

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
September 15, 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; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; Jerry Hinton, Police Chief; Theo Holtwijk, Director of Planning and Development; several citizens, members of the press, and TV video crew.

Manager's Report:

1) MMA Voting Representative to Annual Meeting

Manager Gerrish said this item would designate Brunswick's representative to the MMA Annual Meeting, October 8-10, in Augusta. He will be the representative if no Councilor is going to attend.

The Council asked Manager Gerrish to be the Town's Representative.

(A copy of the MMA Voting Delegate Credentials will be attached to the official minutes.)

2) Report on 2003/04 Tax Rate

Manager Gerrish said last week the Assessor finalized the new valuation for 2003-04. The new value was \$15 million more than the town had expected. After consulting with Chairman Priest and Vice Chairman Lowe, he decreased the tax increase by \$.10, from \$.60 to \$.50. The tax increase for 2003/04 is now 2.38% instead of 2.86%. The tax rate will be \$21.50.

3) Report on September 29 Council Workshop on the update of the Comprehensive Plan

Manager Gerrish said the Town Council will be meeting on Monday, September 29 at 7:00 p.m. in a workshop session to discuss the update of the Comprehensive Plan.

Adjustments to Agenda: None

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

Full-time Spirituous, Vinous, and Malt

Clare's Dolphin Restaurant d/b/a Joshua's Restaurant and Tavern
123 Maine Street

John Siatras

The Great Impasta
42 Maine Street

Alisa Baker Coffin

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

Councilor Lowe moved, Councilor Rice seconded, to approve requests for alcoholic beverage licenses from Joshua's Restaurant and Tavern, and The Great Impasta. The motion carried with nine (9) yeas.

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

- 150. The Town Council will hear public comments on the following requests for renewals of special amusement licenses and will take any appropriate action.**

Clare's Dolphin Restaurant d/b/a Joshua's Restaurant and Tavern
123 Maine Street

John Siatras

MacMillan & Co., LLC
94 Maine Street

John Hall

Richard's Restaurant
115 Maine Street

Richard Gnauck

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

Councilor Randolph said MacMillan continues to have noise problems. Something more needs to be done there.

Councilor Sartoris moved, Councilor Watson seconded, to approve requests for special amusement licenses from Joshua's Restaurant and Tavern, MacMillan & Co., and Richard's Restaurant. The motion carried with nine (9) yeas.

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

- 151. The Town Council will hear public comments on changing the 2003/04 Capital Improvement Plan to amend the amount for the Central Fire Station**

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and to include a substation for the Fire Department at Cook's Corner and will take any appropriate action.

Manager Gerrish said this item would amend the town's 2003-2008 Capital Improvement Plan (CIP). He is recommending revising it in two (2) different areas. The first is to increase the amount for the Public Safety Building from nine million dollars (\$9,000,000) to eleven million two hundred thousand dollars (\$11,200,000). The second change is to add the Cook's Corner Fire Substation in an amount of one million eight hundred thousand dollars (\$1,800,000) for the year 2006-07.

Chair Priest opened the public hearing.

Ed Knox, 36 Cumberland Street, spoke against the amendment to the CIP and against the fire stations. He felt there was not enough public input on them and felt there had been "fraud, waste, and abuse" in the process. The project should be reduced in size. It will hurt the downtown area, and the area will be damaged, with buildings being lost.

Pem Schaeffer, Crestview Lane, said that the advertisement for this public hearing was small in the newspaper and there was a lack of any other notice. He is not sure why this public hearing is being held now since the question will be on the ballot and the CIP has been called a guideline. The hearing should have been done weeks ago, prior to the selection of a site and project amount. The public should be insulted by how this process has been done. There was a great deal of data produced and numerous meetings around the CIP. He asked several questions: should all first responders be housed in one location; was a budget given to Mitchell-Ross and if so how much or if no, why not; will Mitchell-Ross be included in the design and will their fee be included (or should they be excluded); he had questions on the August meeting of the public safety group; and with the Navy privatizing housing, questioning whether they should be contributing to the project. The public has been frozen out of this process. If the stations were so important, they should have been done earlier and there should have been more discussion on the substation. He will have to vote against the station due to the process.

