

-- APPROVED --
Brunswick Town Council Minutes
November 3, 2003
7:30 p.m.
Municipal Meeting Facility

7:00 p.m. Executive Session: Poverty Tax Abatement Requests

Councilor Sartoris moved, Councilor Rice seconded, to go into Executive Session to discuss Poverty Tax Abatement Requests. The motion carried with seven (7) yeas. Councilor Lowe was absent and Councilor McCausland arrived after the vote.

7:45 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, Joanne T. King and Stephen H. McCausland.

Councilors Absent:

Forrest Lowe

Others Present:

Donald H. Gerrish, Town Manager; Patricia Harrington, Assistant Town Manager; Mary T. Cronk, Executive Administrative Assistant; Clarke Labbe, Deputy Fire Chief; Stephen Walker, Natural Resource Planner; several citizens, members of the press, and the TV video crew.

Manager's Report:

Financial Update: The Town Manager gave a brief update on the Town's financial status. At 33.3% through the fiscal year, revenues from excise tax have been strong, resulting in a \$60,000 increase year-to-date over last year. The State Revenue Sharing funds have been on target to the budgeted figures. All other revenues for the Town are in good condition at this time. Expenditures are also on track at this point in time.

Fire Prevention Grant Application Request: Deputy Fire Chief Clark Labbe gave a brief presentation to the Council on this proposal. The grant is offered through the U. S. Fire Administration, which is under the Federal Emergency Management Agency [now under the umbrella of the Department of Homeland Security]. The Fire Prevention and Safety program is funded at \$27 million. The grant request would be for funds to purchase a "Fire Safety House" – to be used to teach fire safety skills in a home environment, so that students can practice the skills they are being taught. The unit would be used for school programs, for the Juvenile Firesetters School, for baby sitter classes, for a maternity program. The unit would be shared within the region, particularly in Topsham, Bath and Freeport. The unit is a 36 foot customized trailer that will be outfitted with all the equipment necessary for fire safety education. The unit can also double as a mobile operations center for the fire department if necessary. The total budget for the grant would be \$54,111. The local share would be \$5,411. The intent is to work with various service organizations and businesses in the Town to sponsor the local share, and to give sponsorship credit to those who participate. Finally,

the issue of storage has been resolved by an agreement with the Naval Air Station to store the unit on the base.

Councilor Watson moved, Councilor Randolph seconded, to approve the application to the Fire Prevention and Safety Program for the Fire Safety House, with the local share of \$5,411 to be raised by sponsorships from local businesses and service organizations. The motion carried with eight (8) yeas.

Councilor Randolph asked the Deputy Fire Chief to mention how often smoke detector batteries should be changed. The Brunswick Fire Department promotes the "Change the Clock, Change the Battery" campaign and recommends that batteries be changed at least once each year.

Discussion on Workshop Date for Roads Policy Proposal: the workshop was tentatively scheduled for Monday, November 10. Councilor Sartoris is unavailable at that time and has requested a change of date to November 24. All Councilors present agreed to the date change.

Update on Navy Housing Privatization Project: Assistant Town Manager Patricia Harrington gave a brief update on the current plan to privatize military housing. This has been happening across the country and the plan now is to group several northeast region bases and privatize the housing connected to those bases. Brunswick will be included in that effort. The Navy will continue to own the land that housing units stand on, and a limited liability corporation will become owner and manager of the housing units. This proposal raises many questions for the Town regarding whether or not the units owned by a private company become taxable and how the Town will pick up the provision of services which are currently being provided by the Navy (plowing, roads, trash pick up, police and fire jurisdiction, etc.) There is also a question of what will happen with school funding; currently the Town does receive direct funding for military children enrolled in Brunswick schools. The Military is proceeding very quickly with this proposal, with a contract signing on the privatization agreement planned for January, 2004.

Councilor Sartoris raised her concern that land given up by the Town when the base was expanded is due to be returned to the Town if and when there is no further use by the military. She wants to make sure that the agreement is clearly understood as the privatization project moves forward. She is extremely concerned about the small "window" that will be available with a January 2004 contract date.

