

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
October 6, 2003
7:30 p.m.
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, Joanne T. King, and Stephen H. McCausland.

Councilors Absent: None.

Others Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Mathew Eddy, Economic Development Director; John Eldridge, Finance Director; John Foster, Public Works Director; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; Michael Robitaille, Deputy Fire Chief; Jerry Hinton, Police Chief; Donald Goulet, Police Commander; Richard Desjardins, Police Commander; Tom Farrell, Parks and Recreation Director, Betheda Edmonds, State Senator District 23; John Richardson, State Representative District 49; Stanley Gerzofsky, State Representative District 50; Michael Vaughan, State Representative District 85; several citizens, members of the press, and TV video crew.

Minutes of Previous Meetings: **September 2, 2003**
 September 15, 2003

With two (2) minor corrections to spellings, Chair Priest declared the minutes of September 2, 2003, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of September 15, 2003, accepted as written.

Correspondence: **Letter from Pem Schaeffer**

Chair Priest said that Mr. Schaeffer asked his letter regarding MMA and Question 1A to be entered into the record.

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

Councilor Randolph announced the Singing and Swinging Event on the Brunswick-Topsham Swinging Bridge scheduled for Sunday, October 19 at 2:00 p.m.

Eddy Doughty led the group in a sing-along as a way to promote the event.

Town Council Minutes

October 6, 2003

Page 2

Presentation: Recognition of Orville T. Ranger

Chair Priest presented Mr. Ranger with a plaque honoring his service on the Memorial Day Parade Committee. In turn, Mr. Ranger presented the Council with a binder filled with laminated parade programs.

Manager's Report:

1) Financial Update

Manager Gerrish gave this update. Through the first three (3) months, expenditures are doing okay. Under revenues, excise taxes for first three (3) months are thirty eight thousand dollars (\$38,000) over projected amounts and state revenue sharing is on schedule with projected budget figures.

2) (TAKEN FIRST) State Legislators Recognition of Local Cal Ripkin Baseball Team.

Senator Edmonds read a proclamation from the State Legislature congratulating the eleven year olds' team on their state victory in the Cal Ripkin Baseball league. She presented each player with a copy of the proclamation and the original to the coaches.

Representative Richardson read a proclamation from the State Legislature congratulating the twelve year olds' team on their state victory in the Cal Ripkin Baseball league. He presented each player with a copy of the proclamation and the original to the coaches.

3) Report on Upper Maine Street Storm Drain Condition

John Foster, Public Works Director, gave an update on the Maine Street storm drain condition. He showed the Council pictures of flooding problems. There are problems with the drainage and the system is not adequate. It will need to be replaced and he will resubmit it to the Capital Improvement Plan (CIP) process at a cost of over seven hundred thousand dollars (\$700,000). There is little that can be done as far as maintenance. Public Works' plan is to try to close sections of Maine Street if flooding occurs and redirect traffic elsewhere.

4) Report on Meeting with Harpswell, regarding Fairwinds LNG Project

Manager Gerrish said staff met with representatives from the Fairwinds LNG project so the town would have first hand knowledge of what was happening with this project. If it goes forward, this is a five (5) year project with two (2) years to get permits and three (3) years to build. They discussed marine issues and traffic issues. Nothing is going to happen until the vote in December in Harpswell. The construction would have nine hundred (900) people involved and will have workers come in on barges, along with much of the construction materials. If approved, Brunswick will remain very active with the project.

Town Council Minutes

October 6, 2003

Page 3

Councilor Sartoris said she would like to see if there could be a regional boat launch in that area since the Council had requested Inland Fisheries to look for a regional site, as was mentioned in a letter done in support of the Mere Point Boat launch.

5) Update on Design Standards for Vendor Carts on the Mall

Manager Gerrish said the Parks and Recreation Commission has asked for additional time to review potential design standards for carts on the Mall. They will report in December.

Adjustments to Agenda:

To table Item 170.

To add the following items:

173. The Town Council will consider authorizing a street opening permit on Breckan Road for the Brunswick Sewer District and will take any appropriate action.

174. The Town Council will consider approving Voter Registration Hours for the November 4, 2003 State and Municipal Election and will take any appropriate action.

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

Full-time Spirituous, Vinous, and Malt

El Camino [New]

15 Cushing Street

Eloise Humphrey

Bombay Mahal, Inc. [Renewal]

99 Maine Street

Raj Kumar Sharma

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

Eloise Humphrey discussed her new restaurant.