Don Turner, 64 Cumberland Street, said he is not happy with the location of the project on a one-way street and the removal of buildings there. This is the wrong location. The town needs a new fire station, but the police station should not have been added. More consideration should have been given to the location for the central station.

Peter Wild, 10 Wilson Ave/Firefighter, said the Brunswick Firefighters Benevolent Association is asking for the Council's support of the central station and the substation, and the amendment to the CIP. He discussed the need for the substation. He discussed the limitation of their current central station and lack of space for equipment and lack of personnel office space.

Harold Emerson, Peary Drive/Chair of Fire Station Building Committee, said he urged the Council to support the CIP amendment. He discussed the Fire Station Committee's work and their recommendations.

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Bruce Harding, 3 ½ Dunning Street, said the town needs a new fire station and needs to do something for the police. The issue is what the town should do. He did not feel there was enough public input in the process. There are many issues that need to be worked out. He chose Brunswick because of its architecture; there are many beautiful old homes. He is concerned about those being eliminated and that adding a “modern” looking building would take away from the area. He is concerned about the businesses being displaced for the station.

David Dube, 73 Minott Shore Road, said the CIP was thirty nine million dollars (\$39,000,000) over five (5) years, just a few months ago. Now the Council wants to have it at forty five million dollars (\$45,000,000). Instead of increasing it, the Council should find another place to cut back the CIP. The Council is over spending. They need to set the priorities for the town. He felt the fire station and police should not be together due to safety issues. He is concerned about his tax increases.

Millie Stewart, 281 Old Bath Road, spoke in support of the substation in East Brunswick. She urged the Council to do what was necessary to support the substation.

Karen Hastings, Beech Drive, said “shame on you” to the Council since she felt that they are rushing this decision and the lack of public input is not democracy. The public hearings, that were held, were restricted in what could be discussed. The police and fire staff is asking for more than they need, and this should be reduced. The town should build a building that could easily be expanded and it could serve the town’s needs for the next twenty (20) years. She does not like the site and highly questions the study of it. Things have not changed so quickly that the CIP needs to be changed in a few months. She is concerned about future school projects.

Mike Hory, 7 Grover Lane, said the Council is unfriendly and not willing to listen to citizens’ concerns about the downtown location. He wonders why the town is not doing more with the land that it has purchased. He hopes the citizens vote this down.

Ted Crooker, 44 Storer Rd, said the town needs a fire station. He had several points to bring up tonight:

- Land cost per acre will be much higher in the downtown area.
- Design standards are more restrictive and expensive to build in the downtown area.
- He did not like the old station being used for police storage and a garage.
- MDOT said they felt that Brunswick would be a prime candidate to receive eighty percent (80%) funding for the outer Pleasant Street area road construction.
- Gilford Transportation indicated their eight (8) acres near outer Pleasant Street may be available to the town at a reasonable cost.
- If the station is built downtown, the town will need to construct a West Brunswick substation.
- He is concerned about response time from the downtown station to other areas of town.

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- There is double coverage in the Jordan Ave area if there is a station in both the downtown location and at the Cook's Corner location.
- There are bonds that are due soon and if the town waits three (3) years for a central station they will be in a better financial situation.
- He supports the substation, but will vote "no" on November 4.

Ervin Snyder, 1 Colonial Drive, expects that the town's residents are not behind the location and cost of the project. He does not feel that proper consideration was given to Ted Crooker's information. He will vote "no". He discussed the Brunswick Technology Building and the process used to build it, and if similar methods were used, it could save the town money on this project. The substation is needed and could even be done ahead of the central station. He recommended having a plan for the Maine Street Station and this could be used to generate monies. He suggested asking for an inventory of town properties and selling some to generate capital funds.

