

-- APPROVE --
BRUNSWICK TOWN COUNCIL MINUTES
Tuesday, April 18, 2006
6:30 p.m. - Executive Session
7:00 p.m. - Regular Meeting
Municipal Meeting Facility

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

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, and Newell A. Augur.

Councilors Absent: Forrest Lowe.

Town Staff Present: Donald Gerrish, Town Manager; Elin M. Gould, Deputy Town Clerk; Patricia Harrington, Assistant Town Manager; John Foster, Public Works Director; Craig Worth, Deputy Public Works Director; James Fortune, Town Planner; Police Commander Kevin Schofield; and TV video crew.

EXECUTIVE SESSION: 6:30 P.M. Disposition of Property per 1 MRSA Sec. 405(6)(C)

Councilor Augur moved, Councilor Ansari seconded, to go into executive session to discuss disposition of property pursuant to 1 MRSA §405(6)(C). The motion carried with five (5) yeas. Councilors Sartoris, Daughtry, and Ewing arrived after the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment: None.

Correspondence: None.

Manager's Report:

(a) Approval of the Maine Department of Conservation Recreational Trails Program Grant

Manager Gerrish reminded the Council that the Town of Brunswick has been awarded a grant from the Department of Conservation, Bureau of Parks and Lands, on their recreational trails program, which the town would use to connect neighborhoods to the Commons. The federal grant is in the amount of \$27,500 with a local in kind match of \$12,722 and he asked for approval to accept and expend the funds.

Councilor Sartoris moved, Councilor Watson seconded, to accept and expend funds from The Maine Department of Conservation Recreational Trail Program Grant in

Town Council Minutes

April 18, 2006

Page 2

the amount of \$27,500.00. The motion carried with seven (7) yeas. Councilor Daughtry arrived after the vote.

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

(b) Council Committee Updates

Councilor Watson said the Cook's Corner Fire sub-station will be operational 24 hours a day beginning May 8, 2006, and the grand opening is still planned for July 15, 2006.

Councilor Sartoris said the next Comprehensive Plan Committee meeting will be April 25, 2006, from 5:00 p.m. to 7:00 p.m. There is a time for public comments at the meetings.

Councilor Augur said the Citizen's Police Academy, scheduled to begin last week, will start on April 20, 2006. It is a thirty hour program and interested Councilors or other citizens should contact Terry Goan at the Police Department to get more information.

Councilor Sartoris thanked the Rotary for the fundraiser held at Merrill Auditorium, which had the Teen Center among its beneficiaries.

(c) Council Budget Workshops and Public Hearings/Comments

Manager Gerrish provided a draft schedule of upcoming workshops and hearings on the budget.

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

(d) (ADDED) Safety Program Grant

Manager Gerrish said the Safety Committee would like to apply for four grants which would require a one third match from the Town. The matching funds would be the responsibility, through their budgets, of the departments which benefit from the grants.

Councilor Watson moved, Councilor Sartoris seconded, to authorize applications for four MMA safety grants. The motion carried with eight (8) yeas.

(A copy of a memo outlining the grants will be attached to the official minutes.)

(e) (ADDED) Disability Parking

Police Commander Schofield explained a new state law regarding handicapped parking. There are three changes: the name will now be Disability Parking; the minimum fine will be \$200, the maximum \$500; and there will be strict liability, which is similar to passing a stopped school bus. If there is a citizen complaint, the Police Department will investigate and if the operator cannot be determined, the owner will be held responsible.

Town Council Minutes

April 18, 2006

Page 3

Commander Schofield said these changes were passed as emergency legislation on March 29, 2006, and that no Council action is required at this time, this is just to notify the Council and the citizens.

63. The Town Council will hear public comments on the following requests for Alcohol licenses, and take any appropriate action.

Full-Time Vinous & Malt

Thai Villa

D/B/A: Thai Villa

207 Pleasant Street

Van Senesanbath

Full-Time Spirituous, Vinous & Malt

Jennifer Banis

D/B/A: 111 Maine Street

111 Maine Street

Ms. Jennifer Banis

Chair King opened the public hearing.

Jennifer Banis, owner of 111 Maine Street, clarified that she applied for vinous, malt and spirituous and the agenda did not list spirituous. (It was subsequently determined that the proper advertisement had been made and there was no impediment to approving the application.)

Chair King closed the public hearing.

