

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
September 2, 2003
7:30 p.m.
Municipal Meeting Facility

7:00 p.m. Executive Session: Union Negotiations

Councilor Rice moved, Councilor King seconded, to go into executive session to discuss union negotiations. The motion carried with six (6) yeas. Councilors, Sartoris, Randolph and McCausland were not present at the vote.

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; Matt Eddy, Economic Development Director; Jerry Hinton, Police Chief; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; John Foster, Public Works Director; Richard Desjardins, Police Commander; Donald Goulet, Police Commander; Mark Waltz, Detective Sergeant; several citizens, members of the press, and TV video crew.

Minutes of Previous Meetings: August 4, 2003
August 18, 2003

Hearing no objection from the Council, Chair Priest declared the minutes of August 4, 2003, accepted as written.

Hearing no objection from the Council, Chair Priest declared the minutes of August 18, 2003, accepted as written.

Manager's Report:

1) Financial Update

Manager Gerrish gave this update. On the expenditure side, the town is in good shape. On the revenue side, excise tax was above what was expected by thirty thousand dollars (\$30,000) for the first two (2) months. State revenue sharing is about the same as last year.

2) Update on Sewer District Boundary Line Referendum

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Manager Gerrish said the question for the November ballot is outlined in the memo from the Town Clerk. He read the question. He is still looking for a couple of Councilors to work with the Sewer District on educational and informational materials for the referendum.

Councilor Sartoris volunteered and Councilor Rice was appointed by Chair Priest to assist with the information.

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

3) Update on Request to Review Speed Limit on Prince's Point Road

Manager Gerrish said this item is to inform the Council that the town has had a request to review and lower the speed limit on Prince's Point Road. The town is going to ask the state to review the road and recommend a speed limit. The road is not posted, and since it is rural, the speed limit is 45 mph.

4) (ADDED) Update on Solid Waste

John Foster, Public Works Director, said Pine Tree Waste will postpone the start of pick up of the Town's trash until October 1 as they had to order additional trucks. They will put employees with the public works' people to learn the routes. Only what is allowed to be collected currently under the solid waste ordinance will be picked up. On October 11 household hazardous waste collection day will be held, with more information coming in the future. Leaves can be dropped off at Industry Road; the town does not have curb side collection of leaves; the town composts them.

5) (ADDED) Introduction of Matt Eddy, Economic Development Director.

Matt Eddy, Economic Development Director, thanked the Council for the opportunity to work in Brunswick and said he was excited about being in Brunswick. He discussed the possibilities and town's strengths for economic development.

Correspondence:

Letter from Orville Ranger - Re: Memorial Day Committee

Chair Priest read Mr. Ranger's letter of resignation from the Memorial Day Committee and thanked him for his service.

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

Adjustments to Agenda: None

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- 141. 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

Bangkok Garden Restaurant

14 Maine Street

Orathao Vattaso

MacMillan and Co., LLC

94 Maine Street

John Hall

Margaret Hall

Edwin Roger

David Little

Richard's Restaurant

115 Maine Street

Richard A. Gnauck

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

Councilor Randolph said she would not be voting on Bangkok Garden's application since they are a client of hers.

Councilor Sartoris moved, Councilor Watson seconded, to approve the renewal of an alcoholic beverage license from Bangkok Garden. The motion carried with eight (8) yeas. Councilor Randolph abstained.

Manager Gerrish said MacMillan's has worked with the town to address concerns and the town would recommend approving the application.

Councilor Lowe moved, Councilor Galloupe seconded, to approve renewals of alcoholic beverage licenses from MacMillan and 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.)

- 142. The Town Council will consider rescinding their vote of June 26, 2003 (Item 105) choosing the lower Pleasant Street site for a proposed Public Safety Facility and will take any appropriate action.**

Councilor Randolph moved, Councilor Watson seconded, to rescind the Town Council vote of June 26, 2003, choosing the lower Pleasant Street site for a proposed Public Safety facility.

Councilor Randolph discussed her concerns with the site and read letters from concerned citizens and business owners.