Peter Brand, Bunganuc Road, said if the Council changes the CIP, this will damage their creditability.

Bruce Harding, speaking a second time, said the size of the project is much too large, as well as the cost too high. The residents cannot afford the taxes to go up this much.

Chair Priest closed the public hearing.

Councilor McCausland moved, Councilor Watson seconded, to amend the 2003/04 Capital Improvement Plan to increase the amount for the public safety building and to include a substation for the Fire Department at Cook's Corner.

Councilor McCausland said the CIP is a planning document that will be amended to adapt to a growing community. In June when it was adopted, there were issues around the public safety building that were being worked on, plus the Council later determined a substation was needed. The Council voted to put out to vote the public safety building and substation. The remarks tonight have been off the mark since there has been much input from the public and it has been an open process with many public discussions. As far as the Aubuchon site, there is no guarantee that MDOT is going to fund improvements. The Aubuchon site is not on the ballot in November. If voters do not support the ballot question, the Council will regroup and figure out what the next move will be. The issue tonight is amending the CIP to primarily to include information on the substation.

Councilor Sartoris said she will be voting against this motion since there was not enough discussion on the substation. There has also not been enough public input. She pointed out the additional cost to operate the substation will cause pressure on other parts of the budget, including the school budget.

Councilor Rice discussed an impact fee set up in the Cook's Corner area to assist with a substation. He hopes this will help with the cost.

Councilor Watson said part of his reason for being a Councilor is to have a substation constructed. It has been discussed since 1962 and voted on in the 1970's. He sees tonight's item as a correction to the CIP to include the substation.

Councilor Galloupe said the substation was discussed and the Council should vote to amend the CIP.

Councilor Randolph said she will not support the motion. She said MDOT did not promise, but with the Gateway Project, they could fund part of the improvements on outer Pleasant Street.

Councilor Sartoris said the downtown location is the most expensive location, with the greatest tax impact. There does not seem to be any savings in combining the police and fire stations as had been promised. She supports building a public safety building and replacing the fire station. She is committed to work on this even if the question is voted down in November.

Chair Priest said most comments tonight have been to do with site selection. He is still convinced that the Aubuchon site is not the correct site. He is not sure there will be funding for the Gateway Project. This whole project is a compromise to get a public safety facility and a substation. Many of the fires have been in the downtown area and the downtown site is a good location. The town will work with the displaced businesses and the impact on architecture will not be as great as indicated. He worked hard on the CIP, which is a planning document. This is an open system and was advertised as all meeting are. Do not count on, if the question is voted down, that it will come back. The proposal is good for the town's future. He will vote for an amendment to the CIP.

Councilor McCausland moved, Councilor Watson seconded, to amend the 2003/04 Capital Improvement Plan to increase the amount for the public safety building in an amount of eleven million two hundred thousand dollars (\$11,200,000) and to include a substation for the Fire Department at Cook's Corner in an amount of one million eight hundred thousand dollars (\$1,800,000). The motion carried with seven (7) yeas. Councilor Randolph and Councilor Sartoris were opposed.

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

Manager Gerrish said this item was tabled by the Council at an earlier meeting. The attached material, including a letter from Geoff Hole, Town Attorney, answers questions that the Council asked concerning the State-wide Police Powers. The Council can authorize the Power, but limit these powers to Class A, B & C offenses, which are felonies.

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

Chair Priest moved, Councilor Rice seconded, to authorize the Police Department to have statewide Police Powers for Class A, B, and C crimes.

Councilor Lowe said he wanted to amend the motion to have it for a one (1) year period and then have the Chief come back to the Council to report on how it is working.

Chair Priest and Councilor Rice were supportive of this amendment to the motion.

Councilor Randolph asked about paying overtime costs if a police officer intervenes, and if an officer does not intervene, can the town be sued. The town has agreements with other towns and the Cumberland County Sheriff's Department, plus there are state police who can go anywhere. She has a problem with the law as it is.

