

-- APPROVED --  
**BRUNSWICK TOWN COUNCIL MINUTES**  
**October 21, 2002**  
**Municipal Meeting Facility**

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

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

**Councilors Absent:** Forrest Lowe.

**Others Present:** Donald H. Gerrish, Town Manager, Fran Smith, Town Clerk; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; Tom Farrell, Parks and Recreation Director; John Foster, Public Works Director; Mary Reindl, Welfare Director; Phil Carey, Town Planner; members of Fire Station Committee and Fire Department; several citizens, members of the press, and TV video crew.

**Minutes of Previous Meeting:      October 7, 2002**

Hearing no objection from the Council, Chair Priest declared the minutes of October 7, 2002, accepted as written.

**Correspondence:**

**Letter from International Institute of Municipal Clerks**

Manager Gerrish discussed a letter from the International Institute of Municipal Clerks regarding Melissa Smith, Deputy Town Clerk, being accepted in the IIMC Master Clerk's program. He congratulated her on this accomplishment.

**Manager's Report:**

- 1)      **Accept donation from Bowdoin College for granite curbing at Upper Park Row for the Chamberlain statue.**

Manager Gerrish said Bowdoin College has donated twelve thousand dollars (\$12,000) to the town for granite curbing to be placed around the new area where the Chamberlain statue is going. The Council needs to accept the funds and authorize their expenditure.

**Councilor Galloupe moved, Councilor Sartoris seconded, to accept the donation from Bowdoin College in the amount of twelve thousand dollars (\$12,000) for granite curbing at Upper Park Row for the Chamberlain statue and to authorize its expenditure. The motion carried with eight (8) yeas.**

- 2)      **Report from 55 Plus**

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**Sig Knudsen**, Executive Director of 55 Plus Center, discussed proposed changes to the 55 Plus Board of Trustees. The major change is to increase the Board to fifteen (15) members, with the additional ones being appointed by the Board. He also discussed how the beano program will be temporarily suspended due to loss of revenue since they banned smoking at the games.

*(A copy of the proposed changes and a letter from Mr. Knudsen will be attached to the official minutes.)*

**3. (ADDED) Acceptance of grant from Wright-Ryan Engineering.**

Manager Gerrish said Wright-Ryan Engineering is donating money to fund for another year a program set up by Judge Field to help juvenile offenders develop life skills.

*(A copy of a memo from Detective Waltz regarding the donation will be attached to the official minutes.)*

**Councilor Crimmins moved, Councilor Rice seconded, to accept the donation from Wright-Ryan Engineering in the amount of nine thousand dollars and to authorize its expenditure. The motion carried with eight (8) yeas.**

**4. (ADDED) Capital Improvement Plan Program**

Manager Gerrish said the town is working on the program and will be back to the Council in December to discuss the plan and hold a public hearing.

**Adjustments to Agenda:**

To add Item 197 regarding a Resolution on a boundary line settlement with Joseph Guerette.

**182. The Town Council will hear public comments on proposed amendments to the Zoning Ordinance regarding Underground Utilities and will take any appropriate action.**

Phil Carey discussed this item and the cost involved with putting in underground utilities versus aboveground ones. Responding to Councilor Sartoris' question, he said the Planning Board had voted unanimously in support of the proposed amendment

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

Chair Priest opened the public hearing.

**Ray Labbe**, Durham Road, spoke against the proposed amendments. He discussed the cost of putting in underground power. Using the Mere Point Village project as an

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example, he said the Central Maine Power (CMP) cost for underground power was nineteen thousand dollars (\$19,000). Along with other related costs, the additional cost per lot would be two thousand three hundred ninety eight dollars (\$2,398). Underground power is a luxury, not a necessity. It would cause undue hardship on first time homeowners.

**Eleanor Swanson**, 808 Mere Point Road, spoke in favor of the proposed amendments. Both aesthetics and the many power outages concern her. She suggested when streets are dug up that the town get a feasibility study done, negotiate to split the cost with those doing the work, and put in the utilities underground.

**Bill Morrell**, 732 Mere Point Road, spoke against the amendments. Many developers are choosing to go underground with the utilities. This is the trend, but it can be very expensive. As far as affordable housing goes, making it mandatory to have underground utilities will add cost to lot prices and make them unaffordable to many.

