take any appropriate action.

**J&L Corporation d/b/a Midcoast Market
50 Maquoit Road**

John C. Carey

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Sartoris moved, Councilor Galloupe seconded, to approve the request for a Victualer license from J & L Corporation d/b/a Midcoast Market. The motion carried with seven (7) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

215. The Town Council will hear public comments on proposed amendments to the Marine Activities, Structures and Ways Ordinance and will take any appropriate action.

Ralph Keyes, Chair of the Marine Resource Committee, discussed the proposed changes. They are in the areas of the time allowed to purchase commercial licenses, when commercial and student licenses are issued, and an exemption for active military personnel relative to holding their class placement.

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Crimmins moved, Councilor Watson seconded, to adopt the proposed amendments to the Marine Activities, Structures and Ways Ordinance on an emergency and regular basis. The motion carried with seven (7) yeas.

(A copy of the public hearing notice and adopted language will be attached to the official minutes.)

216. The Town Council will receive an updated report concerning the search for a new fire station location and will take any appropriate action.

Harold Emerson, Chair of Fire Station Committee, updated the Council on the search for a new fire station location.

(A copy of Mr. Emerson's statement and Mitchell Ross Associates' additional narrative, both dated December 2, 2002, will be attached to the official minutes.)

Manager Gerrish discussed the TriData proposal for station location analysis. There are two proposals: 1) one looking at traffic analysis by response time in the four (4) proposed sites and 2) one that will look at needs throughout the town and determine where a central fire station and Cook's Corner one should be located.

Councilor Crimmins said the current proposal does not look at any additional personnel. He is concerned an additional study will recommend stations that the town could not afford. The current station is eighty-three (83) years old and is in need of replacement due to new equipment and tasks like ambulance and homeland security. He did not want to delay the process any further and did not want to spend more money to tell the town it needs a fire station.

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Councilor Galloupe was concerned with the Committee's report that picked the best sites to be ones that are on either a narrow street or a one way. He would support spending a few thousand dollars to pick the right site and for the extra money they could get additional information regarding a station.

Councilor Galloupe moved, Councilor Sartoris seconded, to support the full study by TriData, which would look at a central fire station and a location for a possible substation.

Councilor Crimmins said he would vote in favor of this to keep the item moving, but keep in mind that the committee's job was to look at a location for a central station.

Manager Gerrish, responding to Councilor Watson's question about a traffic study being included, said the TriData study looks at projected growth, traffic congestion, and response time, but he is not sure if it is a full detailed traffic study.

Councilor Lowe and Councilor Rice expressed concern about voting for a proposal they did not have the time to review.

Councilor Rice moved, Councilor Lowe seconded, to table the motion regarding the proposal by TriData until the next regular meeting.

Councilor Watson wanted to ensure that there would be a traffic study included in any study done.

Councilor Sartoris said she would feel more comfortable with another look at all possible sites. She wants to have future growth, response time and traffic looked at so the Council can have the best information to select a location.

Councilor Lowe said he felt the study would not identify specific sites, but general locations. There would need to be a detailed traffic study.

The Council discussed the possibility of a workshop and special meeting next week to discuss this more.

Councilor Rice amended his motion to "postpone" versus "table" a decision until next week. The second (Councilor Lowe) agreed.

Councilor Rice moved, Councilor Lowe seconded, to postpone the motion regarding the proposal by TriData until next Monday's special meeting (December 9). The motion carried with seven (7) yeas.

217. **The Town Council will discuss the request from Brunswick Sewer District concerning changing the Sewer District Boundary Line and will take any appropriate action.**

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Robert Mehlhorn, Chair of the Sewer District Trustees, discussed how the District would like to have their charter changed by the state legislature. They would like to change their boundaries to cover the entire Town of Brunswick.

(A copy of a memo from the Brunswick Sewer District and their attorney's opinion will be attached to the official minutes.)

Chair Priest said Councilor Randolph asked to be involved with the debate and decision on this subject.

Representative Gerzofsky, responding to Chair Priest's question, said he expected the closure date for submitting a bill's title to the legislature was the third Thursday of December. If a title is submitted by then, this would reserve a spot. Brunswick's state delegation is willing to sponsor a bill on the boundary issue if the Council and Sewer Trustees can come to a consensus on what to propose.

