

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
December 19, 2005
6:45 P.M.
Municipal Meeting Facility

Executive Session: Acquisition of Property

6:45 P.M. Chair Lowe called the meeting to order.

Councilors Present: Chair Forrest Lowe, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Louise V. Ansari, Barbara A. Desmarais, Newell A. Augur, and Joanne T. King.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Tracy Johnson, Deputy Town Clerk; Jerry Hinton, Police Chief; Clark Labbe, Fire Chief; Steve Walker, Natural Resources Planner; Geoffrey Hole, Town Attorney; Peter Baecher, Facilities Manager for Parks and Recreation; and the TV video crew.

Executive Session: Acquisition of Property

Councilor Desmarais moved, Councilor Ansari seconded, to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) to discuss acquisition of property. The motion carried with (8) yeas. Councilor Augur arrived after the vote.

Meeting Continued: 7:00 P.M.

Chair Lowe asked for the Pledge of Allegiance.

Minutes of Previous Meetings: **October 24, 2005**
 November 21, 2005
 December 5, 2005

Hearing no objection from the Council, Chair Lowe declared the minutes of October 24, 2005, and December 5, 2005, accepted as written. The minutes of November 21, 2005, will be held over until January 3, 2006, when the Town Clerk is present.

Public Comment:

Pem Schaeffer, Crestview Lane, said he feels the new school construction project will compromise worthy economic opportunities for the old high school. He does not feel a new elementary school is necessary, and the Town's money could be spent on many other projects. He said the number of students will fall drastically by 31% by the time the base closes, and two neighborhood schools should not be closed down on a whim.

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Chair Lowe thanked Councilors Desmarais, Rice and Galloupe for their commitment, hard work and devotion to the town over the last two to twelve years. He presented each of them with a plaque in appreciation of their time on the Council. The Councilors accepted their plaques and thanked the other Council members and the public for allowing them to represent their districts.

Chair Lowe introduced State Representative Gerzofsky and called him to the podium. Mr. Gerzofsky said the Attorney General ruled on the airboat issue. The ruling said that an ordinance to regulate the use of airboats on Maine waters for the purpose of controlling the noise would be preempted by state law.

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

Correspondence:

Letter from Habitat for Humanity dated 12/8/05

Manager Gerrish said the letter is requesting assistance with developing a property off Jordan Avenue. The request is for an easement for ingress and egress over the entranceway to Edwards Field. Habitat for Humanity is trying to get access to property that abuts Edwards Field. They would like the town to work with them to get access to the site. Town Attorney Geoff Hole and the Parks and Recreation Department are reviewing it to see what some of the options would be. Councilor Ansari has been working on it and will be back to discuss it with the Council in January.

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

Councilor Desmarais invited the Town Council, Planning Board, Conservation Board and Codes Enforcement Officer for the Sagadahoc region to a workshop being held by the Regional Open Space group on January 19 at the West Bath Fire station.

Manager's Report:

a. Wi-Fi Downtown working with Bowdoin

Chair Lowe said this report is regarding installing Wi-Fi downtown at Ft. Andross. The BEDC and town are interested in pursuing this for tourists and others members of the public to use. Bowdoin has offered to extend their own Wi-Fi system to include Ft. Andross, and conduct a pilot study for the town at no cost, in order to determine the feasibility and costs associated with the town extending Wi-Fi downtown.

Mitch Davis, Chief Information Officer, Bowdoin College, said the College wants to extend to Fort Andross, but if one more access point is put in the center of town nearly all of Brunswick could get free access. There is hope of having a guest log in, and it may provide a useful database of people visiting Brunswick. This is a useful tool for

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marketing and the over all cost is minimal. He said it would take approximately two weeks to implement the towers.

b. Comcast acquisition of Suscom

Manager Gerrish said Comcast has signed an agreement with Suscom to acquire it. Under the terms of the town's franchise agreement with Sucom, Suscom must obtain the town's approval to assign the franchise to Comcast. The town has 120 days, which would fall on March 27, 2006, to review the pertinent materials involved in the transaction and act upon the request for consent. He would like two Councilors to volunteer to work with staff to review the proposal and to report back to the full Council.

After Councilor Augur volunteered to review the proposal, it was determined that one Councilor would be sufficient.

Councilor King read an excerpt from a citizen who saw Freeport's workshop on the issue.

Mr. Gerrish said, answering Councilor King's question, there is always room for some negotiations, and the town should confirm that all parts of our existing contract are brought forward.