Councilor Lowe moved, Councilor Sartoris seconded, to approve requests for alcoholic beverage licenses from El Camino and Bombay Mahal, Inc. The motion carried with nine (9) yeas.

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

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

Town Council Minutes

October 6, 2003

Page 4

**Bohemian Coffee House
Railroad Avenue**

Peter Robbins

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

Peter Robbins discussed moving his business between Dominos and Hannaford's. He will be doing the same thing only bigger and he will have parking.

Councilor Sartoris moved, Randolph seconded, to approve the request for a victualer's license from the Bohemian Coffee House. The motion carried with nine (9) yeas.

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

162. The Town Council will hear public comments on the Ordinance authorizing the design, construction and equipping of a Public Safety Building in downtown Brunswick and a Substation at or near the Cook's Corner area in Brunswick and the Issuance by the Town of its Bonds and Notes in an Amount not to exceed \$13,000,000.

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

John Eldridge, Finance Director, discussed the financial aspects of the project. He discussed what is required to borrow and spend bond monies in Brunswick and what the Town Charter and state law requirements are. Estimated cost of paying back the bond will be twenty million five hundred seven thousand five hundred dollars (\$20,507,500). The impact on the tax rate for borrowing the bonds is estimated to cause a five percent (5%) to five and half percent (5.5%) tax increase.

Councilor Sartoris asked about the operational cost and its impacts on taxes. She estimated that there would be an additional two percent (2 %) tax increase. Mr. Eldridge agreed.

Gary Howard, Fire Chief, made a presentation on the condition of the current fire station and his department's needs.

(A copy of Chief Howard's presentation will be attached to the official minutes.)

Councilor Randolph said that in her research on homeowner insurance rates she learned the entire town is charged the same rate and there would be no effect on the cost of insurance if one was closer to a fire station.

Councilor Watson gave an example of homeowner insurance being denied to someone when they moved out of the five (5) mile radius of the fire station.

Town Council Minutes

October 6, 2003

Page 5

Councilor Sartoris asked if the Naval Air Station was the first responder to fires in the Cooks Corner area.

Gary Howard said the Base only responds to major fires in Cook Corner, if they are available.

Chief Hinton made a presentation on his department and their needs.

(A copy of the Brunswick Police Department Headquarters and Off Site Storage Facility presentation will be attached to the official minutes.)

Chair Priest opened the public hearing.

Rick Davis, representing the Brunswick Firefighter's Benevolent Association, discussed the current fire station in the areas of space problems, ADA issues, and safety issues. The ladder truck is unsafe and is used a great deal. He discussed problems with the sleeping quarters and kitchen areas. The apparatus does not fit into the building properly. He spoke in favor of the Cook's Corner substation. He said the town has to respond to EMS calls at the Navy Base.

Tom Garrepy, representing the Police Union Vice President, spoke in favor of the new public safety facility. The Union supports the location of the facility. There is a need for more space. They need a workable space for fire, police and town offices. He discussed problems with the current facility and parking needs. As a union, they feel the building is important to departments and the town.

Ken Thompson, Gallery Framing owner, said he rents the building for his business so he pays out rent and unemployment but cannot get anything back on it. His business is his retirement. He and Pierce Studios want their businesses to stay where they are. The group, Citizens for A Better Way, is not opposed to what the fire and police staff is doing. They support the substation and a better facility for police and fire, but want to work to have more creative options. For example, the town should look at property it owns, for example giving the police the old high school and building a smaller fire station so as not to take businesses. He encourages them to support Cooks Corner and be more creative with other aspects to create a win-win situation.

Ed Knox, Cumberland Street, spoke against the public safety facility. He discussed how the schools do not come first, how businesses are being destroyed, and how taxes will be high if the public safety facility is built. He discussed how services for schools and older citizens will not be met. The police and fire departments need new space at an affordable price. This is why the town needs a CIP.

Bruce Harding, 3 ½ Dunning Street, spoke about how Maine has the highest tax burden. He felt the town could do better with the project. They need to think about different locations that will be less expensive. He said he liked the diversity of businesses and by removing some, it will affect the downtown area. It is not fair to have the businesses

Town Council Minutes

October 6, 2003

Page 6

move. He is voting “no”. He is supportive of the substation, but residents and the town need to work to get the price down.

Pem Schaeffer, Crestview Lane, said police and fire are important to the town. The referendum is to build new facilities that have not been described to the public. The issue is voters are in an all or nothing situation. He suggested more use of the old high school for archiving and other functions. The town cannot have it all. He did research on Mitchell-Ross and the vast majority of what they have built is way less than half of what is being proposed and cost has been between two and three million dollars. The biggest one they have built is a twelve (12) bay station at a cost of five million dollars (\$5,000,000), with the bond at seven million (\$7,000,000). On a per square foot basis Brunswick is way above the cost of their other projects. Again, this is an all or nothing choice, which is not fair.

