

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
February 26, 2007
Executive Session 6:30 P.M.
Meeting Continues 7:00 P.M.
Municipal Meeting Facility

6:30 P.M. Chair King called the meeting to order.

Executive Session: Labor Negotiations per 1 M.R.S.A. § 405(6)(D)

Councilor Favreau moved, Councilor Webb seconded, to go into executive session to discuss Labor Negotiations per M.R.S.A. §405(6)(D). The motion carried with eight (8) yeas. Councilor Augur arrived after the vote.

MEETING CONTINUES AT 7:00 P.M.

Chair King resumed the meeting and asked for the Pledge of Allegiance.

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

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Jeff Emerson, Deputy Fire Chief; Mat Eddy, Director of Economic Development; Amanda Similien, Economic Development Specialist; and the TV video crew.

Public Comment: None

Correspondence:

Councilor Favreau thanked the Brunswick Public Works Department for the super job they did removing the snow from this last storm. He also thanked Tom Mann and his drivers for letting him go with them. He asked that people please give the snowplows room since it takes a lot of room to plow and they cannot stop quickly.

Chair King thanked Councilor Sartoris and town staff for participating in the information session on the possible industrial park and she also thanked the citizens who came.

Adjustments to Agenda: None

Manager's Report:

(a) Longfellow Days

Claudia Knox said they are ending this year's event on a high note since it is the 200th anniversary of Mr. Longfellow's birth. Tonight and tomorrow they will be working on

Town Council Minutes

February 26, 2007

Page 2

unveiling sidewalk plaques that will go into the sidewalks this summer. Mr. Longfellow was able to read eight languages and taught at Bowdoin and Harvard, yet he thought that poetry should reach all people in diverse areas; he felt this was his civic duty.

Peter Simmons revealed one of the plaques. It is one of four to be placed in the sidewalk between Maine Street and Mason Street, with quotes from Coffin, Harriet Beecher Stowe, and Hawthorne on the other three. He has been working with town staff for five years and said it was designed by a person at Bowdoin College. He hopes to have them installed this summer. They are two-thirds through the project and still need funds. He thanked major contributors, including Bowdoin College, the Brunswick Downtown Association, the Longfellow Days group, Downeast Energy, Bath Savings Bank and the Friends of Curtis Memorial Library.

(b) Council Workshops

Manager Gerrish said there will be a workshop on March 12, 2007, to deal with the issue of recreational impact fees, and on March 26, 2007, there will be a workshop regarding the Conservation Commission recommendation for base acquisition. There will need to be a workshop for the CIP and a comprehensive facilities plan.

(c) Swinging Bridge Update

Manager Gerrish said the Swinging Bridge Committee is soliciting donations for the bridge by selling and installing engraved bricks; they would like to inform everyone that the deadline for ordering them is February 28.

(d) (ADDED) Bowdoin Pines Update

Manager Gerrish said three or four of the Bowdoin Pines may need to be removed and they will be working on others.

Adjustments to the Agenda:

Move Items 29, 34, and 36 to the end of the meeting.

Several items were tabled and are indicated as such in the minutes.

- 27. The Town Council will hear public comments on the following request for an alcohol license, and will take any appropriate action.**

Full-Time Spirituous, Vinous & Malt

OGI, Inc.

D/B/A: Brunswick Inn on Park Row

165 Park Row

Kim Swan & Bill McFarland

Manager Gerrish said this item is for public comment and approval of an alcohol license for OGI, Inc. D/B/A: Brunswick Inn on Park Row.

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Augur moved, Councilor Ewing seconded, to approve the alcohol license for OGI, Inc. D/B/A Brunswick Inn on Park Row. The motion carried with nine (9) yeas.

- 28. The Town Council will hear public comments on the proposed CDBG Public Service Grant request in the amount of \$40,000 for People Plus and the Community for All Ages Program, and will take any appropriate action.**

Mat Eddy, Economic Development Director, introduced Amanda Similien, the new Economic Development Specialist.

