

**APPROVED**  
**BRUNSWICK TOWN COUNCIL MINUTES**  
**Monday, July 10, 2006**  
**7:00 p.m. - Regular Meeting**  
**Municipal Meeting Facility**

**7:00 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 Forrest Lowe.

**Councilors Absent:** Councilor Newell A. Augur.

**Town Staff Present:** Donald Gerrish, Town Manager; Tracy Johnson, Deputy Town Clerk; John Foster, Public Works Director; Craig Worth, Deputy Public Works Director; Clark Labbe, Fire Chief; and TV video crew.

Chair King called for the Pledge of Allegiance.

**Public Comment:** None

**Correspondence:**

Councilor Sartoris asked when the town would have numbers for the TABOR proposal.

Manager Gerrish said he met with the Superintendent once and is now working with the Maine Municipal Association. The numbers should be available in August or by the first meeting in September.

Councilor Watson said the grand opening of the new fire station will be Saturday, July 15, 2006, at 12:30 p.m. It will begin with a parade of fire engines starting at the Naval Air Station main gate and proceeding to the new fire station. The BIW News reported that the new fire station is important to this area as well as the region. There will be a schedule of events including speeches from Chair King, Mr. Gerrish and Governor Baldacci.

Mr. Gerrish said the monument with the Fireman's Prayer is in place and relatives of the author will be at the ceremony.

Councilor Watson said this is the first time the poem has been dedicated with the authors name on it. The author's relatives will be coming from Pennsylvania and will recite the poem during the ceremony.

Councilor Sartoris said the Comprehensive Plan Committee will be having their last meeting tomorrow. They will have public comment before taking a vote. The proposal can be found on the town's website or a hard copy can be obtained at the Planning Department. It is a vision for the community well into the future; it will be brought to the Council in September for their review.

**Manager's Report:**

**(a) Safety Enhancement Grant Program Parks & Recreation Department.**

Manager Gerrish said Peter Baecher, Facilities Manager for the Parks and Recreation Department, was able to get the town a grant from the Maine Municipal Association to purchase a pallet truck and a platform truck. The grant covers two-thirds of the cost up to \$737. He asked for the Council to accept the grant.

**Councilor Daughtry moved, Councilor Ewing seconded, to accept and expend the Safety Enhancement Grant in the amount of \$737. The motion carried with eight (8) yeas.**

*(A copy of the letter from the Maine Municipal Association will be attached to the official minutes.)*

**(b) (ADDED) BNAS Pipeline**

Manager Gerrish said he met with the Town of Harpswell's administrator regarding the pipeline. Harpswell has been working with the Navy and Legislative delegation to have the pipeline removed and get the property to revert back to their citizens. The Town of Brunswick has about a half mile of the pipe and Harpswell would like Brunswick to work with them to get it removed. It is secure and buried, but it does have asbestos on it. Brunswick is waiting to see if the Department of Defense determines it is part of the disposition under the BRAC process. The estimated cost to remove it is one million dollars a mile. The easement the Navy has is only for this pipe, it does not have an easement for anything else going in this right of way. There will be a meeting next week and he will bring back more information as it is available.

Mr. Gerrish said, responding to Councilors Watson and Sartoris, the pipeline was used for jet fuel and he will get copies of the environmental studies that were done. He will also get the names of the property owners who are affected.

**(c) (ADDED) Mill Street/Pleasant Street Paving**

Mr. Gerrish said the state has put a bid out for the paving of Mill Street. One bid specification was to allow paving at night and the town would decide whether or not to allow this. Prospective bidders need to know if they can pave at night as this would save them money and lower their bids. The town recommends saying yes to night time paving and wanted the Council's input.

Chair King said more people would be upset if work was done during peak traffic and she thought that most citizens would be delighted it is getting done.

Councilor Ewing asked if paving at night would speed up the process.

John Foster, Director of Public Works, said it could cut the timeframe in half if paving was done at night. In the early 1990's the town paved and rerouted traffic, but they did not do the entire

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road. He thinks it makes sense to do it at night. He said that the one-way section of Pleasant Street from Mill Street to the post office is in the same bid. Because it is one way and one lane could be left open, it would be easier to pave this street during the day if need be.