Marybeth Burbank, Cumberland Street, said in 1995 the town looked at the old high school and she quoted the Town Manager on the needs of the town. She discussed how it would cost four million dollars (\$4,000,000) to redo the A/B wing for preschool and after school programs. She quoted Councilor McCausland as to how the money was not available and Manager Gerrish on the cost being too high. If the town is going to spend over twenty million dollars (\$20,000,000) on public safety, the town should share money with other town needs and services. She talked about the CIP and how no money was put in for recreational needs. The fire department space request is three hundred fifty percent (350%) over what they have and the police has increased three hundred forty percent (340%). The population of Brunswick has increased just over two hundred (200) in the last ten (10) years. Those over the age of sixty four (64) have increased the most in percent. She discussed the Open Space Plan and how no funds have been allocated for the next five (5) years in CIP. If the town is going to increase taxes over seven percent (7%), it should benefit all needs more than just fire and policing needs. She urged people to vote “no”.

Connie Lundquist, 11 Longfellow Ave, said no one has described this project. This project is tearing down all buildings from the Post Office to the tattoo business. Those businesses feed others. The scale of the building does not have to fit in this area. The issue is not if needed, but where it should be done. She is offended by the question since she cannot vote as she likes with the substation and public safety facility as separate questions. She expressed concern of six thousand (6,000) calls for the fire department, not to mention the police department, going out onto Pleasant Street.

Maria Parker, Maine Street, spoke against the question. The presentations from fire and police should have been made prior to this. Is it necessary to have all in one big building? She cannot vote “yes” on this. She hopes the project goes back to the drawing board and the town comes up with creative solutions.

Jeff Morris, owner of Pierce Studios, said he is supportive of fire and police, but he cannot support the Pleasant Street site. The traffic study (stating this was the best response time) compared apples to oranges. He would like to see some long term

Town Council Minutes

October 6, 2003

Page 7

planning. When the town takes a business, it takes away property and personal property taxes, plus a business does not have students who add to educational costs.

Peter Footer, Old Bath Road, said he is not in favor of the project as proposed. The Council has already spent enough money in the last ten (10) years to pay for this project with a new high school, library addition, and bike path amongst other projects. The Council has blown the public's money. Until he sees the spending controlled or taxes lowered, he is not going to support it. The town cannot afford twenty million dollars (\$20,000,000). He is going to vote "no"

Ted Crooker, Storer Road, spoke about response time as quoted by the Deputy Fire Chief. He is supportive of the Aubuchon site with traffic improvements. He feels the response time is better there than at the Pleasant Street site. He complimented the police and fire department and the work they do. He is going to vote "no" despite his support for the substation. The downtown site is more expensive. He was not happy with how the question was put together.

Mike Austin, 57 McKeen Street, said he feels the referendum will fail and the Council should come back and make a larger substation. He will be voting against the referendum question.

Elizabeth Glover, 19 High Street, will be working to defeat this measure. In the entire process, the Planning Department has not provided any feedback on this issue. This town has given lip services to the concern of affordable housing and this will take out multiple units of affordable housing. She hopes it is defeated. East Brunswick does need a substation.

Harold Emerson, 24 Peary Drive, spoke in support of the bond and fire station. He discussed his experience with the fire department as a call fire fighter and his family's involvement with the department. He asked voters to vote on November 4 and to think about their vote. At the earlier public hearing, members of the public spoke for and against the proposed sites. The fire station needs to be close to the high risk locations like schools and nursing homes. Much time and effort was made on the needs of the fire and police departments. He invited people to go to the fire station to see its space needs. The architect has not added anything to this project that he was not asked to do. The need for the substation has been discussed and demonstrated.

Richard Nemrow, resident of Harpswell and owner of three (3) properties in the downtown area, said he has restored a couple of buildings and he looks for tenants who fit the downtown Brunswick area. No one speaking is against fire/police or the substation. The issue is the cost and location. He believes the cost will run higher with a new ladder truck and land acquisition. There has to be another location. The process should make it happen sooner rather than later. He spent over one million dollars (\$1,000,000) in downtown Brunswick since he believed in it. He probably will not invest any more in this area. He asked the Council not to take the heart out of the downtown.