Chair Priest closed the public hearing.

Councilor Galloupe said that with affordable housing, underground utilities do make a difference. He would like to have something in the ordinance to address the issue of affordable housing and underground utilities not being required. He cannot vote for the proposal as currently written.

Councilors Randolph and Rice expressed concerns about the cost of underground utilities hurting affordable housing.

**Councilor Galloupe moved, Councilor Rice seconded, to send this ordinance back to the Planning Board for some language to address the affordable housing aspect of the ordinance.**

Councilor Sartoris said the reason for underground utilities is that in the long run they would save the most money, yet she is also concerned with the affordable housing issue. She would like better cost information.

Councilors Randolph, McCausland, Crimmins, and Watson said they would not support the motion and wished to see the proposal stopped altogether.

**Councilor Galloupe moved, Councilor Rice seconded, to send this ordinance back to the Planning Board for some language to address the affordable housing aspect of the ordinance. In favor were Councilors Priest, Sartoris, Rice and Galloupe. Opposed were Councilors Watson, Randolph, Crimmins and McCausland. The motion failed due to a lack of a majority.**

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

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- 183. The Town Council will hear public comments on proposed amendments to the Zoning Ordinance regarding Sandwich Signs and will take any appropriate action.**

Mr. Carey said this amendment limits the number of sandwich signs allowed to one per establishment.

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

Councilor Randolph would like the ordinance changed in the future to allow the signs to be eight feet (8 ft.) in size due to the way they are made; this would eliminate an extra cut the business would have to make in the plywood.

**Councilor Randolph moved, Councilor Watson seconded, to adopt the proposed amendments to the Town Zoning Ordinance regarding “sandwich signs”. The motion carried with eight (8) yeas.**

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

- 184. The Town Council will hear public comments on the proposed winter closure of Sawyer Road and will take any appropriate action.**

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

**Councilor Watson moved, Councilor Galloupe seconded, to approve the winter closure of Sawyer Road from December 1, 2002, to March 31, 2003. The motion carried with eight (8) yeas.**

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

- 185. The Town Council will hear public comments on proposed amendments to the General Assistance Ordinance regarding GA Maximums and will take any appropriate action.**

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

**Councilor Watson moved, Councilor Randolph seconded, to adopt the revised General Assistance Maximums. The motion carried with eight (8) yeas.**

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

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**186. The Town Council will hear public comments on the report from the Fire Station Planning/Building Committee and will take any appropriate action**

Members of the **Fire Station Planning/Building Committee** including **Harold Emerson, Clark Labbe, Joanne King, Richard Nickerson, and Gary Howard**, made presentations on the final report and the proposed sites.

*(A copy of the members' comments will be attached to the official minutes.)*

Chair Priest opened the meeting for public comments.

**Jay Sherman**, 72 Federal Street, suggested Brunswick and Topsham combine their fire departments to save money, yet they could still provide good service to both communities.

**Bruce Weeks**, representing the Brunswick Call Department, read a letter in support of the recommendations and asked the Council to act favorable towards them.

**Dr. Tom Augat**, 9 Pleasant Street, supported the project, but not the proposed location on Pleasant Street. It will cause noise for those residents living there. He supported the Aubuchon Hardware site on Pleasant Street.

**James Burbank**, 11 Cumberland Street, is the closest neighbor to the fire station and does not notice noise from the station. He supports the selected site.

**John Gerard**, Brunswick Intown Group, said the group is happy with the location, yet they are concerned about the cost and the loss of three (3) buildings providing taxes. This is not a good time to increase taxes. They would like to see the idea of a mixed-used municipal center researched further.

**Austin Treworgy**, 62 Federal Street and owner of a property for the proposed site, said it will be an economic hardship to sell his buildings to the town, but he supports the project and it is a good place to do it.

**Marybeth Burbank**, 11 Cumberland Street, supported the project, and asked that the utility wires go underground if the project is done.

**George Gilmore**, 207 Middle Bay Road and property owner near the proposed site, spoke in favor of the proposed site on Pleasant Street.