The Town Manager stated that staff will be looking at that issue carefully. He also reiterated that the Navy will continue to own the land while the private company will have ownership only of the units on the land. Mr. Gerrish did state that whatever deal is formulated during the privatization process must then go to the United States Congress for approval.

Councilor Randolph wanted clarification on the amount of money received from the Federal government for the education of military children. Although it is a large amount (\$650,000-750,000), when it is looked at in terms of the number of children who are brought into the local schools system (approximately 700-800), it does not actually cover the cost per child of the education. Councilor Randolph wanted to be sure that no one was under

the impression that there is a “windfall” of money connected to the education of the military children.

Councilor McCausland stated that what this amounted to was that the Navy was getting out of the housing business and turning it over to private enterprise.

Councilor Sartoris again stated her concern about the land given up during the base expansion and her concern that the Town make sure the original agreement of land reverting back to the Town was adhered to.

Town Manager Gerrish reaffirmed that there are still many questions and no answers available, but that Staff will be giving this a great deal of attention over the next several weeks.

LNG/Fairwinds Project: The Town Manager has researched answers to some of the questions previously raised by the Council. In regards to lighting at the facility, there will be lights installed at the perimeter and on the tops of the tanks. The final decision on lighting issues will be made during the permitting process. The plan is to have cut-off lumens, with the lights shining down into the facility. They intend to keep the lighting as unobtrusive as possible.

The more important question raised was whether the Bay would be closed when a ship comes into the facility. The final decision will be made by the U. S. Coast Guard during the permit process. The proposal as it stands now allows for a 300 to 500 yard “NO” zone around the ships as they travel. No other boat would be allowed within that zone while the ship is traveling and while it is docked at the facility. There will be at least a 24 hour notice and perhaps a 48 hour notice when a ship is scheduled to come in. Ships will be docked for a 24 hour period to allow for unloading. The proposed route will keep ships out of the way of the proposed Mere Point Boat Launch facility, and the “NO” zone will have no affect on the launch.

Councilor Sartoris is concerned about the traffic that will result during the construction phase and also during the operation phase. The Town Manager stated that the permitting process will take about two years, and the construction phase will take approximately three years. The plan is to bring the workforce and a large part of the construction materials to the work site by boat or by barge, to alleviate some of the traffic issues on Route 123. Fairwinds is also looking for living space for workers in the area of the construction site. Brunswick would have a voice regarding traffic impact in the community during the permitting process. In response to a question from Councilor Sartoris, the Town Manager stated that there may be up to 900 workers during the construction phase, although they would not all be at the site at the same time. After completion of the facility, there would be approximately 50 workers employed there.

Veteran’s Day Ceremony: The Town Manager stated that there will be a ceremony on the Brunswick Mall on Veteran’s Day – November 11 at 11:00 a.m. This ceremony is being planned by Robert Coffin, who was unable to attend the meeting.

Veteran’s Day Trash Pick Up: There will be regular trash pick up on Tuesday but there will be no recycling pick up.

Correspondence:

Councilor Randolph read a letter from Orville T. Ranger concerning the Chairmanship of the Memorial Day Parade Committee. Mr. Ranger has appointed Thomas Hasting as the Chairman of the Committee. The letter will be attached to the official minutes.

**Adjustments To
The Agenda:**

The Town Manager requested the addition of Item #192 and #193 to discuss the poverty tax abatement requests heard in the Executive Session.

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

Full-time Vinous, and Malt

Renewal

The Kitchen
4 Pleasant Street

Michael A. Wilson

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing. The Town stated that Staff recommended approval of the license.

Councilor Sartoris moved, Randolph seconded, to approve the request for a Full-time Vinous and Malt alcoholic beverage license for The Kitchen. The motion carried with eight (8) yeas.

- 188. The Town Council will hear public comments on proposed amendments to Chapter 11: Marine Activities, Structures and Ways regarding Shellfish Harvesting and will take any appropriate action (Manager).**

Steve Walker, Natural Resource Planner, addressed the Council regarding the proposed amendments, which have been developed to resolve six technical issues regarding the licensing procedure used by the Town Clerk's office. None of the proposed amendments affect the how the number of licenses issued each year are calculated, nor how the resource is managed. The proposed amendments merely clarify how the licensing process is handled administratively.