Ms. Similien said this grant for public service is to create a Community for All Ages Program. They want to deliver a plan and do asset mapping. There would also be funds to make the coordinator full-time and to upgrade the computer system. She hopes it will become a model for the east coast. This was one of the grants the Council approved Mr. Eddy to pursue at the December 4, 2006, Council meeting.

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Sartoris said this is a real exciting project that the town is working on. She hopes the town gets the grant.

Councilor Sartoris moved, Councilor Watson seconded, to approve the submission of the \$40,000 CDBG Public Service Grant for People Plus and the Community for All Ages Program. The motion carried with nine (9) yeas.

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

- 14. (Tabled) The Town Council will discuss a revised Town Boards, Commissions, and Committees Policy, and will take any appropriate action.**

The Council tabled this item.

- 15. (Tabled) The Town Council will discuss the creation of the Transportation Advisory Committee, and will take any appropriate action.**

The Council tabled this item.

- 29. (Tabled) The Town Council will consider electing a new Council Vice Chairperson, and will take any appropriate action.**

Chair King said this item is for the Council to consider electing a new Council Vice Chair; she then opened the floor for nominations.

Councilor Schneider nominated Councilor Daughtry.

There were no more nominations.

The Council voted nine (9) yeas to appoint Councilor Daughtry as the Council Vice-Chair for the remainder of 2007.

- 30. The Town Council will consider the next steps in adopting the Comprehensive Plan Update recommendation, and will take any appropriate action.**

(This item was taken up after the public hearings.)

Chair King said this item is to figure out what the Council should do next to develop the feasibility study.

Manager Gerrish said he is suggesting putting together a committee and having a process to look at doing the feasibility study.

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

Chair King said she felt the Council should not adopt the Comprehensive Plan until the feasibility study is done. Once completed, the Council can make changes to the Comprehensive Plan, if necessary, before adopting it.

Councilor Sartoris said the Comprehensive Plan Committee specifically wanted the plan to be adopted as a whole and then the implementation of things could be looked at. They believe they developed a plan that could be adopted without having the outcome of the feasibility study. They want to get it done; the State Planning Office having already reviewed it. The plan only has the process to determine whether or not the town needs to have another business park. She would like to see the Comprehensive Plan back on the agenda; she does not want to hold it up longer while dealing with the business park element. She also suggested changing the name of the proposed committee from "Route 1" to "Economic Development." She wanted to include citizens so their voices were at the table.

Councilor Favreau said he agrees with Councilor Sartoris, it is a good plan and is being held hostage with this business park issue. As far as the committee, he is supportive of what the Manager drafted.

Councilor Webb said the Council may not need to adopt the Comprehensive Plan until the feasibility study is done; he also agrees with Councilor Sartoris that the charge should include promoting a healthy economic environment. He would support holding off on the Comprehensive Plan.

Town Council Minutes

February 26, 2007

Page 5

Councilor Daughtry agrees with Councilor Webb. Unless the language is removed from the plan, she would prefer waiting a few more weeks before adopting the Comprehensive Plan so the feasibility study can be done. She agrees with including members of the public on the study committee.

Councilor Schneider thinks that a feasibility study should happen first and then move on to the Comprehensive Plan adoption process. He would like to see a resident of west Brunswick included on the committee. If the Council needs to adopt the Plan now, he would want to take out the business park language.

Councilor Augur said he liked having a resident from west Brunswick and agreed with Councilor Sartoris on changing the committee's name. He is not sure what the Council is waiting for since there is a transparent process in place. He does not see why the Council should wait to adopt the plan. There is a clearly identified process that the Comprehensive Plan Committee developed after meeting many times on it.

Councilor Schneider said some of his questions include whether or not property is going to be private or public, and what other land may become available.

Councilor Sartoris said her concern with putting off the Plan's adoption is the Committee held 63 meetings, and had the Planning Board look at it. This one small part of the plan is putting the entire thing on hold. The plan is not only about economic development, but how the community will develop as a whole, including things like creating affordable housing. This process has been put on hold for many months for this single issue. The Comprehensive Plan is saying there is a process to see if rezoning should be considered, but leaving this door open is not acceptable to some. Holding the Comprehensive Plan up longer is a disservice. She added that the Comprehensive Plan does not imply an outcome to the business park.

