

**-- APPROVED --**  
**BRUNSWICK TOWN COUNCIL MINUTES**  
**June 16, 2003**  
**7:30 p.m.**  
**Municipal Meeting Facility**

**6:30 p.m. Executive Session:**

- A) Poverty Tax Abatement
- B) Acquisition of Property/Selling of Property
- C) Personnel Issue

**Councilor Randolph moved, Councilor Rice seconded, to go into executive session to discuss a poverty tax abatement, acquisition of property, selling of property and a personnel issue. The motion carried with five (5) yeas. Councilors Sartoris and McCausland arrived after the vote.**

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

Fran Smith, Town Clerk, sworn in Joanne T. King as the new Councilor At Large.

**Councilors Present:** W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

**Councilors Absent:** Chair Charles R. Priest

**Others Present:** Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Jerry Hinton, Police Chief; Gary Howard, Fire Chief; Thomas Farrell, Parks and Recreation Director; Clark Labbe, Deputy Fire Chief; Jeff Hutchinson, Codes Enforcement Officer; Steve Walker, Natural Resources Planner; several citizens, members of the press, and TV video crew.

**Manager's Report:**

**1) Emergency Dispatching Back-up**

Jerry Hinton, Police Chief, said this item will approve an agreement with Sagadahoc County to be Brunswick's back-up for dispatching, and Brunswick for them. With E-911, the town has found that all backup calls were going through the state police and they felt that it would be better to have another backup since if there was a power failure in a large area, the state police would be flooded with calls. Sagadahoc County is prepared to sign if Brunswick is willing. They will use a grant to assist in purchasing equipment for a mobile command unit and drive it to Sagadahoc County, if necessary, to do the dispatching.

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**Councilor Watson moved, Councilor Sartoris seconded, to approve this agreement with Sagadahoc County Communications Center and the Brunswick Police Department for Emergency Dispatching. The motion carried with eight (8) yeas**

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

**2) Report from Friends of Casco Bay**

Joe Payne, Friends of Casco Bay, made this presentation on water quality data and community strategies to improve the Casco Bay Estuary Project.

*(A copy of the presentation and memo will be attached to the official minutes.)*

Mr. Payne, responding to Councilor Randolph's question on browntail moth spraying, said his group was supportive of the town's recommendation not to spray.

Mr. Payne, responding to Councilor Sartoris' question on sprawl, said it is a common trait with population growth and the number of new homes in both Brunswick and in other communities.

**3) Update on Maine Street Railroad Crossing**

Manager Gerrish said the state has notified him that the work at the railroad crossing on Maine Street and Park Row has been postponed until at least next year. The town would still like to have the state do some road repairs there due to the work they have already done.

Councilor Randolph said it is okay to wait since what was proposed would not fit in the downtown area.

**Adjustments to Agenda:**

To Table Item 91

To Table Item 101 - Board Appointments except a Council representative to Mere Point Boat Launch Advisory Committee

To Add Item 102 – Implementation of "From the River to the Bay" Plan

**PUBLIC HEARINGS**

**87. The Town Council will hear public comments on the following requests for renewals of alcoholic beverage licenses and will take any appropriate action.**

**Full-time Malt**

**Sam's Italian Foods, Inc. d/b/a Sam's Italian Foods**

**24 Cooks Corner**

**Richard R. Michaud**

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Councilor Lowe opened the public hearing; hearing no comments, he closed the public hearing.

**Councilor Sartoris moved, Councilor Watson seconded, to approve the request for an alcohol beverage license from Sam's Italian Foods. The motion carried with eight (8) yeas.**

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

- 88. The Town Council will hear public comments on the following requests for Special Amusement licenses and will take any appropriate action (Manager).**

**The Brunswick House of Pizza d/b/a The Kitchen  
4 Pleasant Street**

**Paul Nadeau**

**Bowl New England, Inc. d/b/a Yankee Lanes  
276 Bath Road**

**J. Richard Corley**

Councilor Lowe opened the public hearing; hearing no comments, he closed the public hearing.

**Councilor Sartoris moved, Councilor Watson seconded, to approve the requests for Special Amusement licenses from The Kitchen and Yankee Lanes. The motion carried with eight (8) yeas.**

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

- 89. The Town Council will hear public comments on annual renewals of Victualer Licenses, list attached, and will take any appropriate action.**

Councilor Lowe opened the public hearing; hearing no comments, he closed the public hearing.