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(A copy of correspondences from Councilor Randolph, Ed Knox, Joseph Byrnes, Ken Thompson, Jeff and Wanda Morris, Barbara Murphy, Candace Kanas, Virginia Caruso, Bonnie Benner, and Conrad Thibeault will be attached to the official minutes.)

Councilor Watson read a prepared statement. It spoke of the town's growth and how the fire department does not meet the needs of the community. There are problems with the structure and it is no longer safe. This Council will address the problem and the question to be answered is where to put the station. To fully address the needs of Brunswick the town must meet the needs of the fire and police departments. The public safety building will eliminate the need to address a separate Police Station and Municipal Office, along with providing other benefits. He no longer supports the in-town Pleasant Street site. Councilor Watson spoke of the need for a substation in East Brunswick. He also presented a petition signed by citizens from East Brunswick supporting a substation there.

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

Councilor Galloupe said the need for a new facility is a must. The question is rescinding the selected site. He does not like the downtown site or having the station on a one-way street. He likes the Aubuchon site even less, with the growing traffic problems on Pleasant Street. He likes the corner of Stanwood, Mill and Pleasant Streets. Unless the Council has five (5) votes for the Stanwood site, he will not vote to rescind the vote since it is better than the Aubuchon site.

Councilor McCausland said he did not like the Aubuchon site and there is no perfect site. There has been much research on this. As far as the Aubuchon site, the question is how to fund the changes to the roads which is estimated at one million five hundred thousand dollars (\$1.5 million). Some downtown merchants and the Chamber of Commerce have been supportive of the Aubuchon site. The cost figures being presented out there are misleading and wrong. He discussed the concern of the parking downtown and how there will be additional parking under the Council's proposal. This is not the time to start over again with a vote in November and all the research that has already been done.

Councilor Sartoris said she will be voting to rescind. She supports the public safety facility, but she does not like the downtown site or the Aubuchon site. She still supports the Stanwood site. Her concern is the process, since it did not provide the Council with enough time to make a decision, due to the artificial November Election date for a question to be put on the ballot. This is about the vision of the downtown area if it is built there. This is the largest amount of money she will have voted on and she feels citizens have not been given enough input on all sites. The town needs a new fire station, but it needs to be put out in a creditable process.

Councilor Lowe said that process is an important part of this project. The issue as a whole has had a process and there is support for the public safety building. There has been much time looking at the sites and much information has come forward. He feels

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that the outer Pleasant Street site will not work. He is not going to be in favor of rescinding the vote. The key in lower Pleasant Street site is the design process and site plan that will address many concerns.

Councilor Rice said he was a supporter early on of the Aubuchon site, but he is not going to be able to support that site now with the traffic concerns. This is a safety complex. He favors a substation in East Brunswick.

Councilor King said she never favored the Aubuchon site, but to be open minded about it, she went there and sat in traffic. She does not see where traffic will be moved. The downtown site is not perfect, but the police and firefighters support the site and they are the experts.

Chair Priest said the Council has been looking at this for sometime, and he reviewed some dates when public comments had been allowed over the last eighteen (18) months. The Aubuchon site will not work because of traffic. The downtown site is not perfect, but the town can work with downtown businesses to assist with relocation. It may strengthen the downtown with the town hall and public safety facility there. The town is making a commitment to the downtown and hopes downtown businesses will change their opinion of the station.

Councilor Randolph said the concern is not having enough input from citizens so they could be heard and that the Aubuchon site is not out of the downtown area.

Councilor Randolph moved, Councilor Watson seconded, to rescind the Town Council vote of June 26, 2003, choosing the lower Pleasant Street site for a proposed Public Safety facility. The motion failed with three (3) yeas. Councilors Galloupe, Rice, Priest, Lowe, King, and McCausland were opposed.

143. The Town Council will receive a report concerning the estimated cost and site plans for the proposed Public Safety Facility on lower Pleasant Street and for a Cooks Corner Fire Substation and will take any appropriate action.

Pat Harrington, Assistant Town Manager, made this presentation of the report on the public safety facility discussion. It included various scenarios as to what to do.

(A copy of the report and PowerPoint presentation will be attached to the official minutes.)

