

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
March 4, 2002
7:30 P.M.
MUNICIPAL MEETING FACILITY

7:00 p.m. Executive Session: Possible Acquisition of Property

Councilor Crimmins moved, Councilor Sartoris seconded, to go into executive session to discuss possible acquisition of property. The motion carried with eight (8) yeas. Councilor McCausland was not present at the time of the vote.

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

Councilors Present. W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Charles R. Priest, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins and Stephen H. McCausland.

Others Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Geoffrey Hole, Town Attorney; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; Tom Farrell, Parks and Recreation Director; Pat Harrington, Assistant Town Manager; Theo Holtwijk, Director of Planning and Development; Honorable John Richardson, State Representative District 49; several citizens, members of the press and TV Video Crew.

Minutes of Previous Meeting: February 19, 2002

Councilor Sartoris moved, Councilor Randolph seconded, to approve the minutes of February 19, 2002. The motion carried with nine (9) yeas.

Representative Richardson invited the public to a forum to allow people to voice their opinions on the state budget. The meeting would be held on Tuesday, March 5, 2002, at 7:00 p.m. at the Municipal Meeting Facility.

Manager's Report:

1. Financial Update

Manager Gerrish said revenues remain in good shape overall, with excise taxes still ahead for the year by one hundred twenty thousand dollars (\$120,000), and state revenues down by twenty thousand dollars (\$20,000). Returns on investments will be lower than expected, somewhere between one hundred thousand dollars (\$100,000) and one hundred fifty thousand dollars (\$150,000). Expenditures are in good shape, and, if the weather remains good, there will be a savings in the winter maintenance fund.

2. Update on Cable TV Franchise Negotiations

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Manager Gerrish said the Cable TV Franchise agreement with Sus-Com expires on December 31, 2003. They have requested negotiations to start soon, therefore, the town will need to put together a committee and start negotiating in the next few months.

Councilor McCausland said he was very disappointed that Sus-Com had not responded to the Council's letter regarding their concern with the rate increases.

3. Report on Rotary/Town sponsored Regatta

Alice Bean Andrenyak discussed the upcoming Androscoggin Hand Powered Regatta to occur on Sunday, August 18, 2002.

(A copy of a handout on the Regatta will be attached to the official minutes.)

4. Update on Numerous Grants

Manager Gerrish gave the Council an update on various grants the town has applied for. They received fifty four thousand eight hundred dollars (\$54,800) to help with ice storm recovery dealing with damaged trees. The town has also applied for the following grants:

- From MMA for fire department personal protection equipment and digital camera.
- From MDOT Community Gateway grant for funds to beautify the gateways to the town.
- From the Shore Stewards Program grant for funds to look at healthy septic systems.
- From NOAA to look at the community and open space quarters and how rural development can be better coordinated.

Councilor Rice moved, Councilor Galloupe seconded, to accept the Ice Storm Recovery Grant in the amount of fifty four thousand eight hundred dollars (\$54,800) and to authorize its expenditure. The motion carried with nine (9) yeas.

5. Report on Date for Public Meeting on Mere Point Boat Launch

Manager Gerrish and Councilor Sartoris discussed the public meeting for the Mere Point Boat Launch, which is scheduled for March 14, 7:00 p.m. at the Municipal Meeting Facility. It will be to discuss what information residents want on the website and what some of the concerns are. Councilor Sartoris added that she will be holding a separate meeting for her District 2 constituents.

6. Confirmation of Assistant Town Manager

Manager Gerrish introduced Pat Harrington whom he has hired as the new assistant town manager. According to the town charter, the Council will need to confirm her appointment.

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Councilor Lowe moved, Councilor Watson seconded, to confirm the appointment of Patricia Harrington as the Assistant Town Manager. The motion carried with nine (9) yeas.

Correspondence:

Chair Priest congratulated the high school boy's basketball team for their victory over Bangor in the tournaments. They will be playing again next Friday against Mt. Blue. On behalf of the Council, he wished them good luck.

Adjustments to Agenda:

Item 31 - Under the item's wording, "Alcoholic Beverage" should be changed to "Victualer."

Item 32 - Under the item's wording, "Victualer" should be changed to "Alcoholic Beverage."