Councilor Ansari said paving at night on Mill Street would be great to cut time, as well as, to be good for travelers, considering it is peak tourist season. She feels paving Pleasant Street at night is not a good idea because of the number of people living on that street.

Mr. Gerrish said, responding to Councilor Sartoris' question, the railroad crossing on Maine Street is not done; they still need to do the final paving.

Mr. Foster said they want to get the curb islands in the middle of the road before paving and the signal will be put in last. He has spoken to MDOT about smoother tapers and for the approaches to be smoother.

Mr. Gerrish said the Jordan Avenue repairs are almost complete and he thanked citizens for their patience while the roadwork was being done. Currently, they are finishing the section from the railroad bridge to Federal Street.

Mr. Foster said, responding to Councilor Ewing's question, the goal is to have Mill Street completed before the shutdown of the Franklin Bridge in September. It is still out to bid, but work should begin by the end of July or the first week of August. They will also be including sidewalks with a curb and a curb island near the foot bridge, as well as a center turn lane and cross walk for safer pedestrian crossing.

Councilor Ewing asked when the contractors would need to know if night paving is permitted because he is concerned about the residents.

Chair King said that there will be information in the newspapers and people will have time to react, but she feels that the majority of the citizens would be happy to have night paving.

Mr. Foster said the contractors are supposed to find out before they bid whether the work can be done at night, since their bid needs to reflect the cost difference if the work has to be done during the day. MDOT strongly recommends allowing Mill Street to be paved at night, but Pleasant Street is optional.

Mr. Gerrish said it is a state project not a town project; he will let anyone know if there is a big concern.

Councilor Ansari said that people know Mill Street is going to be done and would want it done fast.

### **(d) Cumberland County Entitlement Funds**

Mr. Gerrish said Cumberland County is asking Brunswick to participate to be an entitlement community to get CDBG funding. The money goes to the County and anybody signed up would be eligible for up to \$100,000, but would not be eligible for any other funding from the state. In

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the past the Town of Brunswick has gotten up to \$400,000 from the state, and with the base closure the town may get more than that. He supports a regional effort, but feels Brunswick can do better.

**Adjustments to the Agenda:**

Chair King said Item 124 is being tabled because all the information is not yet available.

The consent agenda will be assigned number 128, and Item 123A will be changed to number 129 and it will be taken out of order.

Councilor Sartoris commented on Item 124, asking for regular updates from the LRA. She would also like a list of the LRA subcommittees so citizens can apply. She is aware that hazardous environmental issues on the base have been studied, but questioned whether natural resources have been studied, and feels that an inventory of plant and animal species should be taken before work is started.

Chair King said Mr. Levesque was at the last meeting and updated the Council about the public becoming involved in the process.

Mr. Gerrish said the LRA Executive Director will be at a Council meeting once a month.

**123. The Town Council will hear public comments on the following request for an Alcohol License, and will take any appropriate action.**

**Full-Time Vinous & Malt**

**Sweet Leaves Teahouse**

**22 Pleasant Street**

**Jessica Gorton**

Chair King opened the public hearing.

**Jessica Gorton**, Pleasant Street, spoke about her business and said that the teahouse will be open at the end of next month. Lunch and dinner will be served as well as wine, beer and appetizers. She will serve local foods and wholesome organic items. She said she will have "open mic" nights and make it a community space with local art on the walls.

Chair King closed the public hearing.

**Councilor Sartoris moved, Councilor Daughtry seconded, to approve the request from Sweet Leaves Teahouse for an Alcohol License. The motion carried with (8) yeas.**

**129. The Town Council will hear public comments on the following request for a Special Amusement License, and will take any appropriate action.**

**Full-Time Vinous & Malt**

**Sweet Leaves Teahouse**

**22 Pleasant Street**

**Jessica Gorton**

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

**Councilor Ewing moved, Councilor Ansari seconded, to approve the request from Sweet Leaves Teahouse for a Special Amusement License. The motion carried with eight (8) yeas.**

**105. (Tabled) The Town Council will hear public comments on the proposed Emergency Management Ordinance, and will take any appropriate action.**

Mr. Gerrish said the public hearing regarding the proposed ordinance was held at the last meeting, but the Council wanted to make a few changes. The proposed ordinance has been reviewed and revised, and it is up to the Council to adopt it or take any other action.