Councilor Sartoris pointed out that private citizen's cable bills are not negotiable. The town can not negotiate rates or discounts for seniors.

Mr. Gerrish added that the rates will be going up by 3% starting in February.

(A copy of the letter from Suscom will be attached to the official minutes.)

c. Topsham LRA

Chair Lowe said Topsham has asked to have a representative from Brunswick on its LRA. Councilor Elect Ewing said he would be willing to serve on it.

d. Railroad Crossing at Maine St. & Park Row Update

Chair Lowe updated the Council on the town's most recent meeting with MDOT concerning the upgrade of the rail crossing on Maine Street and Park Row. They are looking at three different options and are trying to find something safe but visually appealing.

Manager Gerrish said, responding to Chair Lowe's question, this is a major project budgeted at about \$750,000, and MDOT is trying to work with the town to handle the safety issues as well as to make it aesthetically pleasing.

Mr. Gerrish thanked the Longfellow School third graders for coming to town hall to learn about local government.

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Adjustments to Agenda: None

232. The Town Council will hear public comments regarding amendments to Chapter 3 of the Code of Ordinances regarding Alarms, and take any appropriate action.

Mr. Gerrish said the proposed changes are to address false alarms and fees associated with them.

Clark Labbe, Fire Chief, said this is to change the ordinance regarding the police side of dealing with false alarms. It is to reduce the incidents of false alarms, raise the maintenance of alarms, and to enact some fees for those who do not comply.

Chief Hinton added that the ordinance was written in 1985, but the Police Department has not billed for false alarms in years. This change is to try to get compliance and to get employers to train employees properly. Every false alarm causes two cruisers to be sent and two officers to go to the location.

Chair Lowe opened the public hearing. Hearing no comments, he closed the public hearing.

Councilor Desmarais moved, Councilor Rice seconded, to enact ordinance amendments to Chapter 3 of the Code of Ordinances regarding Alarms. The motion carried with nine (9) yeas.

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

233. The Town Council will receive a report of the Biosolid Peer Review Committee, and take any appropriate action.

Councilor Ansari said this item is regarding the report of the Biosolid Peer Review Committee. The Committee was formed to determine the risks of maintaining Edwards Field and Whittier Field with biosolids and organic compost. The Committee held a public forum on December 14, 2005, to present its findings and take questions from the public. The Moratorium Ordinance that was passed by the Council expires on January 2, 2006. The Council will need to discuss what further action it may want to take on this issue.

Mr. Walker said there were five professionals on the committee and they had four meetings. In addition, two public presentations were put on by Friends of Merrymeeting Bay and NEBRA (New England Biosolids and Residuals Association). He and Peter Baecher from Parks and Recreation Department were both on the committee.

Andy Tolman, Chair of the Biosolids Committee, said the committee consisted of five members; Sharon D'Orsie, Mike Deyling, Samantha Langley-Turbaugh, John Tewhey, and Andrews Tolman. He went on to read sections of the committee's final report.

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Mr. Tolman, said, answering Councilor King's question, Maine produced products are safe to use, but the committee did not review other states regulations, although he feels it is reasonably safe because they can be bought at hardware stores.

Chair Lowe thanked Mr. Tolman and the other committee members.

Councilor Rice moved, Councilor Sartoris seconded, to receive the report of the Biosolid Peer Review Committee.

Councilor Augur asked why Class A composting is so highly regulated.

Mr. Tolman said there are significant risks associated with sewage sludge in its raw form. It is very high in pathogens. Depending on its source, there can be industrial chemicals mixed in, and there is a possibility it ends up in the food source.

Sharon D'Orsie, said, answering Councilor Augur's questions, anything that might be going into the compost is regulated by the Maine Department of Environmental Protection. There are special pretreatment permits required before it can be discharged into the system.

Considerable discussion followed concerning testing of sludge and regulations regarding Class A compost.

Councilor Sartoris thanked the committee members for their hard work and thorough report.

Councilor Rice moved, Councilor Sartoris seconded, to receive the report of the Biosolid Peer Review Committee. The motion passed with nine (9) yeas.

Councilor Sartoris said the Moratorium expires on January 2, 2006. The report back to the Council came three weeks later than expected and she recommends extending the moratorium until March 15 as a good faith gesture. She would like the public to react and interact with the Council regarding the report.

Councilor Watson agreed with Councilor Sartoris.