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

Councilor Sartoris moved, Randolph seconded, to approve the proposed amendments to Chapter 11: Marine Activities, Structures and Ways regarding Shellfish Harvesting. The motion carried with eight (8) yeas.

- 189. The Town Council will consider amending the Council Rules of Order and Procedure to change Council starting time and to allow for a Public Comment period on non-agenda items at Regular Council Meetings and will take any appropriate action. (Randolph).**

Councilor Randolph stated that she was very pleased with the help provided by the Town Manager's office in preparing the information packet for this item. Regarding Item 7 B, Councilor Randolph suggesting adding the language "depending on the number of persons wishing to speak" at the end of the sentence. Councilor Randolph referred to the survey done of surrounding communities and their arrangement for public comments at council meetings. Most communities do allow for this at every meeting and most have a time limit on speakers. Most communities allow comment on Agenda items only when the item is on the floor.

Councilor Randolph moved, Sartoris seconded, to place the proposed amendment to the Council Rules of Order and Procedure on the next Town Council Agenda for action.

Councilor Sartoris commented that it would be clearer on Section 7B, to limit speakers "up to five minutes" so that people would not think they were required to speak for at least three minutes. After discussion, Councilor Sartoris felt that the language should read "not to exceed five minutes" for the speaker time limit.

Councilor Sartoris also suggested that public comments be heard at the first meeting of the month and not at each meeting. She also suggested that this be implemented for a trial period of six months.

Councilor Sartoris recommends that the Council stick with the 7:30 p.m. start time for meetings, as some Councilors are commuters. A 7:00 p.m. start time would create an earlier start for an Executive Session when necessary. She is concerned that this may create problems for some of the Councilors.

Councilor Randolph stated that the 7:00 p.m. start time might be a good thing to have if the Council is going to add a public comment period to the Agenda, so that meetings will not be running too late. Councilor Randolph is not excited about limiting public comment to the first meeting of the month, but does feel that once a month would be better than not at all. Councilor Randolph also pointed out a draft that she prepared outlining guidelines for public participation at meetings. She stated that it was only a draft, but felt it would be a good tool for the Council to take a look at.

Councilor Priest wanted to make sure that Councilor Randolph was willing to have her motion go forward without changing the meeting time of the Council from 7:30 to 7:00 p.m. Councilor Randolph stated that she was in agreement with that.

Councilor Sartoris moved, McCausland seconded, to amend the proposed motion on changing the Council Rules of Order to allow for a public comment period at the first meeting of every month. The motion carried with seven (7) yeas (Councilor Randolph opposed).

Councilor Sartoris moved, McCausland seconded, to amend the proposed motion on changing the Council Rules of Order to allow public comment for a trial period of six months.

Councilor Randolph stated that she was sad to hear that the Council was so hesitant to hear public comments. Councilor Sartoris said she felt the Council was getting input from the public in many ways such as face to face meeting, telephone calls, and emails. She feels Brunswick has an extremely open government.

Councilor King stated that there should be no six month stipulation. The Council Rules can be revisited at any time, so a limit is unnecessary. Councilor King also feels that

there should be a policy developed regarding the public comment period and how it will be conducted.

Councilor Sartoris and Council McCausland withdrew their motion to amend the language of the proposed change to the Council Rules of Order regarding the six month trial period.

Councilor McCausland stated that in the past the Town Council has encouraged discussion with the public, but only on Brunswick related issues. In the six months that he was Chair, he discouraged public comment on issues over which the Town Council had no jurisdiction, such as world peace, world population, population control, disarmament, weapons disarmament, nuclear freezes and a list that goes on and on. Councilor McCausland feels that the issues the Council needs to hear about must have a Brunswick "hook" to it.

Councilor Rice agreed with Councilor McCausland, that public comments should be heard only on items which the Council might have impact on. Councilor King reiterated that items should pertain to Brunswick and what the Council has responsibility for.

Chairman Priest stated that he understood what was being said regarding limits on the items brought up for public comment. However, he cautioned the Council that what the Town can do varies, and that it is certainly possible for the Council to be asked to pass Resolutions on any number of issues. He urged the Council to think this over very carefully. Chairman Priest is very concerned about the Chairman of the Council being put in the position of deciding what items will be allowed during the public comment portion of the meeting. He felt it would better to let people speak to any item they choose.

