

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
November 5, 2007
7:00 P.M.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Margo H. Knight, Newell A. Augur, David C. Webb

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Patricia A. Foley, Executive Administrative Assistant; Gary Brown, Assistant Town Manager; Jeff Emerson, Deputy Fire Chief; and the TV video crew

7:00 P.M. Meeting Called to order

Chair King called for the Pledge of Allegiance.

Public Comment:

Jennie Coombs, Merryman Lane, has lived in Brunswick for 22 years. She and her husband Bernie are natives of Brunswick. They feel they have been robbed by their neighbor's greed and the ignorance of town officials and their inadequate tax maps. Results of secret meetings should be made public. She expects something to be done. They have paid over \$25,000 and enough is enough.

Pem Schaeffer, Crestview Lane, spoke about an article in the Times Record on October 19th regarding the school construction question. This editorial said more about how this town conducts its important business than anything else in history. He stated that the Maine Constitution, Article 2 Section 1 states the following regarding the qualification of electors "Residing in a college town does not entitle you to vote in that town. He wants to know why we allow Bowdoin students to vote in our elections.

Bernard Coombs, Merryman Lane, had a survey done before his home was built. His abutters did not have a survey done and there has been a lingering legal battle over their property for the last 4 and ½ years because of that. He feels that anyone who purchases land should have to have a survey before they purchase so they won't have to go through what he and his family have gone through. Since the town filed suit that gave his abutters the opportunity to sue him. He has paid \$25,000 to claim ownership on a piece of property they have owned since his Great-Great Grandfather bought it in 1829.

Councilor Sartoris wanted to correct a factual inaccuracy. She expressed that Bowdoin College students are permitted to vote in the Town of Brunswick. All they need is a proper identification showing they live in Brunswick.

Chair King would like to review guidelines on what is appropriate commentary at the public comment portion of future Council meetings.

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Correspondence: Councilor Schneider had the privilege and honor of talking to local Cub Scout Webelos, Pack 648, and he would like to thank the following six children: Timothy Miller, Kelton Rose, Nate Nelson, Mat Devoux Zack Kuntz and Morgan Kuntz.

Adjustments to Agenda: None

Manager's Report:

a) Council Committee Updates

Councilor Daughtry said the Elementary School Building Committee met last week and they are beginning to design the building. They are talking about a double school with 300 students each. One scenario showed three houses of 200 students each. She reminded everyone that on November 28th at the Junior High School Gymnasium there will be a straw vote on site selection. Babysitting services will be available. The meeting will start at 6:30 p.m., and at 7:30 p.m. the straw vote will take place. To vote you must be 18 years or older, and be a resident. A sign in sheet will be at the door.

Councilor Favreau reminded everyone that they do not have to be a registered voter of Brunswick but do need to be a resident so proper identification will be required.

Councilor Augur said the facilities committee is meeting Wednesday at the Old High School to further discuss the orientation of fields and gymnasium space and usage of this athletic area by Brunswick youth. The presidents of all athletic organizations and the public are welcome to attend the meeting and discuss what the best use of this resource would be.

Councilor Webb congratulated the boy's varsity soccer team that is currently playing the State Championship finals against Greeley.

Councilor Watson congratulated the girls cross country team that won the State Championship.

State Representative Stan Gerzofsky said he felt compelled to speak on the erroneous statement that Mr. Schaeffer made about students not being able to vote. The Supreme Court has ruled many times that college students have a right to vote where they attend school. Students are counted in Brunswick when the census is taken every ten years. He finds it offensive that there is an argument against students being allowed to vote. He said that if you are counted in the census you should be counted at the polls.

b) Financial Update:

Manager Gerrish said in the first four months of the fiscal year excise tax is almost exactly where it was last year at this time. It was estimated to collect almost \$2.5 million of excise tax. He reminded the Council there is a petition that will be at the polls that would cut what the Town collects by about \$1.5 million if the law passes. State revenue sharing is a little ahead of last year. The Town was conservative in what was anticipated. The current amount puts the Town on line to get around \$2.1 million. The good news we received is that we will see a .22% decrease in our health insurance rates in January, with an anticipated savings of \$75-100,000.

c) Trust for Public Land (Maquoit Bay)

Manager Gerrish stated that last week there was a celebration at the home of Brooks Stoddard on Bunganuc Road to bring the players together who participated in the Trust for public land to preserve the 160 acres on Maquoit Bay. Participants were given a hand carved Sandpiper shore bird in recognition of the hard work everyone has done. Thanks to Brooks Stoddard and his family who put some of their land into conservation which allowed for the grants.

d) MACTEC Contract Modification Number Four

Manager Gerrish is asking the Council to authorize a finalization to do the remediation of the coal ash on the Maine Street Station site. All approvals have been met. This work comes from the \$600,000 received from EPA for remediation and another \$150,000 from the EPA for the planning. Approval is sought for this final modification.

Councilor Sartoris thinks this is a necessity and citizens will be thrilled to see this project get going. She wants to know if modifications money will come from the grant for pocket parks. We are committed to pocket parks on this site. Manager Gerrish said there is still a commitment to create pocket parks.

Motion by Councilor Watson, Seconded by Sartoris to authorize a finalization to do the remediation of the coal ash on the Maine Street Station site.