**Leo Theberge**, 625 Old Portland Road, said although he supports the fire department, the town cannot afford everything, especially with a possible new elementary school and fire substation. He was concerned about response time to the western part of town. He suggested placing the Cooks Corner substation beyond the hospital due to the traffic. He suggested using the old high school as the site for the central station, plus the municipal and superintendent's offices.

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Harold Emerson read a letter from the Brunswick Fire Benevolent Association, which supported the proposed site.

**Calvin Taylor**, 210 Bath Road, discussed the need for a substation in the Cooks Corner area.

Chair Priest closed the meeting for public comments on this subject.

Councilor Randolph read a letter from **P. Andrews and Brooke Nixon** in support of the construction a new fire station.

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

Chair Priest spoke on behalf of **Ted Crooker**. Mr. Crooker expressed concerns about taking of property in the downtown area and there being a need to have a substation at Cooks Corner.

Councilor McCausland suggested holding a workshop on this subject. The Council agreed and set November 12, 2002, as the date for one.

Councilor Crimmins said the town needs to move forward on this project, especially with the new demands on the fire department in the areas of home land security, natural gas and so forth.

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

**187. The Town Council will hear a report from the Brunswick Resource Committee regarding Economic Development and will take any appropriate action.**

**Steve Weems**, representing the Brunswick Resource Corporation, made this report. He asked that the Council authorize the Town Manager to have the articles of incorporation filed on behalf of the proposed Brunswick Resource Development Corporation.

*(A copy of the Brunswick Resource Corporation Key Points for Presentation to the Town Council, a memo from Mr. Weems, and draft Brunswick Economic Development Corporation guidelines will be attached to the official minutes.)*

**Councilor Randolph moved, Councilor Watson seconded, to ask the Town Manager to prepare articles of incorporation as proposed by Mr. Weems for the proposed Brunswick Economic Development Corporation.**

Mr. Weems, responding to Councilor Sartoris' questions, said there will be no cost to the town since it is a volunteer group.

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Mr. Weems, responding to Councilor Sartoris' question about self appointment of members, said of the proposed fifteen (15) members, three (3) are town officials and two (2) are Councilors. The ten (10) private spots would be originally appointed by the Council and then the Committee would appoint there after. This would allow them to function outside of the Right-To-Know law. This is very important when it comes to negotiating real estate deals.

Councilor Sartoris expressed a concern about that element of the proposal (self appointment), especially when it comes to the area of conflict of interest.

Councilor McCausland said this committee is not like others and has done a great job. They need to be able to work outside the public arena.

Mr. Weems, responding to Councilor Galloupe's question on town liability, said the Corporation cannot commit the town to anything, but is operating in the public's interest.

**Councilor Sartoris moved, Chair Priest seconded, to amend the motion to have the members of the Brunswick Economic Development Corporation be appointed by the Council.**

Chair Priest asked the motion be withdrawn, knowing that issue is going to be looked at again when the articles of incorporation are drawn up.

**Councilor Sartoris withdrew her motion and the seconder agreed.**

**Councilor Randolph moved, Councilor Watson seconded, to ask the Town Manager to prepare articles of incorporation as proposed by Mr. Weems for the proposed Brunswick Economic Development Corporation. The motion carried with eight (8) yeas.**

**188. The Town Council will review the Tax Reform Proposal developed by Maine Municipal Association and will take any appropriate action.**

Manager Gerrish on behalf of **Representative Schneider**, said Mr. Schneider was opposed to the MMA proposal.

Chair Priest said that Councilor Lowe would not support the proposal.

Councilor Sartoris said she would favor the Council making a statement in favor of property tax relief, but would not support the MMA proposal.

**Councilor McCausland moved, Councilor Watson seconded, to table this item. They then withdrew the motion and second.**

No action was taken on this item, with additional discussion on property tax relief to appear on the next agenda.

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- 189. The Town Council will consider a request to revise the make up of the Audit Committee by adding the Chair and Vice Chair of the School Board, and will take any appropriate action.**

Manager Gerrish said the Finance Director is recommending the Chair and Vice Chair of the School Board be added to the Audit Committee.