Chairman Priest then stated that he was prepared to hear comments from members of the public before asking Council to vote on the motion before them. Chairman Priest then called for a five minute recess.

Chairman Priest called the Council back to order and opened the floor for public comment on the proposed amendment to the Council Rules of Order.

Pem Schaeffer: Congratulated the Council for taking this item up and discussing it openly. He was surprised to see from the survey data that the Town was rare in its lack of a public comment period. Mr. Schaeffer stated that there is a huge difference between one on one comments to Council members and discussion in a public forum.

Molly Pitcher: Stated she had come to a Council meeting a few months ago to make some comments about an issue that was before the Council. She waited two hours through something she was not interested in, but wanted to speak to a specific Agenda item. The Council took a recess and when the meeting resumed the Council had a brief discussion, voted and Ms. Pitcher was not able to speak. She stated lately she felt there was a deterioration of relations between the Council and the public. She also stated that the concept of "trying out" a public comment period was ridiculous – the citizens of Brunswick have a right to speak. Furthermore, there should be a public comment period at each meeting, not just at the first meeting of the month.

Mariah Parker: Would like to have issues that will be on the Agenda brought to the public's attention, so people know what is coming up before items are on the Agenda. She suggested that if people have an issue that is not directly connected to Brunswick, the Council could set that as an item for discussion at the next meeting.

Charles Wallace: Applauds the opportunity to speak. He is surprised that there is a motion on the floor to limit the public comment to once a month and encouraged the Council to keep the process open and receive comments at each meeting.

Jean LaVance: She is concerned that a “we versus them” attitude seems to be developing. She stated that everyone can gain from the public comment period and advised the Council that people want to be heard and that there are many good suggestions that might be gained through the process. She understands that members of the Council are putting in huge amounts of time and that there is concern about extending the length of meetings, but she suggested that some processes may be shortened by hearing of an idea that has merit. She encouraged everyone to begin to work together for the community.

Ted Crooker: Commended the Council for listening to the public and stated he feels it should be more than once a month. He expressed his concern that Council needs to entertain comments from the public so that a good idea which may save the Town time or money is not overlooked. He reiterated that public comments should be heard at every meeting.

Connie Lundquist: Regarding limiting public comments to one meeting each month, she feels that if people are showing up at meetings to make comments then Council should give them an opportunity to speak. It does not make sense to her not to have a public comment period at every meeting. She did have a question for the Council – she does not know what the Council Rules are and does not understand why people are being allowed to speak now and under what circumstances would they not be allowed to speak? She is asking for clarification regarding action items and “item” items and for an answer on whether the public can speak on any Agenda item or not.

Chairman Priest stated that the Council Rules are very specific that the Council does not engage in “dialogues” during the meeting, which results in the public comment period begin taken up by the Chair instead of by citizens who wish to speak. He stated that his ruling the past has been if it is an item the Council is going to take a vote on, then public comments are allowed. He stated that the proposal for the amendment to the Council Rules will allow for public comment on any item, not just for items which the Council will be voting on.

Angela McGuffin: Was watching the meeting on television and became distressed to hear that the Council was considering limiting public comments to items which are directly related to Brunswick. She stated that there is a constitutional right to freedom of speech. There may be an issue which may not start in Brunswick, but it may end up in Brunswick and she stated that the Council cannot limit what it will hear as public comment.

Karen Hastings: Stated her opinion that public comment should be heard at each meeting. She thanked Councilor Randolph for placing the proposal on the Agenda. She stated that she tried to find the meeting Agenda on the website but it was not there. She encouraged the Council to place the Agenda on the website and also to advertise it in the paper even though it may cost money to do so. She stated that news reporters covered some things, but not the whole Agenda and she felt there needed to be a way for citizens to know exactly what was going to be brought up at every meeting. She also stated that although Council was not going to engage in dialogues at meetings, she hoped that questions would be answered when they are raised.

Lisa Klop: Stated that the individual who was watching the meeting on television and came down to make her statement was a perfect example of why the public comment period was so important and should be included as a part of every meeting.