31. The Town Council will hear public comments on the following requests for Victualer Licenses and will take any appropriate action:

Victualers:

**Sweets For The Sweet
21 P-3 Lane**

Robin and Carl Easter

**GK Management Co d/b/a Home Plate Pizza
393 Bath Road**

Karla Gagnon and Leon Kenney

**Ken Cornelison d/b/a Maine Street Pizza
224 Maine Street**

Ken Cornelison

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

Ken Cornelison and Robin and Carl Easter were recognized by the Council.

Councilor Galloupe moved, Councilor Watson seconded, to approve Victualers Licenses for Sweets For the Sweet, GK Management Co. d/b/a/ Home Plate Pizza, and Ken Cornelison d/b/a/ Maine Street Pizza. The motion carried with nine (9) yeas.

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

32. The Town Council will hear public comments on the following request for Alcoholic Beverage Licenses and will take any appropriate action:

Full Time Malt & Vinous:

Thai Dish, Inc.
136 Pleasant Street

Boonchai Asdornhvuttikrai

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

Councilor Sartoris moved, Councilor Randolph seconded, to approve an Alcoholic Beverage License from Thai Dish, Inc. The motion carried with nine (9) yeas.

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

33. The Town Council will hear public comments on the following requests for Sellers of Prepared Food on Public Ways licenses and will take any appropriate action:

Sellers of Prepared Food on Public Ways:

Brunswick Farmers Market Association, Inc d/b/a Brunswick Farmers Market

Chas Gill

Sean McDonald d/b/a Danny's Dogs

Sean L McDonald

Sandra Webber d/b/a Down East Hot Dogs

Sandra Webber

Zerin Whyte d/b/a Z-Dogs

Zerin Whyte

Betty Jordan d/b/a Wrappers

Betty Jordan

Peter M. Robbins d/b/a Bohemian Coffee House
111 Maine Street

Peter M Robbins

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

Sean McDonald and Zerin Whyte were recognized by the Council.

Councilor Sartoris moved, Councilor Watson seconded, to approve Sellers of Prepared Food on Public Ways licenses for Brunswick Farmers Market Association,

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Danny's Dogs, Down East Hot Dogs, Z-Dogs, Wrappers, and Bohemian Coffee House. The motion carried with nine (9) yeas.

(A copy of the Town Clerk's notice will be attached to the official minutes.)

34. The Town Council will review an interim report from the Redistricting Committee and will take any appropriate action.

Lars Rydell, Chair of the Redistricting Committee, said the Committee is looking for instruction from either the Town Attorney or Council on dividing the Navy Base.

Geoff Hole, Town Attorney, said under federal law, there is no problem dividing the base, which is in one Census block. Under state law, he has concerns since it says the redistricting will be done according to the federal census. The Council needs to make a decision regarding what they want to do with the base. The Council can be conservative about it and leave the base in one block and not divide it. The other option is, divide the base, and, as long as the town deals with the population in the block in an equal manner (not disturbing the total number), there are two safety valves, since redistricting can be challenged through an initiative process or a court process. He read a section of the state law.

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

Councilor Galloupe said the problem exists since the base, with fourteen hundred (1,450) people, would make up nearly half of a district, which equals just over three thousand (3,000) people. The majority of the Navy personnel do not register to vote in Maine. Therefore, if all were in one block, one district would have half the voters the others would.

Mr. Rydell said, responding to Councilor Rice, there is navy housing off of McKean Street. It is in two blocks with other private homes included in those blocks.

Councilor Crimmins said in the future he would like the Navy to identify those Navy personnel, who are Maine residents.

Mr. Rydell said, responding to Councilor Watson's question, many of the Bowdoin College students are in the same block, but they are also in other ones and would not all end up in the same district.

Councilor Randolph moved, Councilor Watson seconded, to send a message to the Redistricting Committee that allows them to use what ever means they have in addition to the census numbers, to divide up the Navy Base population into more than one town district to make it as balanced as possible for the town.

Councilor Sartoris wanted to add language to the motion to include the Council's interest in having the college broken down.

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Mr. Rydell said he was not sure what information would be available to break down the college further than a block.

Councilor Randolph did not support the amendment, but asked to have the Committee come back to the Council with other information about the college.