Councilor Ewing moved, Councilor Ansari seconded, to approve requests for alcoholic beverage licenses from 111 Maine Street and Thai Villa. The motion carried with eight (8) yeas.

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

64. The Town Council will hear public comments on proposed zoning amendments to the Village Review Zone, and take any appropriate action.

Jim Fortune, Town Planner, reviewed his memo regarding the proposed amendments. He said there are a few substantive changes but much of it is streamlining of the ordinance.

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

Councilor Sartoris said the changes clearly streamline the ordinance.

Councilor Sartoris moved, Councilor Daughtry seconded, to adopt the proposed zoning amendments to the Village Review Zone. The motion carried with eight (8) yeas.

Town Council Minutes

April 18, 2006

Page 4

(A copy of the public hearing notice, memos from the Town Planner, and ordinance amendments will be attached to the official minutes.)

65. The Town Council will hear public comments on proposed Pay-by-the Bag and two stream recycling, and take any appropriate action.

Deputy Public Works Director Craig Worth gave an overview of the two proposals, two stream recycling and pay for bag trash disposal.

Pem Schaeffer, Crestview Lane, said this is a new trash collection tax. He questioned how the tax would cause less trash and expressed concern about wildlife getting into plastic bags of garbage, and unauthorized dumping. If accepting the premise of the increased tax resulting in less trash, he asked the Council to remember that when doing the budget. He said trash collection is a core obligation of government, it is legitimate, and there is no reasonable alternative. Every resident is a user of trash collection, unlike some other things such as the library, for example.

Macky Bennett, 25 Thompson Street, said she was strongly in favor of the proposal as it will extend the landfill. Two stream recycling sounds great as more will be taken with less effort to sort. April, which is Earth month, is an appropriate time to take up this issue.

Bob Watson, 11 High Street, asked if employees were let go when the town went to privatized trash collection. (Manager Gerrish answered yes, two people) He said there will be a lot of smell and clutter around town and the cost will be a burden on large families.

Laura Brann, River Road, said she was speaking from a renter's point of view. No preparations were made long ago; this has been an issue for a long time. She said we already pay for trash through property taxes. There is no space for recycling in her apartment and none at the apartment complex. She said some people she has spoken with will refuse to pay for bags.

Norm Hamlin, 20 Page Street, said pay per bag is a good idea and that two stream recycling should accept all plastics, not just number one and two. He said consumers have little choice as everything is wrapped in plastic. He asked if the bags would be biodegradable, if trash cans could still be used, and would landfill permits still be available for the big stuff.

Julie Pease, 13 Chestnut Road, said she previously lived in a place where this worked very well. Households were given an allotment at the beginning of the year and they only paid if they went over that amount, and that included renters.

Carl Dutton, 43 Collinsbrook Road, recommended giving out one free bag and everyone else buying a trash compactor.

Town Council Minutes

April 18, 2006

Page 5

Glen Hosmer, 5 & 9 Cedar Street owner and part time resident, said he would prefer to see a program where twenty six tags were given out at the time people were paying their taxes (twice a year) and if more were needed they would have to be purchased. By using tags, people can buy heavy duty trash bags that will discourage animals and birds. This is the way it is done in Durham and it is a fairer way. Durham also has trash pickup by Pine Tree Waste.

Roy Peddle, 4 Lori Drive, said Maine has the highest tax burden in the country. He also said Litchfield has pay per bag and they have huge amounts of garbage on the side of the road. This will not force people to recycle; it is a bad idea.

Suzan Wilson, 6 Bunganuc Landing Road, said she was speaking on behalf of many in her neighborhood. Bags are added by others to her trash at the side of the road each week and she feels it is coming from people in towns with pay per bag. This is a good idea in principle but there has to be the right mix of taxation and user fees. Two stream recycling is wonderful, it increases compliance, it is simple and accessible, and a good first step for Brunswick. She does not support pay per bag as it is presented; no incremental steps have been taken before now, Brunswick has a deficient program with obstacles to utilization of it. There is also inequity in pay per bag, the burden would fall most heavily on those of lesser means, large families, and those in the rural areas who already pay for services in town people take for granted. There are also unintended consequences such as road side trash, using public parking lots and business dumpsters, backyard dumps, and burning. Ms. Wilson also questioned the make up of the committee. She recommended an incremental plan, paying as is done now, improving the recycling program, and reevaluating at intervals for performance and compliance. She said the Council must prioritize basic and essential needs over wants.