Manager Gerrish said if the Council is going to recommend a substation, they will need to hold a public hearing to change the CIP. The substation will have an annual operating cost of three hundred twenty five thousand dollars (\$325,000), since it will require an additional six (6) employees to cover the station.

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Councilor Randolph requested that the ballot question have the stations' location and include the mill rate increase.

Manager Gerrish said this information can be put somewhere in the question.

Councilor Sartoris said she wanted the operation cost included in the question. The increase in the mill rate, with additional operation cost for each proposal, should be included in the ballot question.

Manager Gerrish said he wanted to take any possible change to the question back to the bond council to review. If this happens, the Council can meet on Thursday to approve the question.

Chair Priest said the Council needs to be careful of the question's wording since it has legal significance and could invalidate the question.

Councilor McCausland said that the information was not included on the high school and library bond issues. The public is educated and knows they will have to pay for operating costs.

Councilor Sartoris said with the concerns about the tax rate, there needs to be a distinction between the capital cost and the long term operating cost. There has not been much discussion on the substation and the downtown site's location may be helpful to let people know when they are voting.

Councilor Lowe thanked the staff for their work putting together this information. He was concerned about the cost, but the Council is supportive of the public safety facility. The substation issue has been discussed for several years. At this point, if the town is going to design a public safety facility, it will need to consider the Cook's Corner substation. He is favoring scenario 1A, with ten (10) parcels downtown and the Cook's Corner substation. He is concerned about the operating costs. It should not be included in the question, but there should be information to educate the public on it. The town needs to keep in mind the needs of other town services in education and other areas. The town cannot cut back education costs due to the cost of a substation.

Councilor McCausland moved, Councilor Watson seconded, to send to Brunswick voters the Alternative Scenario #1A (as outlined in the "Town of Brunswick Town Council Public Safety Facility Discussion" report) for a public safety facility and substation at Cook's Corner.

Councilor Sartoris said she will not support the 1A scenario, with the substation, since there was not enough discussion on a substation. The substation has gone from a discussion to a necessity. She is not happy with going forward with this recommendation just to get it on the November ballot. The municipal budget has changed since 1998 (when Cook's Corner master report which included the substation was presented). EMS

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in East Brunswick is the key to this discussion. She is also concerned about the lack of discussion of regionalization.

Councilor Randolph said she agreed with Councilor Sartoris.

Councilor Randolph moved, Councilor Sartoris seconded, to table this item.

Councilor Randolph said the process has not been there for the public. People think the Council is doing it the wrong way.

Councilor Rice said it is a tough decision to make. The Cook's Corner substation is not a new idea. If the town does not have it, it needs to look at an eight (8) bay station in the downtown area. He supported the downtown location. It is time to put the question on the ballot; if the people are not happy, they will let the Council know.

Councilor King said its time to move on with the referendum and let people decide.

Councilor Galloupe said the Cook's Corner substation has been on the table for many years. His problem with the substation is the staffing cost involved. Without it, though, there will be a need for more staff downtown. He suggested there being a place on the ballot a person could explain why they voted yes or no.

Chair Priest said this issue has been studied for eighteen (18) months; the Cook's Corner substation is not a secret; it is time to make a decision; and staffing is going to have to be increased.

Councilor Sartoris said that she could vote for the downtown, but could not include the substation. Forcing citizens to choose all or nothing is not fair to them. She urged the Council to just put the public safety building in the downtown, with no substation.

Councilor McCausland said including the Cook's Corner substation does not "muddy" the water. The substation has been discussed for years and this is taking definitive action to address this long standing issue. He hopes the Council will put this out to vote to address public safety needs.

Councilor Sartoris said that the substation was not discussed at all under the CIP process in June. If the CIP is going to have creditability as a five year plan, the substation should have been included when it was approved. There is no reason to rush to put it on the November ballot.

Councilor Watson said Councilor McCausland is correct; the substation discussion has been going on since the 1960's. The Cook's Corner substation has been discussed and was discussed in the CIP. It is time for East Brunswick to have the services they need.