**Councilor Watson moved, Councilor Ansari seconded, to adopt the proposed Emergency Management Ordinance. The motion carried with eight (8) yeas.**

Councilor Lowe said that the penalty fine amount is still an open item and should be discussed before adopting the ordinance.

Chief Labbe said it was filled out and got dropped on the last revision. It was \$100 and \$500. It will be added into the revision.

*(A copy of the adopted Emergency Management Ordinance will be attached to the official minutes.)*

**124. The Town Council will consider adopting a resolution supporting the joint resolution passed by the State Legislature and supported by a letter from the Governor requesting that the Department of Defense return to the town of Brunswick at no cost, the former Town Commons property (1,000) acres, and will take any appropriate action.**

The Council tabled this item.

**125. The Town Council will consider setting a public hearing on ordinance changes relative to the Pay-Per-Bag and Two Stream Recycling, and will take any appropriate action.**

Mr. Gerrish said there are two things he wants to resolve with Pine Tree Waste: pay per bag, and the two stream recycling. In the current contract, in effect until September 30, 2006, the town pays them \$202,000. They have had a contract for three years without fee increases and the town has agreed to a \$90,000 increase with the new contract. This was an anticipated expense and was put into the town's budget. In addition, Pine Tree Waste will continue to accept recycled materials from the town at no cost until June 30, 2007.

Craig Worth, Deputy Public Works Director, said the ordinance changes have not been drastic. The items addressed are pay per bag and the closing of the wood and masonry site. Wood and masonry landfill items are now accepted at the Graham Road site. They have also modified some of the fees.

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There was a definition change on section 13-30(a), a pay per bag fee of \$1 for a 33 gallon bag and \$.50 for a 15 gallon bag was added.

Mr. Gerrish said staff needs input from the Council and are working with a timeframe of having the program up and running by October 1. The money collected from this program would go into the enterprise account to help pay for the closure of the landfill.

Councilor Sartoris thanked the Recycling Committee for addressing all of the questions and concerns the Council raised. Also, it is important to do the mailing and provide the coupons to the residents to help people get started on the program. In addition, it is good that people of limited means can get bags at the Human Services office. She thanked Mr. Worth, Councilor Ewing, and Councilor Ansari for all of their hard work.

Councilor Ewing said the Committee has done a lot of work and tried to address the Council's and citizen's concerns. It is a reflection of a lot of research over the past year and a half, and it has taken a unique outlook for Brunswick.

Councilor Lowe complimented everyone who worked on this project and said he supports the principle of this. It seems like it is a good opportunity and recycling will be much easier.

Mr. Gerrish said he and Mr. Worth met with representatives from Pine Tree Waste. In the future two stream will go down to single stream recycling allowing everything to be put into one bin to be recycled.

Mr. Worth said, responding to Councilor Ansari's question, it is the Town Manager's and Finance Director's decision where to assign the money collected from the bags. However, he thinks they will put it toward closing the landfill. He said the two stream recycling will allow number one and number two plastics to be recycled. In the future more items will be able to be recycled.

Mr. Gerrish said, responding to Councilor Ansari's question, under two stream recycling the town will continue to collect recyclable materials and take them to the facility in West Bath and there is no charge for that. The contract for collecting regular waste will increase by \$90,000.

Councilor Ansari suggested the town start with two stream recycling immediately since the town has free recycling until June 30, 2007, and then do an assessment of how citizens responded. If citizens continue to neglect their recycling responsibilities then at that time the pay per bag program could be implemented.

Councilor Watson said he has a lot of questions and concerns from citizens upset with paying for a landfill permit and still paying a tipping fee at the landfill.

Mr. Worth said the permit initially verifies they are a resident of Brunswick and is a way of tracking it with software. Historically, there has been a fee for the permit because there are costs associated with issuing and tracking permits. The permit makes it easier and faster when using the landfill.

Councilor Watson asked him to explain the non refundable fee in article 4 section 13-40.

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Mr. Foster said it is existing language and the Clerk's office processes all commercial waste hauler permits. The fee is charged because of the clerical work for the Clerk's office to process the license and for Public Works to inspect the vehicles.