VOTE ON MOTION

Councilor Randolph moved, Councilor Watson seconded, to send a message to the Redistricting Committee that allows them to use what ever means they have, in addition to the census numbers, to divide up the Navy Base population into more than one town district to make it as balanced as possible for the town. The motion carried with nine (9) yeas.

35. The Town Council will hear public comments on the proposed Fox Run Development project and take any appropriate action.

Chair Priest opened the meeting up for public comments on the proposed Fox Run.

Ken Buzzell, River Road, spoke in opposition to the proposed Fox Run project. He made the following points:

- He opposed more retail space.
- He opposed a Tax Increment Financing (TIF) deal.
- He opposed additional traffic on Pleasant Street and River Road.

Paul Clark, 12 Mary's Way, spoke in opposition to the retail part of the proposed Fox Run project. He made the following points:

- He did not want more traffic.
- Another retail center would take away from Brunswick's character and aesthetics.
- He did not want the creation of "mall sprawl."
- The town has already spent money to improve the downtown sidewalks and is working to improve Cook's Corner area.
- There would be other opportunities for an industrial park.
- He presented pictures of vacant stores in the areas.

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

Chris Toole, 46 Union Street and Brunswick Intown Group (BIG) member, spoke in opposition to the Fox Run project. He made the following points:

- The town has already spent monies to improve the downtown area and they are pursuing a grant to hire a downtown manager.
- There were three hundred ninety-nine (399) accidents on Pleasant Street from January 1999 to December 2000.

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- He supported the industrial park, not the retail.

Ed Rogers, owner Lincoln Block/MacMillan's Restaurant, said he was not against Fox Run, but the town should make sure they protected what is already here. The developer should put money into the downtown and Cooks Corner.

Steve Weems, resident, and on behalf of Brunswick Resources Corporation, presented their views on this project.

(A copy of the Key Concepts About Summit's Proposed Fox Run Development and Brunswick Resources Corporation memorandum will be attached to the official minutes.)

George Gilmore, 207 Middle Bay Road and owner of Center Place, spoke in opposition to the Fox Run project. He made the following points:

- There are traffic problems on Pleasant Street and there needs to be a master plan.
- There would be a cost to the town for the development including the TIF, sewer, water and so forth.
- The industrial park should be separate from the retail.
- There should be a consideration of other property owners since they may wish to benefit from a TIF or assistance in filling their spaces.

John Peters, 134 Middle Bay Road and Downeast Energy, discussed TIFs.

(A copy of his prepared statement will be attached to the official minutes.)

Liz Pierson, 656 Harpswell Road, spoke in opposition to the proposed Fox Run project. She is not opposed to growth; the issue is how to grow. It should be directed to the best places.

Rob Jarratt, BIG co-chair, said that BIG did a survey of its members regarding the proposed Fox Fun project. With twenty-four (24) responses, nineteen (19) were opposed, four (4) favored it and one (1) abstained.

Roger Fenn, 15 McLellan Street, spoke in opposition to the proposed Fox Run project. It is important to find long term development, which will help the tax base. Fox Run would be a short term solution and create long term problems. It would hurt the downtown and Cooks Corner, plus increase traffic.

Peter Lowe, 11 Thompson Street, spoke in opposition to the Fox Run project. He made the following points:

- Other communities like Augusta, Waterville, Newport, and Bangor, have unattractive gateways and he does not want Brunswick to have one.
- Downtown businesses will be hurt and destabilized.
- He gave examples of local business owners and how they support the community.

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- “Big Boxes” should be at Cooks Corner.

Robert Morrison, 20 McKeen Street, spoke in opposition to the proposed Fox Run project. He made the following points:

- The Council should not support this project with the empty stores already at Cooks Corner.
- The town should concentrate on downtown development.
- There should be someone hired to push for grants to make the downtown as vital as possible.

Ted Crooker, 44 Storer Road, spoke in favor of the proposed Fox Run project. He urged the Council to keep the doors open and hear what the developer has to say. He made the following points:

- “Big Boxes”, even when empty, pay taxes.
- A TIF will help the community by improving the infrastructure.
- The town should ask for more from the developer than has been offered.
- A survey done of the Pleasant Street stores gave a ninety-two percent (92%) favorable rating for the Fox Run project.

