

APPROVED
BRUNSWICK TOWN COUNCIL MINUTES
Monday, June 19, 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, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, and Newell A. Augur.

Councilors Absent: Councilors Jacqueline A. Sartoris and Forrest Lowe.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Steve Levesque, Executive Director of the LRA; John Foster, Public Works Director; Clark Labbe, Fire Chief; Kevin Schofield, Police Commander; Tom Farrell, Parks and Recreation Director; Peter Baecher, Facilities Manager for Parks and Recreation Department; and members of the TV video crew.

Executive Session: Acquisition of Property per 1 MRSA § 405(6)(c)
Union Negotiations per 1 MRSA § 405 (6)(d)

Councilor Ansari moved, Councilor Daughtry seconded, to go into executive session pursuant to 1 MRSA §405 (6)(c) to discuss acquisition of property and 1 MRSA §405(6)(d) to discuss union negotiations. The motion carried with six (6) yeas. Councilor Augur arrived after the vote.

MEETING CONTINUED: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comments: None.

Correspondence:

Councilor Daughtry noted the passing of Charlene Rydell, who was a great friend, and who will be remembered as a tireless advocate for health care and rights for those with disabilities. She will be missed.

Manager's Report:

(a) Update on Thibeault purchase of Industrial Park Lot

Manager Gerrish gave this update to the Council on Thibeault's building plans for their lot in the Industrial Park. They continue to want to build their office and garage facilities in the industrial park.

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(b) Local Redevelopment Authority (LRA) update

Steve Levesque gave this update. He said the LRA will be holding their first public workshop on June 21, 2006, at the high school. It will be taped and televised on the local cable station. A variety of notifications have been sent out or posted. They will be scheduling weekly bus tours of the base.

(c) Update on pay per bag

Manager Gerrish said the Recycling Committee has been meeting to draft the necessary ordinance changes for pay-per-bag and two-stream recycling. The language needs to be finalized and reviewed by the Town Attorney, and will be coming to the Council in the near future.

Mariah Parker, 272 Maine Street, said there needs to be small trash bags for those who do not create much trash.

Rudy Amann, 306 Simpson Point Road, wanted to make sure that the paid bags would fit into trash cans.

Manager Gerrish said both issues will be addressed.

(d) E-911 update

Manager Gerrish gave the Council an update on E-911. Brunswick is one of the stations that will still have E-911 and will be dispatching for North Yarmouth, Yarmouth, Cumberland, and Freeport. The calls from these other locations will be transferred to the appropriate departments. This would occur in 2007. Responding to Chair King's questions, Manager Gerrish said there should not be a need for any additional liability insurance coverage, there is no fee schedule set, and the cost is paid by the state through phone bill allocations.

(A memo from the Police Chief will be attached to the official minutes.)

(e) Year End Council Meeting

Manager Gerrish said the date has been set for June 29, 2006 at 5:00 pm.

(f) Project Canopy Grant

Peter Baecher, Facilities Manager for the Parks and Recreation Department, said the town received a grant to install five tree pit guards and five u-shaped bike racks. The town's match is 50%.

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

Councilor Ewing moved, Councilor Daughtry seconded, to accept and expend the Project Canopy Grant from the Maine Forest Service in the amount of \$6,000. The motion carried with seven (7) yeas.

(g) (ADDED) Trash pick up

John Foster, Public Works Director, said the trash pick-up for July 4th will be on Monday, July 3rd with no recycling make-up day.

Adjustments to the Agenda: To table Item 109

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

Manager Gerrish said this item is for a public hearing and adoption of the Emergency Management Ordinance sponsored by Chief Labbe. The Town Attorney's letter indicated that under the Charter the Council has the authority to give the Town Manager the powers in the proposed ordinance.

(A copy of the memo from Chief Labbe and letter from the Town Attorney will be attached to the official minutes.)

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

Councilor Ansari moved, Councilor Watson seconded, to adopt the proposed Emergency Management Ordinance.

Councilor Ewing had concerns, but with the Town Attorney's legal advice he feels more comfortable. He asked who would be the director, who declares an emergency, and since the state just passed a new law, he is not sure if this proposed ordinance is needed except to get funds. He would feel more comfortable if the emergency person is elected since it involves expending town funds.

Manager Gerrish answered that the Fire Chief would be the emergency management director, and that the Town Manager has the power to declare an emergency after consulting the Council Chair, and without this ordinance the town would not be eligible for certain federal funds.

Councilor Watson suggested that under the Emergency Proclamation section the Vice Chair be added if the Chair is unavailable.

Councilor Ansari agreed, as the motion maker, to add that to the ordinance.

Councilor Ansari moved, Councilor Watson seconded, to amend the motion to adopt the proposed Emergency Management Ordinance with the addition of "Vice Chair in absence of the Chair" under the Emergency Proclamation.

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Councilor Augur suggested other amendments that would change the five days without the Council meeting to have the Council meet within 24 hours to reaffirm the Manager's decision or have it state "attempt to convene a meeting." He added if the state calls an emergency, it is even more important to have one person (Emergency Management Director) be the contact person.

Chair King liked the five days provision.

Manager Gerrish said the authority to call a meeting is under the Chair's authority, not the Manager's, and can be done within 24 hours. If the Council is not sure, he suggested tabling this item and having the Town Attorney address the concerns.