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Councilor Randolph said that the process was not good for both stations. The downtown location will probably fail with or without a substation. It will fail for lack of support for the final process.

Councilor Randolph moved, Councilor Sartoris seconded, to table this item. The motion failed with two (2) yeas. Councilors Watson, Galloupe, Rice, Priest, Lowe, King, and McCausland were opposed.

Councilor Randolph moved to amend the main motion to reduce the size and scope of the safety building as proposed to one-half the smallest designed project in square footage and reduce the price to the original nine million dollars (\$9,000,000) and at the same time design and build a more modest Cook's Corner substation. The motion failed for lack of a second.

Manager Gerrish said if the Council wants changes in the question's wording, it would have to go to the bond council. The locations are included in the ordinance's wording.

Councilor Lowe said he would be more comfortable if the locations were included in question.

Councilor Rice suggested getting information out there on locations and tax impacts.

Chair Priest said the locations are neutral enough to put out information on them.

Councilor McCausland said he has no objection to adding the locations to the ballot question. Councilor Watson, as the seconder, agreed.

Councilor Sartoris said that staffing cost should be included to make it clear, since there has been so little discussion on the substation in this process. She wanted that cost as part of the referendum question.

Chair Priest said that to include information on operation costs may be a problem with the bond council and issue.

Councilor Randolph questioned why the locations' addresses could not be put on the ballot, not just the wording "downtown."

Manager Gerrish said the bond council may have concerns with a very specific location, in case the location has to be moved even a small amount.

Councilor Sartoris said if the operating cost is not going to be included; the question should include the tax rate increase for the capital expenditures.

Manager Gerrish said the proposed tax rate is based on things staying the same (with no new value or expenditures). This also could be problem with the bond council.

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Councilor Sartoris suggested using words like “estimated” tax rate.

Councilor Lowe said if one looks back at the library bond question, it was straight forward, with no operating costs included. The Council should come up with information to educate voters on the cost - whether in The Times Record or elsewhere. He is reluctant to put it in the legal question since it could be questionable with the bond council.

Councilor McCausland said people will be clear on the cost in November since this has been a widely debated issue for eight (18) months. Over the next several weeks there will be continued discussion related to costs and locations. This Council is showing a great deal of leadership on the issues that face this community. This bond issue will solve the central fire station needs, provide for police department needs, create a substation at Cook’s Corner, relieve overcrowding at the municipal building, and add a little more parking. Five long term municipal needs will be satisfied by this issue.

Councilor McCausland agreed to include a public hearing and bond adoption in his motion. Councilor Watson agreed, as the seconder.

Councilor McCausland moved, Councilor Watson seconded, to send to Brunswick voters the Alternative Scenario #1A (as outlined in the “Town of Brunswick Town Council Public Safety Facility Discussion” report) for a public safety facility and substation at Cook’s Corner; to adopt 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, Maine and the Issuance by the Town of its Bonds and Notes in an Amount not to Exceed \$13,000,000”; and to set a public hearing for October 6, 2003, on the ordinance. The motion carried with seven (7) yeas. Councilors Sartoris and Randolph were opposed.

The ballots question will be as follows:

“Shall 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, Maine and the Issuance by the Town of its Bonds and Notes in an Amount not to Exceed \$13,000,000 therefore be approved and enacted?”

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

143A. (ADDED) The Town Council will consider setting a public hearing to amend the Capital Improvement Plan and will take any appropriate action.

Councilor Watson moved, Councilor Rice seconded, to set a public hearing on September 15, 2003, to amend the Capital Improvement Plan to include the Cook’s Corner substation. The motion carried with nine (9) yeas.

- 144. The Town Council will consider setting a public hearing to amend the parking ordinance to change 2-hour parking to all day parking on the west side of Federal Street from Center Street to School Street and will take any appropriate action.**

Councilor Randolph said the Downtown Group wanted to have all day parking on sections of Federal Street.

Councilor McCausland and Councilor Lowe said they would not vote to set a public hearing.