Tom Dudley, 10 Magean Street, agreed with the previous speaker. He is against the pay per bag program and said, if necessary, put the issue out to referendum. He said the two stream recycling is a good idea.

Ted Hunter, Mere Point, said he has no problem with the recycling part of the proposal, but pay per bag is a relatively slippery slope. Trash pick up should be a regular town service; pay per bag could be used as an incentive with the cost taken off the tax bill.

Louise Colburn, 12 Jewell Street, said she would like to have the opportunity for more recycling and would like the town to offer compost bins for sale.

Mary Lee Ward, 16 Longfellow Avenue, said she strongly supports the proposal. It is an opportunity to recycle more, an incentive to reduce waste, and is a small cost compared to the long term. She urged action on this proposal.

Michael Howe, 740 Durham Road, said he is in favor of a pay per throw program, either bags or tags, and two stream recycling is an excellent complement as it will extend the life of the landfill, which is a community resource.

Town Council Minutes

April 18, 2006

Page 6

Ted Wickwire, 296 Maine Street, member of the Recycling Committee, said he strongly supports the proposal because the shift to a user fee is equitable in the context of providing more opportunities to limit trash loads through recycling; extending the landfill life keeps trash disposal under local control; applying program fees, in part, to landfill closure assigns the burden to current users of the landfill; the program allows for a phase in to the next level of much more expensive trash disposal, offsite transport. He suggested the Council remove from the budget whatever portion of the solid waste budget can be supported by the program, from the property tax; demonstrate a clear strategy for collecting closure funds; and provide implementation assistance.

Patrick Coughlin, 6 Thompson Street, said the landfill is an incredible resource and it is critical to extend its life. He commended the Public Works Department for its management thus far, which has already resulted in an extension of the life of the landfill, but, he said, more steps are still necessary. He said two stream recycling is a no brainer, and, as for pay per bag, perhaps some free bags could be given out. He said pay per bag has proven effective in reducing what goes into the landfill.

Susan Edwards, Zeitler Farm Road, said she hopes the Council goes with two stream recycling and some form of pay per bag.

Clarence Davis, 117 Lunt Road, said the recycling should be pushed to the hilt but he does not agree with pay per bag. Some people have limited resources and this is a tax on tax.

Ralph Keyes, Old Pennellville Road, said he is in support of the program. This is a viable solution; however, he has a small concern about rural dumping. He would like Public Works to be able to pick up what people haul up from the roadside so that person does not have to pay for it.

Sean Boyles, 16 Wheeler Park, Recycling Committee Chair, thanked everyone who spoke. He said this plan has been worked on for over a year and he knows of no other alternative for holding ourselves responsible. This is a viable way to control the amount of material going into the landfill.

Chair King thanked the Recycling Committee for their work and said she had been eager to hear the comments from the public.

Councilor Ewing, liaison to the Recycling Committee, thanked the committee for their hard work and research. He said there are lots of issues and technicalities yet to be addressed, which is why there has not been a draft ordinance produced. Responding to citizen comments, he said some of the issues have been addressed, such as offering smaller bags, but it remains to be addressed how to adjust for issues with apartment complexes. He also said the Recycling Committee is made up of residents from all different parts of town. He agrees that two stream recycling is a no brainer, it does increase the amount that can be recycled; the trade offs include less personnel, no need

Town Council Minutes

April 18, 2006

Page 7

for additional transfer station facility, but we don't get the income from the recyclables anymore. This is not a tax, it is a fee; the idea is not to make money for the town but to be a disincentive to throwing trash away. This proposal is the most equitable solution. For those who are truly in need of help a way should be worked out to help through general assistance.

Chair King reminded everyone that no votes will be taken this evening. There will be another hearing when the ordinance is crafted.

Councilor Sartoris would like to look at the free bag proposal and a sticker system; she is concerned about the quality of the bags. She is in support of the program and would like to talk about some of the ideas presented. Extending the life of the landfill will be a great savings in the long run. She has seen evidence of households where no recycling is being done; if someone doesn't want to recycle they will have to pay for the extra bags.

Councilor Ansari said she is for responsible government. We are a throw away society where trash just disappears. She is for two stream recycling and pay per bag. She acknowledged that Brunswick's recycling program could have been much better and she wants action now. If there is no action the landfill will be full and taxes will be even higher when covering the costs for capping and monitoring the landfill, and building a transfer station. It is a disservice to children if they are not taught to recycle.