Town Council Minutes

October 6, 2003

Page 8

Sonia Moeller, taxpayer in Brunswick and Police Department employee, said through her taxes she has supported various projects in Brunswick. There are eighty (80) employees who are dedicated to assisting residents and they are working in deplorable conditions. If the referendum is defeated, she asked that the town work to meet the public safety needs.

Councilor Watson spoke in support of the substation and the history of the discussion on the substation. He talked about impact fees and how it could be used to reduce the cost of construction. ISO, which establishes fire insurance rates, identified the need for the substation. Part of his reason for being Councilor was to have a substation built. There has been a great deal of research done on this item. The East Brunswick substation has been part of the discussion on the public safety building all along.

(A copy of Councilor Watson's statement will be attached to the official minutes)

163. The Town Council will hear a request from the Brunswick Resource Corporation for the Council to endorse and authorize the Brunswick Economic Development Corporation and will take any appropriate action.

Manager Gerrish said this item will feature a presentation by Steve Weems, President of the Brunswick Resource Corporation (BRC), to have the Council endorse a new economic development corporation called the Brunswick Economic Development Corporation, which would replace the BRC. A copy of the proposed Articles of Incorporation and By-laws is attached. The new corporation will have Council representation, town staff representation and citizen and business representation.

Steven Weems, 44 Thompson Street and representative of BRC, gave a brief overview of BRC. He is recommending that it be replaced by the Brunswick Economic Development Corporation. It would be an upgrade to the current group. It would be a public/private group. It is intended to complement the Council and town staff. It has no ability to commit town funds without prior Council approval. He discussed the mission of the corporation. It will be composed of eleven (11) private directors elected by the sitting board and six (6) public directors will be named including two (2) Town Councilors. The nominating committee has come up with a board of directors and is asking for the Council's approval of those names.

Matthew Eddy, Economic Development Director, said he is excited about what is being proposed. It is a strong public private partnership.

Councilor Randolph moved, Councilor Sartoris seconded, to authorize and endorse the establishment of the Brunswick Economic Development Corporation and appointment of the initial Board of Directors from the list of prospective Directors as presented to the Town Council. The motion carried with nine (9) yeas.

(A copy of BEDC's proposed Articles of Incorporation and By-Laws will be attached to the official minutes.)

Town Council Minutes

October 6, 2003

Page 9

(The list of prospective Directors included the following: Cathy Barter, Valerie Campbell, Ted Crooker, John Gerard, Scott Howard, Robin Kelley, William Morrell, Douglas Niven, Mike Ouellet, Steve Weems, and Marty Wilk.)

Chair Priest appointed Councilors Lowe and Randolph to serve as the Council representatives until December 31, 2003.

164. The Town Council will consider authorizing a Fund Raising Kiosk for the Androscoggin Swinging Bridge Fund and will take any appropriate action.

Councilor Randolph discussed the kiosk on each side of the bridge. The construction of each one is completed. The Town of Topsham has approved the installation of the sign on the Topsham side of the bridge. She is asking that the Council give permission to install the sign on the Brunswick side.

Councilor Sartoris moved, Councilor Watson seconded, to authorize a fund raising kiosk at the Androscoggin Swinging Bridge to support the bridge renovation project. The motion carried with nine (9) yeas.

165. The Town Council will receive a proposed amendment to the Streets, Sidewalks and Other Public Places Ordinance regarding the disposal of animal waste on the Androscoggin River Bicycle Path and will take any appropriate action.

Councilor Randolph discussed why she was bringing back this item since she feels there is a need to have this ordinance due to problems with dog waste left for town staff to clean up.

Tom Farrell, Parks and Recreation Director, discussed the proposed ordinance and the changes that will be made to ordinance's section numbering.

Councilor Randolph moved, Councilor Watson seconded, to set a public hearing for October 20, 2003, on the proposed amendments to the Streets, Sidewalks, and Other Public Places ordinance, regarding disposal of animal waste on the Androscoggin River Bike Path. The motion carried with nine (9) yeas.

166. The Town Council will consider amending Chapter 14 of the Streets, Sidewalks and Other Public Places Ordinance, Article V to include several acquired parcels under the description of Parks and Facilities and will take any appropriate action.

Mr. Farrell gave a list of those additional parks and facilities to be added to the ordinance.

Councilor Rice asked about posting the parks to stop hunting and how hunting will be controlled.

Town Council Minutes

October 6, 2003

Page 10

Mr. Farrell responded they will post the major entrances, stating there is no hunting.

Manager Gerrish work over time to get the better signage stating “no hunting”.