**Councilor Watson moved, Councilor Sartoris seconded, to approve requests for annual renewals of Victualer Licenses from the attached list. The motion carried with eight (8) yeas.**

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

- 90. The Town Council will hear public comments on the following request for renewal of an Innkeeper License and will take any appropriate action.**

**Bo-Ed, Inc. d/b/a Atrium Inn and Convention Center  
21 Gurnet Road**

**Robert Rosenthal**

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Councilor Lowe opened the public hearing; hearing no comments, he closed the public hearing.

**Councilor Watson moved, Councilor Sartoris seconded, to approve the request for an innkeeper license from the Atrium Inn and Convention Center. The motion carried with eight (8) yeas.**

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

**91. The Town Council will consider amendments to the Solid Waste Ordinance and will take any appropriate action.**

This item was tabled.

**92. The Town Council will consider amendments to the Building Permit Fees and will take any appropriate action.**

Jeff Hutchinson, Codes Enforcement Officer, made this presentation. He discussed what his office does and gave a comparison to what other communities charge. He is proposing to make increases to the building permits, ZBA variance requests, and Change of Use Permit fees.

*(A copy of Mr. Hutchinson's memo and comparison sheet from other communities will be attached to the official minutes.)*

Councilor McCausland asked what the change would have been to revenues if the increases were done last year.

Mr. Hutchinson responded it would have generated additional revenues of fifty seven thousand dollars (\$57,000).

Councilor McCausland said he was concerned about the increased fee for a ZBA variance request (proposed at seventy five dollars); this seems very high for those who are current homeowners. He was supportive of the increase to the building permit fees.

Mr. Hutchinson said that the cost to process a variance is around one hundred dollars (\$100).

Councilor Sartoris shared Councilor McCausland's concern on the ZBA variance request and suggested it be fifty dollars (\$50.) She agreed with Councilor McCausland on the building permit fee. She was willing to increase that fee.

Councilor Randolph said she did not have a problem with the proposed increases.

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Councilor Rice agreed and said the ZBA Variance request fee does not even cover the cost of staff time.

Councilor Lowe recommended fifty dollars (\$50) for each, the change of use and the ZBA variance request.

Mr. Hutchinson said, responding to Councilor Rice's question on costs related to building permit, the cost to inspect is in excess of three hundred dollars (\$300) and he expected that in five (5) years the cost will be four hundred fifty dollars (\$450).

**Councilor Rice moved, Councilor Randolph seconded, to set a public hearing for July 7, 2003, on the proposed fee increases to the building permit fees.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the motion to change the cost of residential building permits to thirty cents (\$0.30) per square foot. The motion carried with six (6) yeas. Councilors Rice and Randolph were opposed.**

**Councilor McCausland moved, Councilor Watson seconded, to amend the motion to change the ZBA Variance Request to twenty-five dollars (\$25) per request. The motion failed with two (2) yeas. Councilors Sartoris, Galloupe, Rice, Randolph, Lowe and King were opposed.**

**Councilor Rice moved, Councilor Randolph seconded, to set a public hearing for July 7, 2003, on the proposed fee increases to the building permit fees with the amendment to increase residential building permits to thirty cents (\$0.30) per square foot. The motion carried with eight (8) yeas.**

- 93. The Town Council will consider appointments of the Codes Enforcement Officer and Alternate, and the Plumbing Inspector and Alternate, and will take any appropriate action.**

Manager Gerrish said this item is to appoint Jeff Hutchinson as the Town Codes Enforcement Officer and Plumbing Inspector and Carl Adams as the Alternate for both positions.

**Councilor Randolph moved, Councilor Sartoris seconded, to appoint Jeff Hutchinson as the Town Codes Enforcement Officer and Plumbing Inspector, and Carl Adams as the Alternate for both positions. The motion carried with eight (8) yeas.**

- 94. The Town Council will consider authorizing the Police Department to have State-wide Police Powers and will take any appropriate action.**

Jerry Hinton, Police Chief, made this presentation regarding the Brunswick Police Department having state-wide police powers.