Councilor Augur encouraged looking at renters' issues and bag distribution. He would also like to be able to use trash cans where necessary. He would like to see an education program, through the schools, or possibly a recycling program on Channel 3. Both programs must be implemented now, the clock is ticking. He supports a reduction in taxes for the amount the program will bring in in fees. This is an appropriate area in which to institute a user fee.

Chair King said there is an ongoing recycling education effort in the schools.

Councilor Daughtry said trash collection costs and taxes will go up with the new Pine Tree contract. She is concerned about low income households and would like to see distribution of free bags, perhaps six months worth for everyone when the program begins. She also has concerns about dumping and would like to see a Good Samaritan provision. She said research has shown that bags are less problematic than tags but she is willing to go with either. She would like to be able to continue to use trash cans and asked about the biodegradability of the bags. Overall, she strongly supports the program but is troubled by several aspects of it.

Councilor Watson said it is necessary to go to two stream recycling, everything that can be recycled must be recycled. Many of his constituents are against the proposed program and see it as a second tax. He said remediation must be addressed, and he would like to see an investigation of enforcements actions regarding dumping. For the ordinance to work, proper enforcement is needed.

Town Council Minutes

April 18, 2006

Page 8

Councilor Schneider said two stream recycling is important and needed. His heart says no to pay per bag but his mind says it needs to be done. He is reluctant to initiate the plan. He is a fiscal conservative and will work to make up for the cost in other ways in the budget.

Chair King said it is apparent there is universal support for two stream recycling. Last year she was in favor of the two stream recycling only, but now believes there needs to be a combination, including possibly handing out some free bags, at the outset at least. She said any fees collected need to go straight to the Enterprise Fund. Many good ideas were presented and some more work needs to be done.

Manager Gerrish said staff will come back with a specific ordinance proposal, and a recommendation. He cautioned an awareness of administration costs with some of the ideas presented.

Councilor Augur said, for him it would be sufficient for the Recycling Committee to look into some of these issues. Whether or not they are incorporated into the ordinance after that study, would not cause him to reject the ordinance.

Councilor Ewing would like to see the proposal available online so that the public could get answers to the questions that are on their minds.

Mr. Worth said that the use of tags rather than bags had been looked into and they found a problem with being able to scan large loads for compliance. In addition, some tags don't stick, get torn and used on two bags, or get stolen. The bags provide a quick way of identification.

Responding to Councilor Daughtry's question, Councilor Augur said the cost per capita for curbside collection is about nine dollars and eighteen and a half cents.

Councilor Watson invited citizens to become involved by joining the Recycling Committee, or any of the other numerous citizen committees in Brunswick.

(A copy of the public comment notice and memos on the proposal will be attached to the official minutes.)

66. . The Town Council will consider the following request for Sellers of Prepared Food on Public Ways, and take any appropriate action.

**206 Maine Street
Espresso Bar
206 Maine Street**

Erica DesPres

Manager Gerrish said this item is for a request from 206 Maine Street Espresso Bar to allow tables/benches in the public way. The applicant has two proposals - one for tables and benches in the dirt area between the sidewalk and the road, and the other with

Town Council Minutes

April 18, 2006

Page 9

tables/benches against the building. After review by the Codes Officer, Public Works Director, and police, staff recommends approval of benches against the building. The applicant has also requested the \$500.00 fee be waived.

Erica DesPres, owner of the business, said she applied for outdoor seating as a service for her customers. She does not want to have to pay to pave the dirt area in order to put tables there.

Councilor Sartoris said she originally thought this provision was for the wider downtown area; she is not comfortable with anything but the benches at this site. She is comfortable with waiving the fee this year.

Councilor Sartoris moved, Councilor Daughtry seconded, to approve the request from 206 Maine Street for a Sellers of Prepared Food on a Public Way license for benches against the building.

Councilor Ansari agreed that benches were the only safe thing to have in that location unless the sidewalk was widened with bricks. She also agreed with waiving the fee.

Councilor Augur asked if the tables were an absolutely necessary part of the plan.

Ms. DesPres responded that she will take what she can get. She agrees that there is a safety issue with tables and chairs out there and would be happy with two benches as close to the building as possible but would also like small bistro tables, approximately one foot in diameter, next to the benches.

Responding to Councilor Augur's concern, Manager Gerrish said staff would agree with tables at the side as long as nothing protrudes further than two to two and a half feet from the building.