Scott Fenwick, 4 Old Tavern Road and Grand City owner, spoke in opposition to the proposed Fox Run project. He made the following points:

- The downtown is feeling the pressure already and it needs to be protected.
- Many of his customers are “little guys”, who have transportation limitations.
- By adding a third retail center, it will hurt the existing ones.
- The industrial park and Fox Run should be separate issues.

Lawrence Crute, 25 Golden Eye Drive, Topsham, and Brunswick Camera owner, spoke in opposition to the proposed Fox Run project. The town should ask the developer to address the needs of the town. Residents needs can be served with what the town currently has and what can be filled.

Mark Margerum, 21 Columbia Avenue, spoke in opposition of the proposed Fox Run project. One fact that has received very little attention is the citizens of Maine own the most valuable part of Fox Run – its access rights to the highway ramps. The MDOT purchased those rights when the ramps were built. It appears that some developer is trying to talk the town out of those rights. There is a law about that and he read from M.R.S.A. Title 23, §704 and §53 regarding this matter. He felt the law’s intent was to allow MDOT to build projects that will actually improve traffic issues. Fox Run would not do this.

(A copy of M.R.S.A. Title 23, §704 and §53 will be attached to the official minutes.)

Chair Priest closed the public hearing.

- 36. The Town Council will approve the final agreement with Downeast Energy Inc. and the town concerning property acquisition and sale of property for the River to the Oceans Trail project and take any appropriate action.**

Manager Gerrish said this item will finalize the agreement the Council authorized in August of 2000 with Downeast Energy. This is part of the town's River to the Ocean Trail Project. The attached agreement explains the details that have been agreed to. The payment of seventy-five thousand dollars (\$75,000) to the Land Trust has been funded by donations that the town has in hand. Downeast Energy should be congratulated for their willingness to work with the town on this project. The Council's approval of the agreement is requested.

Bill Morrell, Downeast Energy, said, on behalf of Downeast Energy, they are very pleased to be able to transfer seventeen (17) acres that abuts the Town Commons. As part of the donation, they asked the town (the Friends of the Common was formed) to raise seventy-five thousand dollars (\$75,000), with this money going to the Land Trust for additional acquisition of land in Brunswick. This is a good example of a healthy local business making an impact on the community. There are many other locally owned businesses that have made generous contributions.

Councilor Lowe said this donation and expansion of the Commons is very positive for the town and he thanked those who donated and Downeast Energy.

Councilor Sartoris thanked local businesses and citizens for their donations and participation in the process.

Councilor Randolph moved, Councilor Crimmins seconded, to approve the final agreement with Downeast Energy Inc. and the town concerning property acquisition and sale of property for the River to the Oceans Trail project. The motion carried with nine (9) yeas

(A copy of the Agreement between Downeast Energy and the Town of Brunswick will be attached to the official minutes.)

- 37. The Town Council will discuss authorizing the Town Manager to purchase a new rescue Unit for the Fire Department and will take any appropriate action.**

Manager Gerrish said Chief Howard has informed him that there is a need to order a new Ambulance Unit. The memo from the Chief outlines the issue. Since it takes six (6) months to receive the ambulance the town is asking for permission to purchase the unit today. The town is also asking for authorization to fund the vehicle from unappropriated fund balances.

(A copy of memo from Chief Howard will be attached to the official minutes.)

Councilor McCausland moved, Councilor Watson seconded, to approve a Resolution For An Emergency Appropriation of \$125,000 From Unappropriated Available General Fund Revenues For the Purchase Of A New Emergency Services Ambulance. The motion carried with nine (9) yeas.

(A copy of the Resolution For An Emergency Appropriation of \$125,000 From Unappropriated Available General Fund Revenues For the Purchase of A New Emergency Services Ambulance will be attached to the official minutes.)

38. The Town Council will discuss Goals for 2002 and take appropriate action.

Manager Gerrish said he will compile individual Councilors goals, and the Council will discuss them at the next meeting.

39. The Town Council will discuss the formation of a Fire Station Planning/Building Committee and take any appropriate action.

Manager Gerrish said this item would set up a committee to oversee the planning and building of a new Fire Station. Council needs to decide if they want a Citizens Committee or a Council Committee or a combination of both. He suggested that staff for the committee would include the Fire Chief and Deputies and Brant Miller, the Facilities Director.

Councilors Sartoris and Crimmins supported a combination of citizens, Councilors, and staff.