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*(A copy of Chief Hinton's memo will be attached to the official minutes.)*

Councilor Sartoris asked if there were any towns that abut Brunswick that the police department does not have a mutual aid agreement with. Is there a requirement that an officer try to reach the other community's authorities prior to acting under the new state law? She asked about liability issues.

Chief Hinton responded there are no abutting towns with which Brunswick does not have an agreement. Yes, the officer must try to contact the authority first, but if he could not reach them, he could let them know as quickly as possible after the arrest. The Finance Director is checking into the cost for additional insurance.

Manager Gerrish said the current cost of police liability is around thirty five thousand dollars (\$35,000). He does not believe it will be much more.

Councilor Randolph said she is opposed since she and others do not want Brunswick's police getting involved in other towns.

Councilor McCausland asked if some officers are deputies with Cumberland County Sheriff's department. He does not want Brunswick officers outside of Brunswick.

Councilor Rice said he has concerns, but he cannot see Brunswick's officers riding around looking for issues, but if they are somewhere it could be helpful.

Councilor Watson said the criminal code, Chapter 17, which is what the police would be allowed to enforce outside of Brunswick, is not traffic violations. He asked what liability if there is an officer that does not act.

Chief Hinton said there is no liability for doing nothing.

Councilor Sartoris said she is not going to be able opt-in.

**Councilor Randolph moved, Councilor Sartoris seconded, to table this item until July 21 after the additional increase in insurance cost can be determined. The motion carried with eight (8) yeas.**

**95. The Town Council will receive public input on possible sites for the proposed Public Safety Building and will take any appropriate action.**

Manager Gerrish reviewed the three (3) proposed sites (outer Pleasant Street, corner of Stanwood/Pleasant Streets and intown Pleasant Street). They had a study of traffic impact at each of the locations and will have a report by June 26. One issue that has come up is that the state has been hesitant to support a traffic light for the purpose of holding up traffic, but they do not have a problem with controlling existing traffic lights.

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Councilor Lowe asked for public comments.

**Peggy Shields**, 9 Stanwood Street, said she is an unwilling seller of property on the corner of Stanwood and Pleasant Streets. She questioned the criteria of site selection. She was concerned about affordable housing and that renters, who are important to the community, could be displaced. They should be considered. The Committee's recommendation gave an order of three (3) and the Council did not appear to support it. Traffic issues are very important and every town has to deal with traffic issues. She did not support the Pleasant/Stanwood Street location.

**John Gerard**, Brunswick Downtown Association, read a letter regarding this issue. The expanded lower Pleasant Street option is the least desirable to his group. They prefer the Aubuchon site.

*(A copy of the Brunswick Downtown Association's letter will be attached to the official minutes.)*

**Charles Washington**, 1 MacMillan Drive, presented an alternative proposal using sites around Thibeault's Oil Services, which is currently for sale.

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

**T.J. Siatras**, downtown business owner, said it is important that the station be in the downtown community. When he needed the fire department, they were there. The Council needs to determine what is the best site in the interest of everyone's safety. The town hall, fire, police and other services are a vital part of the downtown area.

**David Douglas**, representative of the Brunswick Firefighters Benevolent Association, said in the past year the town has spent forty thousand dollars (\$40,000) to study this issue, but the firefighters were not asked their opinion. Although they are not against the public safety building, they would prefer instead two stations with one in East Brunswick. If only one station, it should be in the lower Pleasant Street area. If there is to be the police are included, they would support the Aubuchon site. The Association would like the Council to listen to Fire Station Committee's recommendation.

**Jennifer Cowing**, 60 Hennessey Ave, said her neighborhood would be disrupted if it was built on the Aubuchon site. Her house value would be effected by expanding Baribeau Drive.

**Jane Kitchel**, 17 Bouchard Drive, said she was concerned about having Baribeau Drive going through to Pleasant Street. It would have a large impact to her neighborhood.

**Laura Brann**, 25 River Road, said she did like the fact the town is proposing to have a combined site without input from the citizens. Her preference is to go back to the fire station only at its current site.

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**Bob Coffin** said for sixty (60) years the town has needed a fire station and they should keep the present station and build a substation. He would like to have ambulances in different locations.