Councilor Ansari asked for and received assurances from the owner that there would be monitoring of the area such that no one moved the tables and chairs around to protrude further from the building.

Councilor Sartoris recommended securing the small tables so they are safe and do not fall over easily.

Amended motion:

Councilor Sartoris moved, Councilor Daughtry seconded, to approve the request for Sellers of Prepared Food on a Public Way for 206 Maine Street to have seating and tables on the sidewalk provided they do not protrude further than 2 ½ feet from the building. The motion carried with eight (8) yeas.

Councilor Sartoris moved, Councilor Schneider seconded, to waive the \$500.00 Seller of Prepared Food on Public Ways fee for 206 Maine Street. The motion carried with eight (8) yeas.

(A copy of the applications, drawings, photos and a memo from John Foster will be attached to the official minutes.)

67. The Town Council will consider authorizing the Town Manager to execute quit claim deeds to transfer tax acquired property, and take any appropriate action.

Manager Gerrish said this item would give him blanket authority when selling back to original owners, properties that were tax acquired. The authority would be to sign quit claim deeds transferring the property back to the owners after all taxes have been paid. Up until now, the Council has had to approve these items; the Finance Director is recommending this change.

Councilor Watson moved, Councilor Schneider seconded, to give the Town Manager authorization to sell to the person(s) from whom it was acquired, any property the Town of Brunswick acquired by virtue of tax liens that foreclosed , and to further authorize the Town Manager to execute quit-claim deeds on behalf of the Town in order to transfer the tax acquired property to the person(s) from whom it was acquired. The motion carried with eight yeas.

68. The Town Council will consider allowing the Brunswick Police Department to donate recovered sports equipment to the Brunswick Youth Football League, and take any appropriate action.

Commander Schofield said the Police Department recovered seven shoulder pads from the river after a theft last year. The insurance claim has been settled and the company does not want the items back. The equipment is not worth putting out to bid and the Police Department would like to donate them to the Brunswick Youth Football League.

Councilor Sartoris moved, Councilor Augur seconded, to donate recovered football equipment to the Brunswick Youth Football League. The motion carried with eight (8) yeas.

Councilor Watson asked if the Town would assume any liability as the equipment was damaged.

Manager Gerrish responded in the negative.

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

69. The Town Council will consider setting a public hearing on proposed amendments to Chapter 15 Traffic and Vehicles Ordinance, regarding parking on Elm Street, and take any appropriate action.

Town Council Minutes

April 18, 2006

Page 11

Manager Gerrish said this is a recommendation by the Police Department to take the existing designated bus stop on Elm Street and turn it into two hour parking spaces as the bus no longer stops there.

Councilor Sartoris asked if the abutters will receive notification of this proposal.

Manager Gerrish replied that they will be notified.

Councilor Augur moved, Councilor Ewing seconded, to set a public hearing for May 1, 2006, on proposed amendments to Chapter 15 Traffic and Vehicles regarding Elm Street parking. The motion carried with eight (8) yeas.

(A copy of a memo Traffic Safety Officer Michael Smith will be attached to the official minutes.)

70. Consent Agenda:

- (a) Minutes of March 20, 2006 Town Council Meeting**
- (b) Appointment of Election Clerks as nominated by Political Parties**
- (c) Appointment of Jeff Hutchinson as Codes Office and Local Plumbing Inspector for terms to expire on 05/03/2007**
- (d) Appointment of Carl Adams as alternate Codes Office and alternate Local Plumbing Inspector for terms to expire on 05/03/2007**
- (e) Approval of the games of chance for the St John the Baptist Parish Bazaar from June 16, June 17 and June 18, 2006**
- (f) Issuance of a permit to MDOT for overweight vehicles operated by contractors and MDOT in connection with construction of the Brunswick/Topsham bridge project.**

Councilor Ewing asked to have item (b) removed from the consent agenda and tabled until the meeting of May 1, 2006, so that the accuracy of some of the information could be verified.

Councilor Watson moved, Councilor Daughtry seconded, to approve the Consent Agenda, with the exception of item (b). The motion carried with eight (8) yeas.

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

The meeting adjourned at 9:45 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.

Town Council Minutes
April 18, 2006
Page 12

Elin M. Gould
Deputy Town Clerk
April 20, 2006

May 1, 2006

Date of Approval

Council Chair