Chief Hinton said the town does not force a police officer to take action if he/she is off duty or out of town unless he/she feels safe to do so and can act in an appropriate manner. He is not aware of any lawsuit for not acting. If an officer had to write a report or go to court, the town would have to pay them since they are acting under the cover of law.

Councilor Galloupe said the town attorney recommended that if the town wishes to opt in there be a quick legislative history done. He asked whether or not this had been done.

Manager Gerrish said it had not been done.

Councilor Rice said it could be added to the motion, the completion of a legislative history.

Councilor Sartoris said it should be clear to the officers the Council only wants A, B, and C to be included under the Policing Powers.

Chief Hinton said he would communicate this to the officers.

Chair Priest moved, Councilor Rice seconded to authorize the Police Department to have statewide Police Powers for Class A, B, and C crimes for a period of one year. The motion carried with eight (8) yeas. Councilor Randolph was opposed.

152. The Town Council will hear a presentation on the Draft Brunswick Housing Study and will take any appropriate action.

Frank O'Hara, Planning Decisions and consultant of the Housing Committee, discussed his work on this report. The report summarizes housing in Brunswick. The group has adopted five goals, which are included in the report, along with a housing strategy.

(A copy of the draft "Action Plan for Housing in Brunswick: 2003" will be attached to the official minutes.)

Chair Priest asked about the regional affordable housing strategy.

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Mr. O'Hara said there has been no formal outreach on this yet. The coalition is still working out issues in this area before they go any further.

Councilor Randolph asked about building and renovations.

Mr. O'Hara said how to do that has not been worked out yet since it will need Council and Planning Board input.

Councilor Sartoris said she wanted mobile homes covered since they have depreciating values that limit movement out of them. She discussed the price level of new homes and would like to have an average square footage associated with the two hundred forty thousand dollar (\$240,000) homes. She would like to have included in the study what other communities in and outside of Maine have done to address affordable housing.

Councilor McCausland said Brunswick has more mobile homes than any other communities in the state. They need to be included in the equation. He felt the cost of housing in Brunswick has gone up since it is market driven.

Mr. O'Hara said mobile homes are included in the analysis information, but is not included in the future goals.

Chair Priest said that mobile homes are still the affordable housing option in Maine. The question is how to get developers to build affordable homes without government subsidies. This is not easy to do.

Councilor Lowe said there are things the town can do, like zoning changes. He could be supportive of this to help solve the problems.

Councilor Sartoris said she feels the market is developer driven and there needs to be work done with them to assist with affordable housing. She thinks it can be a win-win situation.

Councilor King said she is in agreement with Councilor McCausland. She likes the education piece of the report.

Councilor Rice said when Wildwood started, it was one of the more affordable locations, but has moved to more upscale homes. There are not too many projects in the one hundred fifty thousand dollar (\$150,000) to two hundred thousand dollar (\$200,000) price range. The closest to it is the new housing project off Harpswell Road. If the town does nothing, it is just going to get large homes.

Councilor Randolph said she is not sure why there are new set backs in the downtown area if something burns down and needs to be replaced. She sees the town can do things to help – instead of preventing affordable housing from happening.

- 153. The Town Council will consider selling a piece of property in the Industrial Park to 1930 Lisbon Road, Inc. and will take any appropriate action.**

Manager Gerrish said there is a fifty foot (50 ft) right of way that the Council would authorize to be sold to Jim Howard, who owns Lot 48 in the Industrial Park. This right of way has been used by Mr. Howard, with the town's permission, for parking for his property. The price will be twelve thousand dollars (\$12,000).

Councilor Rice moved, Councilor Sartoris seconded, to authorize the Town Manager to sell property in the Industrial Park to 1930 Lisbon Road, Inc. for an amount of twelve thousand dollars (\$12,000). The motion carried with nine (9) yeas.