Mr. Foster said, responding to Councilor Watson's question, a resident can use a borrowed vehicle to haul items to the landfill as long as they have their receipt for the landfill permit or show the permit if it is not attached to the window.

Discussion followed regarding the ordinance requirement to affix the permit on the car.

Mr. Gerrish said there is an asset in the landfill, but there is an issue that having floating permits around causes concern over what comes in and who comes in to the landfill. He asked that residents place the permit on their vehicles. Also, in terms of the fee, there are 1,500 permits a year and the process is to ensure everyone is following the rules.

Councilor Watson suggested changing the wording of the ordinance regarding unacceptable waste from atomic to nuclear. He also asked about how hospital waste is handled.

Mr. Worth said it is handled the same as hazardous household waste; it is not accepted. The hospital has to dispose of it properly and the chain of custody tracked. He said, answering Councilor Watson's questions regarding liquid waste and section 13-72 section A-1, liquid flowing waste are oils and fats. In addition, materials that are salvageable are kept separate from unusable debris that goes into the landfill.

Councilor Ansari said she borrowed a truck from a friend who lives in Topsham and she was able to dispose of her stuff by showing her license.

Councilor Daughtry thanked the Recycling Committee for their hard work. She likes all the changes and is happy about the containers. She would hope that the coupon for free bags will be as generous as the town can make it. Also she likes Councilor Ansari's suggestion for putting two stream recycling in play before pay per bag.

Councilor Schneider thanked the committee for all their hard work and would like to see two stream recycling take effect first and have mailings go out to residents to explain what it means. He is not comfortable with implementing pay per bag until after recycling efforts have been attempted.

Councilor Ewing said the pay per bag is not everyone's favorite idea, but it is an element of each person contributing to the solvency of the landfill. If the town puts this off too long, the landfill survival time is unknown. He said there is no incentive to implement only the recycling portion of the program because the ordinance in effect now requires items to be recycled, however people are not following it. It is not the intention of the committee to go with two different dates for recycling and pay per bag. Other communities have instituted this approach after the landfill is full and there are large costs to take the trash to another town. The two go hand-in-hand and he is not comfortable separating them.

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Councilor Ansari said if the town implements the two stream recycling first, allowing more time to educate the community about the need to recycle or face the fees for pay per bag, then the community would take advantage of recycling to avoid the cost of pay per bag.

Chair King said the first time the issue was discussed it was suggested to start with recycling and she has a real problem with pay per bag since the Council just got through budget season and told citizens that there would be a zero tax increase. To start the pay per bag program now seems that the Council is being disingenuous about the tax issue. The town should start by recycling and do an assessment in April or May and then reevaluate for pay per bag. If the town goes this route the Council does not have to revise the ordinance at this time. The Council has not gotten much feedback from citizens at workshops or public hearings, but have gotten phone calls from citizens stating their concern that the prices will escalate like Portland's have.

Councilor Watson said the committee has done great; Brunswick is ready for two stream recycling, but is not ready for pay per bag. If the Council implements it now, a referendum is likely. In Rockland they went with pay per bag but at referendum it was shot down substantially. Rockland will not address the issue again for quite a while and it would be a similar circumstance in Brunswick. The town needs to educate people on what this means and why there is an expense involved.

Councilor Ewing respectfully disagreed with Councilor Watson saying that there has been a lot of education and outreach by the Committee. They have had three workshops over the past year talking about the need for pay per bag, the state of the landfill, and outlining each step of the process. The Committee said money should go into the landfill account and the ordinance would be reworded to reflect that. There will be a significant cost to the town to close the landfill in the future. It will have a huge impact on the community. The town needs to start getting money into that account now.

Councilor Sartoris said the Council is not making a decision whether or not to implement the plan. Parents have asked why the town is not enforcing the mandatory recycling section of the ordinance. The reason is there would be a significant cost to enforce it. The Council should consider having one large push to educate citizens via cable channel 3 and hold a public hearing for comments. If the Council shifts gears too much it likely will lose attention and interest and the ability to shape public opinion.

Chair King said one concern about this happening now is that it would not get proper exposure in the summer months because of people being away.

