

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
December 16, 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, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins and Stephen H. McCausland.

Councilors Absent: None.

Others Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Thomas Farrell, Director of Parks and Recreation Department; John Foster, Public Works Director; Jerry Hinton, Chief of Police; Ben Jorgensen, Deputy Director of Public Works; Capt. Winneg, Commander of Brunswick Naval Air Station; several citizens, members of the press, and TV video crew.

Minutes of Previous Meeting: December 2, 2002 and December 9, 2002

Hearing no objection from the Council, Chair Priest declared the minutes of December 2, 2002, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of December 9, 2002, accepted as written.

Correspondence:

Manager Gerrish said he had received Tom Webster's resignation from the Bicycle and Pedestrian Advisory Committee. He thanked him for his service.

Manager Gerrish said he had received a letter from the Sewer District thanking them for a meeting with the Council and indicating they will be working with the town on the boundary issue.

Manager's Report:

Manager Gerrish said the third grade students from Longfellow School had visited the Town Hall and he wanted to say "Hello" to all those students who were watching tonight.

1. Report on BNAS – Captain Winneg.

Captain Winneg, Commander of the Brunswick Naval Air Station (BNAS), reported to the Council on the base's activities. Their number one priority is the security of the base and he is here to personally assure the people that the base is as hard a target as possible

Town Council Minutes

December 16, 2002

Page 2

and the people are safe. They have one hundred twenty million dollars (\$120,000,000) in contracts for construction at the base. He discussed the various projects they are working on, including new housing, a “hangar”, and an air traffic control tower. He is proud of the base’s environmental clean up. Captain Winneg was grateful for the exceptional working relationship between the town, residents and the base.

2. SMRT Report on the Old High School

Tom Farrell, Director of Parks and Recreation Department, discussed how the renovation to the A/B Wing for preschool and aftercare were delayed after the state inspection of the facility. Through savings from not hiring for the aftercare program, the roof was evaluated and SMRT was hired to tell them what renovations would be required to have a preschool and aftercare program in the A/B wing.

Matt Collins, SMRT, said it would cost four million six hundred thousand dollars (\$4,600,000) to renovate the A/B wing. A new building would cost three million two hundred fifty eight thousand dollars (\$3,258,000). Demolishing the A/B wing would cost two hundred fifty four thousand dollars (\$254,000) and demolishing the entire building would be one million thirty one thousand dollars (\$1,031,000).

(A copy of the SMRT’s report will be attached to the official minutes.)

Manager Gerrish said, after looking at the report, the numbers are too high from the town’s standpoint. It is not rational or prudent to do at this time. The report has provided the town good numbers, and the town needs to look in another direction other than renovating. There are still needs to address.

Mr. Farrell added that the Multigenerational Committee has a copy of the report to consider in any recommendations they may make to the Council.

Manager Gerrish, responding to Councilor Randolph’s question, said the A/B wing has a separate heating system and it could stand alone. There is some thought that the C/D wing should come down and the main building status is questionable. If there were to be a new building, they would have to take the entire building down.

Mr. Collins, responding to Councilor Sartoris’ question on construction cost, said renovation cost is eighty five dollars (\$85) per square foot and new construction is one hundred fifteen dollars (\$115) per square foot.

Mr. Farrell, responding to Councilor Rice’s question, said the gym is currently used based on what is considered a mixed use and could continue to be used that way for now. It is used primarily from November 15 through the end of April. The cafeteria is used two (2) weeks a year. The rest of the classrooms cannot be used in their current condition.

Town Council Minutes

December 16, 2002

Page 3

Councilor McCausland said the building would have uses if they were not designed for younger children.

Mr. Farrell, responding to Councilor Sartoris' question about the building meeting needs for many years, said the aftercare program could get delivered in the wing and they could use the gym and cafeteria for assembly uses. There would still need to be renovations.

Manager Gerrish said one issue is, whether it could be maintained, keeping the current services, without doing the preschool. For these uses it would not be a good use of funds. The town may need to look at combining needs to bring everyone together.