Councilor Randolph moved, Councilor King seconded, to set a public hearing for September 15, 2003, on the proposed amendment to the Parking Ordinance, regarding changing the 2 hour parking limit to all day parking on the west side of Federal Street between Center Street and School Street. The motion failed with two (2) yeas. Councilors Watson, Sartoris, Galloupe, Rice, Priest, Lowe, and McCausland were opposed.

- 145. The Town Council will consider passing a Resolution supporting the Federal Transportation Enhancement funding and will take any appropriate action.**

Manager Gerrish said this item would pass the attached Resolution encouraging Congress to continue funding of Federal Transportation Enhancement Funds. Brunswick has utilized these funds in the past for the Bike Path and for planning for the continuation of the path to Bath. The restoration of the Swinging Bridge is also planning to use these funds. Manager Gerrish recommended support of this resolution.

Tom Farrell, Parks and Recreation Director, discussed the reason for the resolution.

Councilor Randolph asked what citizens can do to support this effort – like call or send letters. She asked if information could be put in a handout and on web site.

Mr. Farrell said he would see what could be done in this area.

Councilor Lowe seconded, Councilor Sartoris seconded, to pass the Resolution in support of Federal Transportation Enhancement Funding. The motion carried with nine (9) yeas.

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

- 146. The Town Council will consider moving the District 2 polling location to Coffin School and moving the District 5 polling location to Pejepscot Terrace and will take any appropriate action.**

Fran Smith, Town Clerk, spoke on the research she did to find alternative polls for Districts 5 and 2.

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

Councilor McCausland questioned changing District 5 since those voters have voted outside their district for many years at the Recreation Center.

Chair Priest said it was requested by some voters in the district.

Councilor Sartoris moved, Councilor Lowe seconded, to approve moving the polling locations for District 2 to the Coffin School and District 5 to the Pejepscot Terrace Community Center. The motion carried with nine (9) yeas.

147. The Town Council will consider appointing Clark Labbe to the position of Health Officer for a three year term and will take any appropriate action.

Councilor Randolph moved, Councilor Watson seconded, to reappoint Deputy Fire Chief Clark Labbe as Health Office for a three year term, ending on September 6, 2006. The motion carried with nine (9) yeas.

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

Councilor Sartoris asked that the Housing Authority position be on the next meeting since she had conducted a phone interview and not had an opportunity to write up those notes.

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

Councilor Sartoris nominated Robert Morrison, Alan Yuodsnukis, and Dave Dube to the Capital Improvement Plan Development Committee and ask to cease nominations.

Each Councilor was allowed two (2) votes since there were two vacancies.

Robert Morrison received votes from Councilor Sartoris, Councilor Galloupe, Councilor Rice, Chair Priest, Councilor Randolph, Councilor Lowe, and Councilor King.

Alan Yuodsnukis received votes from Councilor Watson, Councilor Sartoris, Councilor Galloupe, Councilor Priest, Councilor Lowe, Councilor King, and Councilor McCausland.

Dave Dube received votes from Councilor Watson, Councilor Rice, Councilor Randolph, and Councilor McCausland.

Mr. Yuodsnukis and Mr. Morrison were appointed to the Capital Improvement Plan Development Committee.

Councilor Sartoris nominated Ellen McPherson for reappointment to the Recreation Commission, asked that nominations cease and the Chair cast one vote for Ms. McPherson. The council voted nine (9) yeas in favor of this appointment.

Councilor Sartoris nominated Campbell Clegg and Janet Roberts for reappointment to the Village Review Committee, asked that nominations cease and the Chair cast one vote each for Mr. Clegg and Ms. Roberts. The Council voted nine (9) yeas in favor of this appointment.

Councilor Sartoris nominated Harold Hutchinson and Richard Moll for reappointment to the Water District Board of Trustees, asked that nominations cease and the Chair cast one vote each for Mr. Hutchinson and Dr. Moll. The Council voted nine (9) yeas in favor of this appointment.

Councilor Randolph said she wanted a discussion on all day parking at Maine Street Station.

Manager Gerrish said he needs to look at this and see how the ordinance fits in.

Councilor Sartoris said she would like to discuss a location for car pooling.

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

The meeting adjourned at 11:00 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 9, 2003*

October 6, 2003

Date of Approval

Council Chair