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

Councilor Randolph said that the town will get more money on the tax rolls since there will be a building put there.

- 154. The Town Council will authorize the purchasing of property and exchanging property for the purpose of road construction into the expansion of the Brunswick Industrial Park and will take any appropriate action.**

Manager Gerrish said this item will authorize the town to exchange property with Aero-Tech Industries and to purchase property from David Domizi III and Susan Domizi to allow for the road into the Industrial Park Expansion. The attached map shows the proposed road and the property in question. The town is exchanging property with Aero-Tech and purchasing property from the Domizis for ten thousand dollars (\$10,000).

Councilor Lowe moved, Councilor Sartoris seconded, to authorize the Town Manager to purchase and exchange property for the purpose of road construction into the expansion of the Brunswick Industrial Park. The motion carried with nine (9) yeas.

- 155. The Town Council will consider authorizing a Purchase and Sale Agreement with Brunswick Publishing for 9.86 acres of property in the Brunswick Industrial Park and will take any appropriate action.**

Manager Gerrish said this item will authorize the town to sell 9.86 acres to Brunswick Publishing in the expanded industrial park for four hundred thousand dollars (\$400,000). The town is working on the exact wording of the Purchase and Sale, but the key components are selling the property for four hundred thousand dollars (\$400,000) and placing a TIF on the expansion which will allow Brunswick Publishing to receive a ten percent (10%) rebate on increased taxes over ten (10) years or until one hundred thousand

dollars (\$100,000) is reached. This is the same agreement that was discussed months ago with the Council.

Councilor Randolph moved, Councilor Watson seconded, to authorize the town Manager to sign a Purchase and Sale Agreement with Brunswick Publishing for 9.86 acres of property in the Brunswick Industrial Park. The motion carried with nine (9) yeas.

Councilor Sartoris thanked the Town Manager for his work on this project.

156. The Town Council will consider a request from the Brunswick Housing Authority to amend the Town Council Rules of Order and Procedure to remove the Brunswick Housing Authority from the list of Boards and Committees in Section 26 and will take any appropriate action.

Chair Priest said that the Housing Authority has requested they be removed since they are state authorized board.

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

Councilor Sartoris said she would like this considered in the context of looking at all committees.

Councilor Sartoris moved, Councilor Rice seconded, to table this until the Appointments Committee comes back at the first meeting in December with recommendations to the appointment of the board members' process. The motion carried with nine (9) yeas.

Manager Gerrish said the Housing Authority's interpretation should be looked at. The question is which ones on the list in the Council rules does the Council not want to have duplicate people serving on.

157. The Town Council will consider authorizing a \$10,000 appropriation to Habitat for Humanity and will take any appropriate action.

Councilor Watson said he wants to let Habitat for Humanity know that if they have a project in Brunswick, that the town is willing to appropriate up to ten thousand dollars (\$10,000) toward the project. He feels that they should come back to the Council at such time as they have a project and then the town would assist with it.

Councilor Watson moved, Councilor Sartoris seconded, to consider authorizing funds for Habitat for Humanity when they come back to the Council with a suitable project in Brunswick. The motion carried with nine (9) yeas.

158. The Town Council will consider accepting the Birch Haven Subdivision Public Easements and will take any appropriate action.

Manager Gerrish said the town recommends these easements being approved.

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

Councilor Lowe moved, Councilor Sartoris seconded, to accept the public easements from the Birch Haven Subdivision. The motion carried with nine (9) yeas.

159. The Town Council will consider a request from the United Way to hang a banner over Maine Street from October 1 through October 15, 2003.

Councilor Randolph moved, Councilor Watson seconded, to approve the request from the United Way to hang a banner over Maine Street from October 1 through October 15, 2003. The motion carried with nine (9) yeas.

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

The meeting adjourned at 10:22 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
September 22, 2003

October 6, 2003

Date of Approval

Charles R. Priest

Council Chair