Chair Priest said the difference between renovation and a new building is small.

Councilor Sartoris, responding to Councilor Randolph's question on an aftercare program being held at a school, said the schools do not have the room for the program. She added that the preschool program is in a non-complying space and the town has said it will look at this problem.

4. Report from Recycling Committee (Taken out of order)

James Doherty, Chair of Recycling Committee, reported on the hazardous waste collection day held on October 12. In the future, they are looking to do it on either on a regional basis, allowing more frequent pick ups, or having a facility at Graham Road.

Ben Jorgensen, Deputy Director of Public Works, said it was very successful, with over six hundred (600) units collected at a cost of fifteen thousand dollars (\$15,000). The cost was shared with Harpswell. The options for future years are being reviewed.

3. CIP Updates

Manager Gerrish gave an update on the Capital Improvement Program (CIP). They have been working on it since early fall and continue to do so, expecting to have a finalized plan by mid February. The preliminary cost is in the millions. Some things cannot be done since the town cannot afford to do it all. The three (3) ways to fund such projects are the operating budget, appropriation of fund balance which is beyond 9.5%, or bonding.

5. Report on Downtown Noise Focus Group Meeting

Councilor Randolph explained that the group meets on Thursdays to discuss the noise issues in the downtown area. They will be reviewing laws and plan to meet with bar owners and landlords. The number one complaint has been car audios.

Councilor Sartoris hoped that the group's results can be helpful to other areas of town dealing with noise issues.

Town Council Minutes

December 16, 2002

Page 4

6. (ADDED) NOVA Grant

Manager Gerrish said the town received a grant from NOVA to do a study of the Rural Brunswick Smart Growth Strategy. It seeks to develop locally supported actions that will improve the wildlife habitat as well as rural residential development value in Brunswick. They will be asking that there be an Oversight Committee involved.

Adjustments to Agenda: Move Item 228 after Item 225

221. The Town Council will hear public comments on the following requests for Alcoholic Beverage licenses and will take any appropriate action.

Full-Time Malt and Vinous:

**Shere Punjab, Inc. d/b/a Shere Punjab
46 Maine Street**

Karnail Singh

Full-Time Malt:

**Capital Pizza Huts, Inc. d/b/a Pizza Hut, Inc.
238 Bath Road**

Richard J. Bloomer

Full-Time Malt, Spirituous and Vinous:

**Brunswick BPO Elks #2043 d/b/a Fraternal Club – Brunswick BPO Elks
179 Park Row**

Zane Estes, President

**Hospitality Concepts, Inc. d/b/a Pedro O'Hara's
1 Center Street**

Peter Therriault

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

Councilor Lowe moved, Councilor Crimmins seconded, to approve the request for Alcoholic Beverage licenses from Shere Punjab, Pizza Hut (Bath Road), Brunswick's BPO Elks, and Pedro O'Hara's. The motion carried with nine (9) yeas.

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

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

**Surettes, Inc. d/b/a CJ's Variety
46 Bay Bridge Road**

Evelyn Surette

**Patricia Thompson d/b/a Pat's Fudge and Café
Cook's Corner Mall**

Patricia Thompson

Town Council Minutes

December 16, 2002

Page 5

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

Councilor Sartoris moved, Councilor Watson seconded, to approve the request for Victualer licenses from C.J. Variety and Pat's Fudge and Café. The motion carried with nine (9) yeas.

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

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

**Brunswick BPO Elks #2043 d/b/a Fraternal Club – Brunswick BPO Elks
179 Park Row**

Zane Estes, President

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 special amusement license from Brunswick BPO Elks. The motion carried with nine (9) yeas.

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

224. The Town Council will hear public comments on a proposed Ordinance Authorizing the Acquisition of Property for an Expansion of the Brunswick Industrial Park at a Purchase Price of \$550,000 and will take any appropriate action.

Manager Gerrish said this item is the ordinance that authorizes the expenditure of funds for the purchase of the 21-acre property from Marriner Lumber for the expansion of the Industrial/Business Park.