**Michael Austin**, 57 McKeen Street, said the Aubuchon site is best of the three (3). It would look good for the town to have a public safety building as people come into town.

**Ted Crooker** said he supports the Aubuchon site. He discussed the arteries for traffic and the ability to get access to various locations in the town. The Baribeau Drive extension to Pleasant Street is very important. East Brunswick needs a substation at the same time.

**Jennifer Ouellette**, 10 Wadsworth Road, said if she was going to support any location, it would be the Aubuchon site. She is looking at the whole town. She does not support eminent domain to take people's homes when there are sites for sale. East Brunswick needs to be taken care of also, with a substation built at the same time or the substation should be built first. The Council should be listening to the firefighters.

**David Bellville**, 4 Stanwood Drive, said he owns three (3) properties at the end of Stanwood Street that would be affected. He spoke of the traffic problem there and said the station should not be built at the corner of Stanwood/Pleasant Streets. He is supportive of the Baribeau Drive extension through to Pleasant Street. He urged the Council to follow the recommendation of the town manager and support the Aubuchon site.

**Punnie Edgartown**, 85 Pleasant Street, said she is an unwilling seller and she is supportive of a substation with a smaller station at the Aubuchon site.

**96. The Town Council will consider authorizing salary adjustments for Department Heads and Non-union Employees and will take any appropriate action.**

Manager Gerrish said he is recommending that all Department Heads and Non-union Employees be granted a 2% COLA for 2003-2004.

**Councilor Sartoris moved, Councilor Randolph seconded, to authorize salary adjustments for Department Heads and Non-union Employees at a 2% COLA for the fiscal year 2003-04. The motion carried with eight (8) yeas.**

**97. The Town Council will consider authorizing the Six-month Beano Licenses/Games of Chance and will take any appropriate action.**

Manager Gerrish said this is the normal six month Beano/Games of Chance license approval.

**Councilor McCausland moved, Councilor Watson seconded, to authorize the six month beano licenses and games of chance for Evergreen Senior Citizen Center, the**

**Brunswick Elks Lodge, and Brunswick Knights of Columbus. The motion carried with eight (8) yeas.**

98. The Town Council will consider a Property Tax Abatement and will take any appropriate action.

**Councilor Lowe moved, Councilor McCausland seconded, to deny the request for the property tax abatement. The motion carried with eight (8) yeas.**

99. The Town Council will consider setting a date for the sale of tax acquired property and will take any appropriate action.

Manager Gerrish said the Council needs to set the timetable for selling the tax acquired property on Maquoit Road. He would recommend the following: Final Redemption Date of July 11, 2003 and Date of Sale of July 25, 2003

Councilor Rice said he wants to make sure it stays as a single family unit.

Councilor Randolph supported Councilor Rice's request.

**Councilor Rice moved, Councilor Randolph seconded, to set July 11, 2003, as the final redemption date for the owner of the property at 90 Maquoit Road, and July 25, 2003, as the date of sale of the property, and to have the requirement that the property remain a single family home. The motion carried with eight (8) yeas.**

100. The Town Council will consider authorizing a street opening permit for the Brunswick Sewer District on Bibber Parkway and will take any appropriate action.

**Councilor Randolph moved, Councilor Watson seconded, to authorize a street opening permit for the Brunswick Sewer District on Bibber Parkway. The motion carried with eight (8) yeas.**

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

All other appointments were tabled except for an appointment of a second Councilor to the Mere Point Boat Launch Advisory Committee. Councilor Rice will serve in this capacity.

102. (ADDED) Implementation of "From the River to the Bay" Plan.

Councilor Lowe read the memo from Theo Holtwijk.

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

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**Councilor Sartoris moved, Councilor Randolph seconded, to request staff to draft a proposed charge, membership make-up and operating procedures for Land For Brunswick's Future Advisory Board, and to request the Bicycle Pedestrian Advisory Committee to explore with staff and others, as needed, opportunities for the formation of a non-government trail organization, such as "Portland Trails". The motion carried with eight (8) yeas.**

**Councilor Randolph moved, Councilor McCausland seconded, to adjourn the meeting.**

The meeting adjourned at 10:35 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*

*June 23, 2003*

July 7, 2003

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*Date of Approval*

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*Council Chair*