Councilor Ewing said the CIP committee could take on the feasibility study since that committee does long term planning. The bottom line goal is how many jobs can be created between now and base closure.

Councilor Augur said he wanted to encourage everyone to step back; this is a plan, which the town has to follow. The CIP committee does not look at neighborhood impact, costs around infill sites; that is a decision the Council has to deal with. If the Council feels it is important to have a committee to look at it before the feasibility study is out there, this does not make the process flawed.

Councilor Watson said the Council needs to realize the loss of jobs when the base closes. The town is looking at a serious problem. It is going to take a long time to redevelop the base. The Council needs to act responsibly today and move forward; this is a plan and plans change. If more data becomes available, the Council can make adjustments. He is tied to business development in Brunswick as a whole; if the Council holds it back, they are doing a disservice to the citizens of Brunswick.

Town Council Minutes

February 26, 2007

Page 6

Chair King said she was remiss in not finding out where people are coming from on the adoption of the plan versus the feasibility study. She suggested tabling this so the Councilors can think about what they want to do first.

Councilor Schneider moved, Councilor Daughtry seconded, to table this item. The motion carried with eight (8) yeas. Councilor Augur was opposed.

Nat Wheelwright thanked everyone for the workshop and thanked those Councilors who attended. A Comprehensive Plan should be something that the whole community is comfortable with and many are not comfortable with the industrial park. There were many who came to the meetings and were opposed. At the Planning Board's public hearing, twenty residents spoke with nineteen against the park, and, at the workshop, no one spoke in favor of it.

31. The Town Council will discuss wood boiler concerns, and will take any appropriate action.

Manager Gerrish said this item is for discussion and possible action regarding concerns about possible health issues with the use of wood boilers. Mr. David Wright, Section Chief with the Air Toxic Program for the Maine Department of Environmental Protection, will provide additional information. There are currently five outdoor wood boilers in the Town of Brunswick; other communities are addressing this issue by doing things from ordinances to moratoriums.

Jeff Emerson, Deputy Fire Chief, said the outdoor wood boilers are not new, but they are becoming more popular. He introduced Mr. Wright, who made a presentation.

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

Mr. Wright said, responding to Councilor Augur's question about whether the problem is with the boiler or those operating them, it can be both. Out of the ones they looked at, much of the problem has been boiler design. Since there is no guideline, there is no incentive to make a clean boiler. At the federal level, it is not a big area, but once they become more popular it will take years to get the guidelines. At no time should garbage be burned in them.

Councilor Sartoris asked what the cost difference is between the "green" ones and less efficient ones. Mr. Wright responded he believed between \$1,000 and \$2,000.

Councilor Sartoris asked what other towns have done.

Mr. Wright responded he is not aware of what any others are doing, but Falmouth, Millinocket, and Houlton are considering ordinances.

Mr. Wright said, responding to Councilor Daughtry's question about retrofitting, there are companies working on retrofitting items, but they are not yet available.

Town Council Minutes

February 26, 2007

Page 7

Richard Emmons, owner of a boiler, but not a town resident, said the range is between \$6,000 and \$10,000, the difference for clean burners is \$2,500 more.

Councilor Favreau said that cost does not include the cost to install.

Deputy Chief Emerson said there are no regulations in place, but the way codes work, the standards can be adopted in whole or in part.

Councilor Sartoris said there is a Council meeting in a week and there needs to be additional thought as to what the Council would like to do: 1) allow no new outdoor wood boiler without approval by the Fire Department 2) provide packets of information that looks at issues like burning trash and different types of wood and 3) decide the issue of grandfathering existing boilers.

Chair King suggested moving forward with the emergency moratorium so there can be no new installations.

Councilor Augur said he is not comfortable with this, but he would be comfortable if they have to be outside 500 feet and ban burning of garbage and wet wood.

Chair King said it will be difficult to regulate this and enforce it. She would just like to address the issue before the Council. If the Council wants more, they need to table this item and get their comments to Manager Gerrish.

Councilor Webb said the Council needs to move on this quickly in order to inform those who are thinking about purchasing a boiler. If they are not "green" burners, they are not very clean. Therefore, maybe they can enact language to not allow ones that are not "green" burning.