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

After Councilor Randolph's inquiry, it was decided that this item should have had a fiscal note, which had not been prepared. Councilor McCausland felt this item had been discussed and saw no reason to delay it for another meeting.

Councilor McCausland moved, Councilor Lowe seconded, to move to suspend the rules in the absence of a fiscal note. The motion carried with eight (8) yeas. Councilor Randolph was opposed.

Councilor Rice moved, Councilor Galloupe seconded, to adopt An Ordinance Authorizing the Acquisition of Property for an Expansion of the Brunswick Industrial Park at a Purchase Price of \$550,000. The motion carried with nine (9) yeas.

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

225. The Town Council will consider approving a Resolution appropriating funds to purchase and design a 21 acre addition to the Industrial Park off Greenwood Road and will take any appropriate action.

Councilor McCausland moved, Councilor Galloupe seconded, to adopt the Resolution appropriating funds for the purchase and design of a 21-acre addition to the Business/Industrial Park off Greenwood Road. The motion carried with nine (9) yeas.

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

228. The Town Council will consider the approval of the 6-month beano/games of chance license renewals for the Elk's Club, Evergreen Senior Citizens Club and Knights of Columbus, and will take any appropriate action.

Manager Gerrish said this item is similar to past ones except that Fifty-Five Plus and the Brunswick Elks Lodge are no longer having beano. The Elks Lodge is still requesting a games of chance license.

Councilor McCausland said that Fifty-Five Plus took a bold and progressive move when they banned smoking at beano. As result, they lost a great deal of revenue. He suggested that other locations ban smoking also. He felt the Council should take a bold move to help with this public health issue and require nonsmoking beano. He will be bringing this up again in the future.

Manager Gerrish was not sure that they would have the ability to require it since it may be a state level decision.

Councilor Sartoris requested for the future, more information as to why the Elks Club choose not to continue beano.

The manager of Evergreen's Beano said that ninety nine percent (99%) of beano players smoke. They have a smoke heater and central air in their building to reduce smoke issues.

Councilor Randolph moved, Councilor Watson seconded, to approve the six month Beano/Games of Chance Licenses as proposed. The motion carried with nine (9) yeas.

Town Council Minutes

December 16, 2002

Page 7

(A copy of the proposed Town of Brunswick Six Month Beano/Games of Chance Licenses will be attached to the official minutes.)

226. The Town Council will discuss the Police Department Citizen Complaint Form and will take any appropriate action.

Councilor Randolph wanted to send this item back to staff to review. She did not like the fact that when a person signs a complaint against the police they are stating they will submit to a polygraph if requested. She feels it can be intimidating.

Councilor McCausland said at the state level, there is no such statement. It can be intimidating and should be removed.

Jerry Hinton, Police Chief, discussed the policy. In his twenty seven years of experience, he has not requested a citizen to take a polygraph in a complaint against the police. He felt it was important to let people know up front they may be asked to take a polygraph. He felt the current wording, since it does state a person “agrees” to take a polygraph, should be changed to words similar to this “I also realize that at some point the Chief of Police may request me to submit to a polygraph (lie detector) to support unsubstantiated issues.”

Councilor Sartoris and Chair Priest both discussed a lie detector’s reliability since it was not allowed in courts. They did not want to have the current language in the complaint form.

Councilor Watson said he agreed it needed to be amended. He asked about an optional section where a person could either check “Yes” or “No” to a lie detector test if requested by the Chief of Police.

Chief Hinton replied that may be helpful to investigators, but it may still be perceived as intimidating.

Councilor Randolph moved, Councilor McCausland seconded, to change the language in the complaint form by amending the following sentence: “I agree to make myself available as a witness before either of the aforesaid bodies and to submit to a polygraph (lie detector) test upon request by the Chief of Police”. The motion carried with nine (9) yeas.