Councilor McCausland said the town has neglected this issue for years and the time has come to get moving on it.

Councilor Watson agreed with Councilor McCausland and expressed an interest on being on the Committee.

Councilor Sartoris moved, Councilor Randolph seconded, to form a committee, with five (5) citizens, two (2) Councilors and representatives of the fire department, to assist in the planning of the new fire station. The motion carried with nine (9) yeas.

40. The Town Council will consider setting a Public Hearing on the proposed Cook's Corner Zoning Amendments and take any appropriate action.

Councilor Crimmins moved, Councilor Lowe seconded, to set a Public Hearing for March 18, 2002, on the proposed Cook's Corner Zoning Amendments. The motion carried with nine (9) yeas.

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- 41. The Town Council will consider the request from St John's Church for permission for Games of Chance and Bingo/Beano License for their Bazaar on June 20th – June 23rd, 2002, and take any appropriate action.**

Manager Gerrish said this is an annual approval for the St. John's Church Bazaar.

Councilor Crimmins moved, Councilor Watson seconded, to approve St. John's Church's request for Games of Chance and Bingo/Beano Licenses for their Bazaar on June 20, 2002, to June 23, 2002. The motion carried with nine (9) yeas.

- 42. The Town Council will consider authorizing a Quit Claim Deed for tax payment on Tax Acquired Property and take any appropriate action.**

Manager Gerrish said this item is to authorize a Quit Claim Deed for a property that the taxes have been paid on.

Councilor Sartoris moved, Councilor Randolph seconded, to authorize a Quit Claim Deed for tax payment on Tax Acquired Property at Parkview Estates. The motion carried with nine (9) yeas.

(A copy of the Municipal Quitclaim Deed will be attached to the official minutes.)

- 43. The Town Council will consider a request from the Tax Collector to abate uncollectible property taxes and take any appropriate action.**

Manager Gerrish said this item will now be done as a Quitclaim Deed to Bay Bridge Associates since the town does not want to have ownership of this property.

Councilor Lowe moved, Councilor Watson seconded, to authorize a Quit Claim Deed on Tax Acquired Property at Bay Bridge Estates. The motion carried with nine (9) yeas.

(A copy of the Municipal Quitclaim Deed will be attached to the official minutes.)

- 44. The Town Council will consider making appointments to the following Boards and Committees:**

Planning Board

2 Full members 3 yr terms to expire 2/23/2005

Housing Authority

1 Full member balance of a 5 yr term to expire 6/3/06

Davis Fund

1 Full member balance of a 3 yr term to expire 6/30/04

The Council discussed how to handle nominations. They decided if there are to be multiple nominations, they will first nominate all persons and then vote on them.

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Planning Board Nominees

Councilor Sartoris nominated Rita Worthing.

Councilor Randolph nominated Thomas Chard.

Councilor Randolph nominated Robert Morrison.

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

VOTE

Rita Worthing received votes from Councilors Watson, Sartoris, Galloupe, Rice, Priest, Crimmins and Lowe.

Thomas Chard received votes from Councilors Watson, Sartoris, Galloupe, Rice, Priest, Crimmins, McCausland, Lowe, and Randolph.

Robert Morrison received one vote from Councilor Randolph.

Rita Worthing and Thomas Chard were appointed to the Planning Board for terms to expire on February 23, 2005.

Housing Authority

Councilor Sartoris nominated Molly Pitcher.

Councilor Crimmins nominated Sue Sullivan.

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

VOTE

Molly Pitcher received votes from Councilors Sartoris, Galloupe, Rice, Priest, Randolph, Lowe, and McCausland.

Sue Sullivan received votes from Councilors Crimmins and Watson.

Molly Pitcher was appointed to the Housing Authority for a balance of a term to expire on June 3, 2006.

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Davis Fund Committee

Councilor Sartoris nominated **Laurene Byers** to the Davis Fund Committee for a balance of a term to expire on June 30, 2004, and asked that the Chair cease nominations and cast one vote for the nominee. With support of the nine (9) Councilors present, the Chair cast one vote to appoint Ms. Byers to the Davis Fund Committee.

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

The meeting adjourned at 10:28 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
March 11, 2002*

March 18, 2002

Date of Approval

Council Chair