Councilor Galloupe said the moratorium did not have any affect on the ordinance the Council passed. He feels it will not change the ordinance at all and nothing would be accomplished by extending the time frame of the moratorium.

Councilor Rice said it is not an agenda item and therefore should not be considered at this meeting. It should be advertised as a public hearing and brought back.

Councilor Sartoris acknowledged that she would have made it an agenda item this evening if she had realized it was expiring before the next council meeting. Furthermore, no products will be applied to the fields until late fall. Extending the moratorium would be a good faith gesture.

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Councilor King said there is no harm in letting the moratorium expire and seeing the process through since nothing will be done to the fields in the winter.

Chair Lowe said absent another petition on this matter, there will be no need to schedule or do anything. He felt by having the moratorium deadline extended, it will allow time to digest the report and allow the public to have discussion on the report.

Councilor Desmarais said that granting the extension is the right thing to do.

Councilor Sartoris moved, Councilor Ansari seconded, that the Moratorium on Sludge and Sludge-Derived Products in the Aquifer Protection Zone, enacted July 5, 2005, be extended until March 15, 2006.

Councilor Rice said even though it would be a good faith gesture, it was a poor precedent to set, since it was not on the agenda. He would vote against it.

The date on the motion was changed to March 22, 2006 to extend the moratorium to the second meeting in March.

Councilor Sartoris moved, Councilor Ansari seconded, that the Moratorium on Sludge and Sludge-Derived Products in the Aquifer Protection Zone, enacted July 5, 2005, be extended until March 22, 2006. The motion failed with four (4) yeas. Councilors Watson, Galloupe, Rice, Ansari and King were opposed.

(A copy of the Brunswick Biosolid Peer Review Committee Final Report to the Town Council will be attached to the official minutes.)

234. The Town Council will discuss the Chamber's request for directional signage to an informational kiosk, and take any appropriate action.

Manager Gerrish said since the Chamber is moving to a larger space in Topsham, they want to have information available in Brunswick at a central location for the public so they installed a computer-based information kiosk in the Tontine Mall. The Chamber would like to place MDOT official business directional signage in the form of a blue and white question mark sign in designated locations directing people to the kiosk. If approved, the Chamber is offering to purchase the signs for installation by town staff.

Councilor Desmarais pointed out that the Tontine Mall is not open 24 hours a day. There is some confusion that the Border Trust ATM outside of the mall is the kiosk. She feels this is causing problems.

Tom Keely, task force member for the Chamber, said there are three kiosks, one in Bath, one at the Tontine Mall and one in the Chamber. He said they are open only during business hours, but the one in the Chamber will be open 24 hours when they move to

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Topsham. There was no centrally located space available that was open longer than the Tontine Mall.

(A copy of the letter from the Chamber of Commerce will be attached to the official minutes.)

Councilor Desmarais moved, Councilor King seconded, to approve directional signage to the informational kiosk at the Tontine Mall. The motion carried with nine (9) yeas.

235. The Town Council will discuss a property tax abatement, and take any appropriate action.

Manager Gerrish said Assessor Cathy Donovan is requesting a property tax abatement for Russell Brown, who was incorrectly assessed in 2004, in the amount of \$753.36.

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

Councilor Sartoris moved, Councilor Watson seconded, to approve a tax abatement for Russell Brown in the amount of \$753.36. The motion carried with nine (9) yeas.

236. The Town Council will discuss a proposed utility pole location permit request by Verizon and CMP, and take any appropriate action.

Manager Gerrish said this is a request from CMP and Verizon for a utility pole to provide service to a residence on the east side of Moody Road.

Councilor Desmarais moved, Councilor Augur seconded, to approve a utility pole location permit for the east side of Moody Road. The motion carried with nine (9) yeas.

(A copy of the signed pole location permit will be attached to the official minutes.)

237. The Town Council will set the first Council meeting in 2006, and take any appropriate action.

Since the first Monday of the New Year is a Federal Holiday the Council meeting will be scheduled for Tuesday, January 3, 2006.

Chair Lowe moved, Councilor Sartoris seconded, to schedule the first regular Council meeting of 2006 for January 3, 2006, at 7:00 p.m

Mr. Gerrish said he would like to thank the three Councilors leaving the Council this evening. He said it has been a pleasure to work with them and he thanked them on behalf of the town staff.

The meeting adjourned at 8:45 p.m.

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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.

Tracy R. Johnson
Deputy Town Clerk
December 23, 2005

January 17, 2006

Date of Approval

Council Chair