*(A copy of the Audit Committee charge will be attached to the official minutes.)*

**Councilor Randolph moved, Councilor Sartoris seconded, to add the positions of School Board Chairman and School Board Vice Chairman to the Town of Brunswick Audit Committee. The motion carried with eight (8) yeas.**

- 190. The Town Council will consider a request from Maine Natural Gas to extend the gas line south from McKeen Street to Pleasant Hill Road, east to Maine Street and then north on Maine Street to Parkview Hospital and will take any appropriate action.**

Councilor Rice excused himself on this issue due to a conflict of interest since his company represents Maine Natural Gas.

**Councilor McCausland moved, Councilor Sartoris seconded, to approve the request from Maine Natural Gas to extend the gas line to Parkview Hospital, with conditions as outlined in the memo by John Foster, plus the condition to require Dig Safe training for workers on site. The motion carried with seven (7) yeas.**

*(A copy of John Foster's memo with approval conditions will be attached to the official minutes.)*

- 191. The Town Council will consider a request from the Androscoggin Swinging Bridge Committee to recruit and appoint new members and will take any appropriate action.**

Councilor Randolph said the Bridge Committee wants to be able to recruit additional members with expertise in fund raising.

**Councilor Randolph moved, Councilor Sartoris seconded, to authorize the members of the Androscoggin Swinging Bridge Committee to recruit and appoint new members to assist in fund raising. The motion carried with eight (8) yeas.**

- 192. The Town Council will consider a request to sponsor a Health Care Forum on October 30th and will take any appropriate action.**

Councilor Randolph discussed wanting to hold a health care forum in Brunswick to look at what can be done to cut the cost of health care.

**Councilor Randolph moved, Councilor Sartoris seconded, to approve sponsorship of the Health Care Forum as proposed by Councilor Randolph. The motion carried with eight (8) yeas.**

*(A copy of the notice for the health forum will be attached to the official minutes.)*

**193. The Town Council will discuss the potential refunding of the Town's general obligation High School bonds and will take any appropriate action.**

Manager Gerrish said the Finance Director is requesting that the Council set a public hearing to authorize the town to refinance the high school bonds. Mr. Eldridge estimates that by refinancing the town could save up to four hundred thousand dollars (\$400,000) over the next ten (10) years. The savings would be shared between the town and the state. He would recommend setting a public hearing on the proposal for the November 4 Council meeting.

**Councilor Watson moved, Councilor McCausland seconded, to set a public hearing for November 4, 2002, on amendments to the Bond Ordinance regarding refunding of the town's high school bonds. The motion carried with eight (8) yeas.**

**194. The Town Council will consider acceptance of an extension of Madeline Drive as a Town Way and will take any appropriate action.**

Manager Gerrish said John Foster is requesting the Council accept an extension of Madeline Drive as a town way.

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

**Councilor Randolph moved, Councilor Rice seconded, to accept the extension of Madeline Drive as proposed. The motion carried with eight (8) yeas.**

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

**195. The Town Council will consider approving the Election Clerks, Wardens and Deputy Wardens for the November 5, 2002 election and will take any appropriate action.**

**Councilor Sartoris moved, Councilor Randolph seconded, to approve the Election Clerks, Wardens, and Deputy Wardens for the November 5, 2002 election. The motion carried with eight (8) yeas.**

*(A copy of the list of Wardens, Deputy Wardens, and Election Clerks will be attached to the official minutes.)*

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196. The Town Council will consider signing the Election Warrant and Notice of Election and approve the voting locations for the November 5, 2002 State and Municipal Election and will take any appropriate action.

Councilor Randolph moved, Councilor Rice seconded, to sign the Election Warrant and approve the voting locations for the November 5, 2002 Municipal Election. The motion carried with eight (8) yeas.

*(A copy of the Election Warrant and Notice of Election will be attached to the official minutes.)*

197. (ADDED) The Town Council will consider approving a Resolution for an Emergency Appropriation of \$15,000 to settle a boundary line settlement with Joseph Guerette.

Councilor McCausland moved, Councilor Rice seconded, to approve the Resolution for an Emergency Appropriation of \$15,000 from Unappropriated Available General Fund Revenues to fund a Boundary Line Settlement with Joseph R. Guerette. The motion carried with eight (8) yeas.

Councilor Watson moved, Councilor Sartoris seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 10:51 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  
October 29, 2002*

November 4, 2002

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*Date of Approval*

Charles R. Priest

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*Council Chair*