**Sean Boyles**, 16 Wheeler Park, Recycling Committee Chair, said we need to implement the entire plan all at once because the town will lose the interest and it will be too confusing for people if the town tries to break it up and implement half the plan. The committee has been trying to make it as easy as possible for all citizens. This plan should have been looked at and implemented eight to ten years ago. The landfill will not last forever and the cost will not go down, they do not make land anymore and we need to use it carefully. He asked the Councilors to implement and approve the pay per bag program.

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**Sue Edwards**, member of the Recycling Committee, asked the Council to start two stream recycling and pay per bag together because the fee will force people to recycle. At least seventy other Maine communities have done it and Brunswick can, too.

Councilor Sartoris said in order to give citizens a chance to voice their opinions the public hearing should not be held in the summer months. She suggested tabling the item and would like to hear from other Councilors.

Mr. Gerrish said, responding to Chair King's question, two stream recycling can start without changing the ordinance, but the town would need time to get information out and containers to everybody.

Chair King said it might be helpful for people to have information on two stream recycling before the public hearing.

Mr. Gerrish said the Council could table the item, set a public hearing, or take no action.

Councilor Lowe said implementing two stream recycling only would cost about \$100,000 in lost revenue.

Mr. Gerrish said, responding to Councilor Lowe, the town had budgeted \$100,000 in revenue for the pay per bag program, but, on the other side, if the town does the two stream only it will no longer have the recycling facility, a position would be eliminated and the cost of running the bailer would be gone. The town would have a revenue stream it is losing but there would also be some costs eliminated so it would be a wash.

Councilor Lowe said tabling the issue would not solve anything and the Council should move ahead and set a public hearing for the second meeting in September.

**Councilor Lowe moved, Councilor Sartoris seconded, to set a public hearing for September 18, 2006, on the proposed ordinance amendments to authorize the "Pay per Bag" program for the Town of Brunswick. The motion carried with eight (8) yeas.**

Mr. Gerrish said, responding to Councilor Daughtry's question, it would take two to three months after approval to put it into action.

Mr. Gerrish said, responding to Councilor Watson's question, the town will follow the normal process of advertising in the newspaper and putting information on Cable TV3; also, the newspapers will probably run stories. The town will get the word out, so the public is aware of what the Council is doing.

Councilor Sartoris said it is very important that the public knows this is not a fee for service, but it is a mechanism to draw emphasis on the need for recycling. It would be helpful if the town could put out information on what it actually costs to dispose of trash and emphasize this is not a user fee, if so, it would be much higher to cover the actual cost.

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Mr. Gerrish said, responding to Councilor Daughtry's question, the Committee can research the cost of a bright colored insert in the newspaper to get the word out, as well as look at other avenues to get the information out.

*(A copy of a memo from the Recycling Committee will be attached to the official minutes.)*

**126. The Town Council will consider setting a public hearing to amend Chapter 15, Article IV Section 15-83, of the Municipal Code of Ordinances to remove the designated Taxi parking area on Lincoln Street, and will take any appropriate action.**

Mr. Gerrish said a number of years ago when a new business opened on Maine Street the town designated one parking place for a taxi stand; it is no longer needed and he recommends it be turned back into a regular parking space.

**Councilor Ansari moved, Councilor Lowe seconded, to set a public hearing for August 7' 2006, to amend Chapter 15, Article IV Sec. 15-76, of the Municipal Code of Ordinances to remove the designated Taxi parking area on Lincoln Street. The motion carried with eight (8) yeas.**

**127. The Town Council will discuss appointments to Boards and Committees, and will take any appropriate action.**

Councilor Watson nominated Ellen McPherson for re-appointment to the Recreation Commission for a three year term.

**The Council voted to appoint Ellen McPherson to the Recreation Commission for a three year term. The motion carried with (8) yeas.**

**128. CONSENT AGENDA:**

- (a) Minutes of May 15, 2006 Town Council Meeting
- (b) Minutes of June 01, 2006 Town Council Meeting
- (c) Minutes of June 12, 2006 Town Council Meeting
- (d) Minutes of June 19, 2006 Town Council Meeting
- (e) Minutes of June 29, 2006 Town Council Meeting

**Councilor Ewing moved, Councilor Schneider seconded, to approve the consent agenda. The motion carried with eight (8) yeas.**

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

The meeting adjourned at 8:55 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*

*July 12, 2006*

**August 7, 2006**

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*Date of Approval*

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*Council Chair*