Councilor Sartoris said she had concerns, which she expressed at an earlier workshop, about the expansion of the boundaries past the town's growth zone. Upon review of the Comprehensive Plan, it repeatedly stated that the town sewer district lines should not go past the growth zone. She asked Mr. Mehlhorn how the Sewer Trustees viewed this contradiction (between the Comprehensive Plan and what they are proposing).

Mr. Mehlhorn said that the Board had voted unanimously to support the expansion of the sewer boundaries to include the whole town. The Sewer District's charter states it should follow the Comprehensive Plan. They did not see any contradiction in what they are proposing and the Comprehensive Plan. They are moving boundary lines, not the sewer line.

Frank McVey, Superintendent of Sewer District, confirmed that the Trustees had discussed what the Comprehensive Plan said and they did not feel that the Plan said that the boundary shall not be beyond the growth zone. It rather said that sewer service should not go beyond the growth zone. They are suggesting the boundaries be the town's boundaries because boundaries of a sewer district do not necessarily require that pipe go to them.

Councilor Sartoris said she sees an inconsistency with extending the boundary lines, yet promising not to extend the sewer line beyond the growth area. She would like them to work to remain consistent with the Comprehensive Plan.

Mr. Mehlhorn said any expansion of sewer lines must be granted by the Council.

Councilor Lowe said the Comprehensive Plan clearly states that it does not anticipate the sewer extending beyond the growth zone. He does not see how it would benefit the town to allow boundaries to go beyond the growth zone. He would prefer that the Sewer District's boundary be set at the current growth zone.

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Geoffrey Hole, Town Attorney, responding to Councilor Galloupe's question about having a referendum prior to making any change to the boundary, said that would be the case currently if there were to be an extension. What he is proposing would eliminate that language and allow for some flexible language on the boundaries.

(A copy of Mr. Hole's proposed language will be attached to the official minutes.)

Manager Gerrish said that if the state takes steps to change the District's charter, there would not have to be a referendum to make this change.

Representative Gerzofsky, responding to Councilor Lowe's question on how long they have to finalize the bill's language, said sometime in the middle of January. If the deadline is missed, it could be done as an emergency.

Mr. Hole, responding to Councilor Rice's question, said he felt it was unlikely there would be a second sewer district in Brunswick. (The District gave that as a reason for expanding the boundary to the town line.)

Councilor Lowe moved, Councilor Sartoris seconded, to support a bill to be titled "An Act to Revise the Charter of the Brunswick Sewer District" in order to reserve a place on the state legislative docket. The motion carried with seven (7) yeas.

(The Council will hold a workshop on the boundary issue and discuss the language of the bill with the Sewer District Trustees on December 9, 2002.)

218. The Town Council will discuss the report from the Comprehensive Plan Update Committee and will take any appropriate action.

Councilor Lowe moved, Councilor Rice seconded to approve the Comprehensive Plan Update Process – Council Committee Recommendation report, dated November 13, 2002, and to set up a review committee. The motion carried with seven (7) yeas.

219. The Town Council will consider an Ordinance authorizing the expenditure of \$550,000 to purchase 21 acres of property for the expansion of the Brunswick Business Park and will take any appropriate action.

Manager Gerrish said the town's charter states that if it expends over five hundred thousand dollars (\$500,000) for a capital expenditure we need to do so by ordinance. The five hundred fifty thousand dollars (\$550,000) purchase of the twenty one (21) acres from Marriner Lumber will fall into this charter requirement. The proposed ordinance will be ready for the Monday night meeting. He recommended that Council set a public hearing to be held on December 16. The funding for this purchase will come from funds that are available from the sale of land in the Industrial Park and from other funds that were set aside for the acquisition of land for a future park.

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Councilor Galloupe moved, Councilor Watson seconded, to set a public hearing for December 16, 2002, on the proposed ordinance to expend \$550,000 for acquisition of land. The motion carried with seven (7) yeas.

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

The meeting adjourned at 9:41 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A TAPE RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
December 9, 2002*

December 16, 2002

Date of Approval

Council Chair