Manager Gerrish said this is for phase 1 & 2 of the project and the money will be used to do as much work as we can within those phases. Depending what the Town gets back for the proposal on the bids, we will see if we can do more or less but we will be looking for additional funding to do the total project. This is to get us started and the project is to remove the coal ash from the site.

The motion carried with nine (9) yeas.

e) Wood Boiler Discussion

Deputy Chief Emerson said the Department of Environmental Protection adopted rules for outdoor wood boilers on November 1, 2007. The Department of Environmental Protection adopts the rule, it gets sent back to them for language changes and about two weeks later the

Secretary of State signs off on it. It may be three weeks before the rule actually becomes effective. Then it goes through the Legislature in January for final approval. The attached document shows the prohibited fuels visible emission standards and preemption.

(A copy of the prohibited fuels visible emission standards and preemption will be attached to the official minutes)

The Town can be more stringent but not less stringent than the State on these rules. Any home seller will have to provide the buyer with a copy of this rule. DEP said that they are going to enforce this rule; it won't be up to the town to enforce it. A Permit is required for outdoor wood boilers.

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Any complaints would go through the Fire Department who would contact DEP to follow up.

Councilor Sartoris said her concern is that this rule is not going to address the visible emissions standards that Brunswick has and that the State of Maine would not have the people to enforce the rule.

Manager Gerrish said the Town has a moratorium that is in place until the end of December. There is an ordinance that allows the use of existing outdoor wood boilers within a specific time frame. Council needs to decide if they want to continue the moratorium. This item will come back to Council.

Councilor Webb would like to borrow ideas from other towns on how they deal with their wood boilers.

- 158. The Town Council will hear public comments on the following Full-Time Spirituous, Vinous & Malt License application, and will take any appropriate action.**

Full-Time Spirituous, Vinous & Malt License

Applebee's Northeast, Inc.

D/B/A: Applebee's Neighborhood Grill & Bar

11 Gurnet Road

Applebee's International Licensing

Councilor Watson moved, Councilor Sartoris seconded to approve the Full-Time Spirituous, Vinous & Malt License for Applebee's Neighborhood Grill & Bar at 11 Gurnet Road. The motion carried with nine (9) yeas.

- 159. The Town Council will hear public comments on the winter closing of Sawyer Road, and will take any appropriate action.**

Manager Gerrish stated that Sawyer Road should be closed during winter months so plowing will not be necessary, a public hearing must be held.

Councilor Webb would like to know why this has to be brought up every year.

Manager Gerrish that the change can be done every ten years. He will look at doing that next year.

Councilor Sartoris has voted every year to close Sawyer Road but has recently been made aware that it is a very nice facility that could benefit the citizens if the town were to develop trail networks and possibly leave it open all year.

Councilor Daughtry moved, Councilor Watson seconded to approve the winter closing of Sawyer Road.

Discussion by Councilor Watson stated that Sawyer Park is a little known site in the Town of Brunswick.

The motion carried with nine (9) yeas.

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

Manager Gerrish explained that each the General Assistance Ordinance Maximums are reviewed and the numbers are looked at in terms of what is allowable for individuals that come to the Town for assistance for rentals or food and changes are made if necessary. These numbers have been reviewed by Maine Municipal and are up to date with the actual costs within the region.

Councilor Sartoris moved, Councilor Daughtry seconded to approve the General Assistance Ordinance Maximums. The motion carried with nine (9) yeas.

(A copy of the General Assistance Ordinance Maximums will be attached to the official minutes)

- 161. The Town Council will consider accepting the appointment of Anna Breinich to Director of Planning and Development, and will take any appropriate action.**

Manager Gerrish stated that Anna comes highly recommended to the Town.

Councilor Sartoris moved, Councilor Daughtry seconded to approve the appointment of Anna Breinich to the Director of Planning and Development. The motion carried with nine (9) yeas.

- 162. The Town Council will consider adopting a resolution reaffirming their support of an application to the United States Department of Interior for properties requested through the BLRA State and Local Screening process, and will take any appropriate action.**

Assistant Manager Brown said the Department of Interior provided a sample resolution to accompany the actual application that goes down to the Department of Interior for their approval. There are no changes from what had been previously voted on. This is merely a reaffirmation of Council's support of the application.

Councilor Favreau moved, Councilor Knight seconded, to adopt a resolution reaffirming their support of an application to the United States Department of Interior for properties requested through the BLRA State and Local Screening Process. The motion carried with nine (9) yeas.

- 163. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.**

Councilor Daughtry nominated David Giles and William Lamb for the Zoning Board of Appeals.

Councilor Favreau stated that William Lamb has been on the Zoning Board of Appeals for over twenty years and that he should receive some recognition.

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Councilor Watson moved, Councilor Favreau seconded to nominate David Giles and William Lamb to the Zoning Board of Appeals. The motion carried with nine (9) yeas.

164. Consent Agenda

Councilor Watson moved, Councilor Daughtry seconded, to nominate David Giles, and William Lamb to the Zoning Board of Appeals.

Councilor Sartoris would like any consent agenda item to be more explicit. She wants to be sure the sewer district conforms to zoning.

Manager Gerrish states that they do conform.

The motion carried with (9) yeas.

The meeting adjourned at 8:00 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Patricia A. Foley
Executive Administrative Assistant
November 5, 2007*

December 3, 2007
Date of Approval

Council Chair