Councilor Ewing agreed that if the town is going to allow them, they should only allow "green" ones.

Councilor Daughtry said the Council needs to act quickly as the burners are growing in number. She is supportive of doing the moratorium and taking the time to do the research necessary to have standards.

Councilor Schneider agreed with Councilor Ewing and Councilor Daughtry.

Councilor Favreau said the Department of Environmental Protection (DEP) is working in rural areas with the manufacturers. He added if a person burns trash, the warranty would not be valid. He thinks the Council is jumping the gun and should wait and see what the EPA is doing.

Jeff Welt, 165 Hillside Road, said he is urging the Council to take immediate action to stop the installation of new ones and to stop those currently in use. He is not anti-wood burning, but the American Lung Association does not support them. He lives within 500 feet of three burners. As far as health effects, there are chemicals coming out of those

Town Council Minutes

February 26, 2007

Page 8

burners, and if someone lives within 1,000 feet, their chances for cancer increase. They have had sleep interruptions with the odor and soot. His property value is decreased. It is not a burning wood smell, but instead a plastic burning smell. Out of 104 nights, there were only 10 nights they have been able to sleep with windows open. In Bowdoinham, there was a 20% reduction in home value. He suggested actions for Council consideration, putting a moratorium on installation, and not allowing grandfathering. He added that it was not the owner's fault, but instead the manufacturers' fault.

David Rivard, 184 Hillside, said his daughter is asthmatic and he supports having a moratorium on new and existing boilers.

Joyce Welt, 165 Hillside Road, presented a letter from the **Van Dyck family** pointing out odor issues, thick smoke at times, and concern for the health of family, neighbors, and those using the boilers.

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

Roland Morin, Hillside Road, said when he went to install his burner, he talked to his insurance company, the Fire Department, and Codes, to see if it was okay to install. This is the second year he has used it and when he started he had problems but has worked through them. If there is going to be a problem, the state and/or town should make the manufacturer fix it and make clean ones in the future. The manufacturers should provide an extended chimney or reduce the cost so they can be purchased. The DEP came to his house and they were impressed with how few issues they had with the boiler.

Councilor Sartoris moved, Councilor Watson seconded, to adopt an emergency moratorium to prohibit the installation of any new wood boiler for a period of fifty days.

Councilor Augur said he wanted to have the moratorium only for wood boilers that do not meet the EPA "green" standards.

Chair King said she would like to keep it simple.

Councilor Sartoris said even the "green" ones have a minimum setback of 300 feet.

Councilor Sartoris moved, Councilor Watson seconded, to adopt an emergency moratorium to prohibit the installation of any new wood boiler for a period of fifty days. The motion carried with seven (7) yeas. Councilor Favreau and Councilor Augur were opposed.

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

- 32. The Town Council will consider approving an Indenture between the Town, Terrace-Pleasant Place, LLC. and Boulay Properties, LLC. regarding a right of way, and will take any appropriate action.**

Town Council Minutes

February 26, 2007

Page 9

Manager Gerrish said this item is to approve an Indenture among the Town, Terrace-Pleasant Place, LLC, and Boulay Properties, LLC, regarding a right of way.

Councilor Favreau moved, Councilor Sartoris seconded, to approve an Indenture between the Town, Terrace-Pleasant Place, LLC, and Boulay Properties, LLC, regarding a right of way. The motion carried with nine (9) yeas.

(A copy of a memo from the Planning Department will be attached to the official minutes.)

33. The Town Council will discuss adding a representative from the Bowdoin College Neighborhood Association to the Maine Street Station Implementation Committee, and will take any appropriate action.

This item was taken up after Item 31.

Councilor Augur requested that the Council add a representative from the Bowdoin College Neighborhood Association to the Maine Street Station Implementation Committee. He had been approached earlier, but did not bring this request forward. Now he wants to consider it since the hotel is in the middle of the boundary of this neighborhood and the group. Plus, when the Council made the vote to allow this plan, some felt they were left out. Since this is such an important area to develop, adding a member of this group will help with the process.