Dan Schubert: Stated that public comment was very important to engage people into the activities of the community. He spoke briefly about a baby sitting project that was underway at the college and he felt the public comment portion of the meeting would be a good device to communicate these issues to the Council and to the public.

Janet Brand: Stated that she has been trying to get three issues before the Council with no success. One of her issues is “hazard trees” which she feels really affects Brunswick and the immediate surrounding area.

Chairman Priest stated that the Council was glad to hear her statements on the public comment proposal for the Council Rules, but that other comments should be reserved for when an actual public comment period was in effect.

Ms. Brand stated that the Council should take a look at what has previously been ignored by the Council and that input from the public could have saved the Town time and money. She urged the Council to support a public comment period at every meeting.

With no other citizens wishing to speak, Chair Priest closed the time for public comment.

Councilor Galloupe stated that he had attended many other Council meetings in surrounding communities and he was surprised to see how many of those towns had a public comment period since he had never seen anyone take advantage of it. He stated that public comments should be taken at every meeting, and that if some individuals were looking to use the public comment period as a “bully pulpit” they would be quickly recognized in town as a “bag of wind” and if they presented good ideas they would be recognized as a person with good ideas. He stated that the Council will never know how it will work out if it is not tried, and that if problems arise the Council could consider revising the Rules of Order again at a future date.

Councilor Sartoris moved, Councilor Rice seconded, to rescind the former motion on holding public comments only at the first meeting of the month. The motion to rescind carried with eight (8) yeas.

Councilor McCausland stated that the Council has always allowed comment on any Agenda item that was scheduled for action. The public comment period will allow people to speak to any item on their mind, but the Council has always allowed comment on action items.

Councilor Randolph stated that she was aware of five people who have asked to speak on action items that have not been allowed to speak.

Councilor Watson thanked the people who had come to the meeting to voice their opinions to the Council on the proposed change to the Council Rules of Order.

On the original motion made by Councilor Randolph, seconded by Sartoris, to place the proposed amendment to the Council Rules of Order and Procedure on the next Town Council Agenda for action, with the exception of the 7:00 p.m. start time and with a revision in the language on speaker time limits, the motion carried with eight (8) yeas.

190. **The Town Council will receive a report concerning new General Assistance Ordinance Maximums and will take any appropriate action (Manager).**

The Town Manager recommended that the Town Council set a public hearing at the November 17 meeting on the new adjusted maximums for General Assistance. The maximums are put out by the Maine Municipal Association. These new maximums will be implemented on both an emergency and a regular basis.

Councilor Rice moved, Councilor Watson seconded, to set a public hearing for November 17 on the General Assistance maximums. The motion carried with eight (8) yeas.

191. **The Town Council will consider setting a Public Hearing on a winter closing of Sawyer Road from 12/1/03 to 3/31/04 and will take any appropriate action (Manager).**

The Town Manager recommended that the Council set a public hearing for November 17. He stated that this is an annual process to close Sawyer Road for the winter.

Councilor King asked why this had to happen on an annual basis. The Town Manager reported that it was a state law because it involved a public way.

Councilor Sartoris moved, Councilor King seconded, to set a public hearing for November 17 on the annual closure of Sawyer Road. The motion carried with eight (8) yeas.

ITEMS ADDED TO AGENDA

192. **The Town Council will consider action concerning a poverty tax abatement (Request #1) as discussed in Executive Session.**

Councilor Randolph moved, Councilor Watson seconded, to abate the first half of the property tax bill and any accrued interest for Request #1.

Councilor McCausland stated that the request for abatement was for a property tax bill that was only due eighteen (18) days ago. There is no immediate issue of foreclosure. He stated that it was a very quick decision to abate such a recent tax bill.

Vote: The motion failed 3-5. Councilors Galloupe, Rice, Priest, King and McCausland were opposed.

192. **The Town Council will consider action concerning a poverty tax abatement (Request #2) as discussed in Executive Session.**

Councilor McCausland moved, Councilor Watson seconded, to deny the request. The motion carried with eight (8) yeas.

Councilor Randolph moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with eight (8) yeas. The meeting adjourned at 9:35 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.

*Mary Tilas Cronk
Executive Administrative Assistant
November 3, 2003*

Date of Approval

Council Chair