Councilor Lowe moved, Councilor Randolph seconded, to set a public hearing for October 20, 2003, on the proposed amendment to the Streets, Sidewalks and Other Public Places ordinance regarding the addition of recently acquired property of the Department of Parks and Recreation. The motion carried with nine (9) yeas.

167. The Town Council will consider setting a public hearing to receive comments on the Town’s intention to apply for a \$500,000 grant from the Maine Investment Trust Fund to supplement the rehabilitation of the NAPA Building and will take any appropriate action.

Manager Gerrish said the town has the opportunity to apply for a five hundred thousand dollar (\$500,000) grant from the Maine Investment Trust Fund run by the Maine Department of Economic and Community Development for funds to supplement the proposed rehabilitation of the NAPA building. To apply for the Funds the town will need to hold a public hearing at the October 20 meeting.

Councilor Rice moved, Councilor Sartoris seconded, to set a public hearing for October 20, 2003, on an application to the Maine Investment Trust Fund for a grant in the amount of \$500,000 to be used in the rehabilitation of NAPA building. The motion carried with nine (9) yeas.

168. The Town Council will consider accepting Phase I of Seguin Drive, Jewell Street and Chebeague Lane in the Mere Point Village Subdivision as public ways and will take any appropriate action.

Manager Gerrish said this is a request to accept these streets on the Mere Point Village Subdivision.

Councilor Sartoris said there is no guarantee that the rest of the subdivision will be accepted based on the new road acceptance policy.

Councilor Randolph moved, Councilor King seconded, to accept Phase I of Seguin Drive, Jewell Street and Chebeague Lane as public ways. The motion carried with nine (9) yeas.

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

169. The Town Council will consider accepting Open Space Land from the Mere Point Village Subdivision and will take any appropriate action.

Town Council Minutes

October 6, 2003

Page 11

Manager Gerrish said this item would accept a parcel of land in the Mere Point Village Subdivision for open space. It would also accept three (3) easements for drainage and pedestrian purposes. The conveyance of these parcels was part of the approval by the Planning Board and agreed to by the Parks and Recreation Commission.

Councilor Randolph moved, Councilor Watson seconded, to accept a parcel of land to be used for Open Space in the Mere Point Village subdivision. The motion carried with nine (9) yeas.

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

170. The Town Council will consider approving a new contract with the Police Union and will take any appropriate action.

This item was tabled.

171. The Town Council will consider a request from the Friends of Curtis Memorial Library to hang a banner over Maine Street and will take any appropriate action.

Councilor Lowe moved, Councilor Watson seconded, to approve the request from the Friends of Curtis Memorial Library to hang a banner over Maine Street from June 13 to June 27, 2004. The motion carried with nine (9) yeas.

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

Councilor Sartoris nominated Richard Brautigam to serve on the 55+ Board of Trustees as a Brunswick Resident representative, asked that nominations cease and the Chair cast one vote for Mr. Brautigam. The Council voted nine (9) yeas in favor of this appointment.

Councilor Sartoris nominated Walter Rosen to serve on the Cable TV Committee, asked that nominations cease and the Chair cast one vote for Mr. Rosen. The Council voted nine (9) yeas in favor of this appointment.

Councilor Sartoris nominated Anne George for the Housing Authority.

Councilor Lowe nominated Jean Parker for the Housing Authority.

Ms. George received votes from the following Councilors: Councilor Watson, Councilor Sartoris, Councilor King, Councilor McCausland and Chair Priest.

Ms. Parker received votes from the following Councilors: Councilor Galloupe, Councilor Rice, Councilor Randolph, and Councilor Lowe.

Town Council Minutes

October 6, 2003

Page 12

Ms. George was appointed to the Housing Authority since she received the majority of Council votes.

- 173. (ADDED) The Town Council will consider authorizing a street opening permit on Breckan Road for the Brunswick Sewer District and will take any appropriate action.**

Lenny Blanchette, Assistant General Manager of Sewer District, discussed the need for this street opening.

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

Councilor Lowe moved, Councilor King seconded, to authorize a street opening on Breckan Road for the Brunswick Sewer District. The motion carried with nine (9) yeas.

- 174. The Town Council will consider approving Voter Registration Hours for the November 4, 2003 State and Municipal Election and will take any appropriate action.**

Councilor Randolph moved, Councilor Sartoris seconded, to approve the Voter Registration Hours for the November 3, 2003 State and Municipal Election. The motion carried with nine (9) yeas.

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

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

The meeting adjourned at 12:01 a.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
October 14, 2003*

October 20, 2003

Date of Approval

Council Chair