Councilor Ewing said this goes back to the old high school committee and not having the group pick their own representative.

Councilor Augur said the Council can make a space available, but applicants need to go through the appointments process.

Councilor Sartoris said currently three of the representatives are within the College Neighborhood Association boundaries so the area was not left out. By appointing someone, they may not take away concerns since when they negotiated with the developer it was done by a subcommittee and was not public. The public interest issue is now being taken more seriously.

Councilor Daughtry said she does not see how this will slow down the process, the more people involved the better.

Chair King said the Council voted on this committee composition and if starting over it could hinder the process. This group's concerns are being taken very seriously. There are representatives who live in that area. She is comfortable with leaving the committee as is.

Councilor Ewing added that the developer met with representatives of the College Neighborhood Association.

Town Council Minutes

February 26, 2007

Page 10

Councilor Augur said, similar to the industrial park, it is important to include representatives from the area. The abutters on the Maine Street Station Design Committee did not communicate with the College Neighborhood group on some issues.

Councilor Favreau agreed with Councilor Sartoris, the developer will include the public and membership has been represented in the design stage.

Councilor Schneider said he will support Councilor Augur.

Sarah Brayman, McKeen Street, spoke in support of adding a representative from the College group.

Mark Wilde, Moody Street, said having a representative from the College group will afford a faster process with them and they should be involved

Marji Greenhut, Noble Street, supported having a member from the College Neighborhood Association. It is important they have a person on the committee and it should go through the regular process.

Katherine Watson, Boody Street, thanked the Council for considering appointing them and she is supportive of this.

Julie Hendrickson said even though there are representatives who live in the area, they may not consider the group's position.

Councilor Ewing said he does not have a problem adding a member of this group, but if there have been issues with communication he will take some responsibility for that.

Chair King said she will support this due to those who spoke and the issue of bad communication; if this will help, she will support it.

Councilor Daughtry moved, Councilor Augur seconded, to add a representative from the Bowdoin College Neighborhood Association to the Maine Street Station Implementation Committee. The motion carried with nine (9) yeas.

34. The Town Council will consider approving Council goals, and will take any appropriate action.

This item was tabled.

35. The Town Council will consider setting a public hearing for a moratorium on the Brunswick Community Health and Land Care Ordinance to be adopted on an emergency and regular basis, and will take any appropriate action.

Manager Gerrish said this item is to consider setting a public hearing to continue a moratorium on the Brunswick Community Health and Land Care Ordinance. The Council adopted this moratorium on an emergency basis at the February 5 meeting.

Town Council Minutes

February 26, 2007

Page 11

Under the Town Charter, an emergency ordinance is only in effect for 50 days so the Council now needs to adopt this ordinance on a regular basis since the emergency ordinance will expire on March 27. If they adopt it on a regular basis after holding the public hearing on March 19, it will not take effect for thirty days, or until April 18. To avoid a lapse, Manager Gerrish recommended that the Council adopt the ordinance again on an emergency basis at the March 19 meeting. Tonight's action will be to set a public hearing for March 19 on the moratorium for the Brunswick Community Health and Land Care Ordinance to be adopted on an emergency and regular basis.

Councilor Augur moved, Councilor Ewing seconded, to set a public hearing on March 19, 2007, for a moratorium on the Brunswick Community Health and Land Care Ordinance to be adopted on an emergency and regular basis. The motion carried with nine (9) yeas.

36. The Town Council will consider the composition of the BEDC, and will take any appropriate action.

This item was tabled.

CONSENT AGENDA

- a) Minutes of January 8, 2007
- b) Minutes of January 16, 2007
- c) Minutes of January 23, 2007
- d) Minutes of January 29, 2007
- e) Minutes of February 5, 2007

Councilor Augur moved, Councilor Daughtry seconded, to table Items 34, 36, and the Consent Agenda. The motion carried with nine (9) yeas.

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

The meeting adjourned at 10:05 p.m.

Town Council Minutes
February 26, 2007
Page 12

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.

Frances M. Smith
Town Clerk
April 18, 2007

May 7, 2007

Date of Approval

Council Chair