227. The Town Council will receive an update on the Mere Point Boat Launch project and will take any appropriate action.

Councilor Sartoris gave an update on the Mere Point Boat Launch project. A copy of the state’s environmental assessment report is available at the Planning Office, with comments on it due by December 31. She would like to see a citizen advisory committee

Town Council Minutes

December 16, 2002

Page 8

formed to comment on the launch, design changes, and management decisions. She will report back to the Council on the make-up of the committee.

Councilor McCausland said the recent public hearing was useful and this forum was very useful to hear from the Brunswick residents. He asked if the committee would play a role in this communication process.

Councilor Sartoris said the citizen's committee will help to facilitate information, but it cannot be the only stand for the community to give input. The committee will help to let citizens know when there is no new information to report, or to let citizens know about the issues.

Councilor Rice said he wanted others to know that there has been positive feedback on this project and that it has not all been negative.

229. The Town Council will consider the appointment of the Registrar of Voters and will take any appropriate action.

Fran Smith, Town Clerk, responding to Councilor Watson's question, said that this position is different from other committee and board members since it is a part time paid position and requires a great deal of knowledge of registration laws. Ms. Brillant has been registrar for many years, and Ms. Smith recommends that she be reappointed.

Councilor Randolph moved, Councilor Watson seconded, to appoint Pauline Brillant as the Town of Brunswick's Registrar of Voters for a two year term to expire on December 31, 2004. The motion carried with nine (9) yeas.

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

Councilor Sartoris nominated Michael Olivo and Donna Copeland to serve on the Assessment Review Board.

Councilor McCausland moved, Councilor Watson seconded, to cease nominations, and to ask the chair to cast one vote for Michael Olivo and Donna Copeland to serve on the Assessment Review Board. The motion carried with nine (9) yeas.

Councilor Sartoris nominated Mary Ellen Wazlaw and Harold Adams to serve on the Personnel Board as full members, and Charles Updegraph and Dale King to serve on the Personnel Board as alternate members.

Councilor Sartoris moved, Councilor McCausland seconded, to cease nominations, and to ask the chair to cast one vote for Mary Ellen Wazlaw and Harold Adams to serve on the Personnel Board as full members, and Charles Updegraph and Dale King to serve on the Personnel Board as alternate members. The motion carried with nine (9) yeas.

Town Council Minutes

December 16, 2002

Page 9

Councilor Sartoris nominated Elizabeth Marr to serve on the Village Review Board as a citizen member.

Councilor Sartoris moved, Councilor McCausland seconded, to cease nominations and to ask the chair to cast one vote for Elizabeth Marr to serve on the Village Review Board as a citizen member. The motion carried with nine (9) yeas.

Councilor Sartoris nominated John Poutree to serve on the Zoning Board of Appeals as a full member.

Councilor Sartoris moved, Councilor McCausland seconded, to cease nominations and to ask the chair to cast one vote for John Poutree to serve on the Zoning Board of Appeals as a full member. The motion carried with nine (9) yeas.

Councilor Sartoris nominated Margaret Wilson to serve on the Planning Board.

Councilor Crimmins nominated Jeff Peters to serve on the Planning Board.

Councilor McCausland moved, Councilor Sartoris seconded, to cease nominations. The motion carried with nine (9) yeas.

VOTE:

Margaret Wilson – Councilors Sartoris, Galloupe, Rice, Lowe and Priest. (Five votes)

Jeff Peters – Councilors Watson, Randolph, Crimmins and McCausland. (Four votes)

Margaret Wilson was appointed to the Planning Board.

Councilor Randolph suggested that those not appointed be notified of other committees' openings.

Chair Priest discussed a letter he received from Ralph Keyes, Chair of the Marine Resource Committee, stating they did not wish to have their meetings televised. Chair Priest wants a policy requiring all committees to be televised and will be bringing it to the Council in the future. Councilor McCausland agreed with Chair Priest on this.

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

The meeting adjourned at 10:03 p.m.

Town Council Minutes

December 16, 2002

Page 10

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 27, 2002

January 13, 2003

Date of Approval

Charles R. Priest

Council Chair