Councilor Ewing said this may be reinventing the wheel, but since it helps with funding, he would be supportive of that. He had concerns that the federal law is one size fits all and may not work as well in a community that does not have a "Mayor" form of government.

Councilor Augur said to redraft it in a way that does not restrict what needs to be done, but have a way that the Council has the ability to intervene if they questioned the Manager's decision.

Councilor Ansari and Councilor Watson agreed to withdraw their motion.

Councilor Ansari moved, Councilor Watson seconded, to table this item until the meeting of July 10, 2006. The motion carried with seven (7) yeas.

106. The Town Council will hear public comments on the proposed amendment to Chapter 15, Article IV Sec. 15-47 of the Municipal Code of Ordinances in reference to Pleasant Hill and Church Road Intersections, and will take any appropriate action.

Manager Gerrish said this item is for public comments and to amend Chapter 15, Article IV Sec. 15-47 of the Municipal Code of Ordinances relative to making the intersection at Pleasant Hill, Church Road and Casco Roads a four-way stop.

Chair King opened the public hearing.

Bob Galloupe, Pleasant Hill Road, said this intersection is an odd corner, with the vision being very poor. For thirty years there has been a "yield" sign and truck drivers have adapted to it. To make a change there now will make it confusing. It will be difficult and it should stay with yield signs or become a four-way stop. If the four-way stop is not successful after a one year period, people would be more accustomed to stopping if the Council changed it back to having Pleasant Hill a through street and a stop at Church and Casco Road.

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Mariah Parker, Maine Street, said visibility is good and there is no problem. This is a situation of micro-managing something that comes to drivers using common sense.

Chair King closed the public hearing.

Councilor Daughtry said the Council cannot leave it as it is since the ordinance passed last year by the Council made Pleasant Hill a through street and that is not safe. She supports making it a four-way stop.

Councilor Ewing suggested a stop ahead sign be added if the change is made.

John Foster, Public Works Director, said the engineers preferred a stop versus a yield to enhance safety. They supported either a four-way stop or a stop at Casco and Church Roads. The four-way stop provides for the highest level of safety. He still intends to have additional signage and markings if it becomes a four-way, to alert drivers to the change.

Chair King said the town has been very lucky not to have accidents there, and she will support the four-way stop. If there were to be an accident, she would feel very responsible if nothing had been done to make changes.

Councilor Ansari moved, Councilor Schneider seconded, to amend Chapter 15, Article IV Sec. 15-47 and Sec. 15-49 of the Municipal Code of Ordinances relative to making the Pleasant Hill, Church and Casco Roads Intersection a four-way stop. The motion carried with seven (7) yeas.

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

107. The Town Council will hear public comments on the proposed amendment to Chapter 14, Article V Sec.14-139 of the Municipal Code of Ordinances on Public Wharves and Landings Ordinance in reference to feeding wildlife and prohibiting domestic animals on or about wharves and public landings, and will take any appropriate action.

Manager Gerrish said this proposed ordinance bans all domestic animals from the wharves and landings, including dogs. The question has arisen if the town wants to ban all the animals or just require that all waste be picked up and disposed of by the owners. This needs to be discussed before adoption. The current proposal prohibits domestic animals from a wharf unless loading or unloading from a boat, and the feeding of migratory birds is not allowed. This was proposed since there have been spikes in the bacterial test of the bays which may have occurred from waste.

Chair King opened the public hearing.

Rudy Amann, 306 Simpson Point Road, spoke against the proposed ordinance since he has seen more pet owners cleaning-up waste than clambers following the air boat use policy. He has seen more waste on the Pennellville Road than on the beach. There is

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also waste from a variety of wild animals and he has not seen wildlife birds being fed there.

Chair King closed the public hearing.

Chair King said one cannot prohibit dogs if they are allowed to go on boats. It is a right to bring animals, but people need to clean up after them. There should be waste receptacles and bags such as are available on the bike path. There are several sources of contamination other than the waste this ordinance addresses.

Councilor Ewing said this is a point of pollution, so, if enacted, the town could see if the ordinance reduces the pollution numbers. He could support the amendment to remove the prohibition of animals.

Councilor Ewing moved, Councilor Daughtry seconded, to amend Chapter 14, Article V Sec.14-139 of the Municipal Code of Ordinances Public Wharves and Landings to include language relative to feeding wildlife and prohibiting domestic animals on or about Public Wharves and Landings on an emergency and regular basis.

Councilor Daughtry agrees with this in principal, but she would like scientific information that this ordinance would reduce the pollution numbers. She would support it.

Manager Gerrish said the FDA suggested putting some controls in these areas would help and this type of restriction has been done in other states. He cannot give a percentage of pollution this waste causes, but it is one step in the direction to work through the whole pollution issue. The Council could remove the prohibition and just have owners pick-up after the dogs. If this amendment is made, the town will need to provide a container, at a cost of \$550 each, and provide plastic bags to pick-up the waste.

Councilor Ansari said it would be nice to put up signage and a bag system to see if that worked, but, if that did not work, the town may have to prohibit animals. She asked if there are other sources of pollution.

Manager Gerrish said on a regular basis the state does a shoreline walk looking for specific locations of pollution like septic failures and runoff. The testing of streams is also done. There are ongoing studies being done, and it is not easy to find pollution sources, but they continue to search for them. This ordinance is one step in a continual effort to reduce pollution numbers.

Councilor Daughtry added there could be issues with run-off from lawns and playing fields. She wants the town to be aggressive in finding the problems.

Councilor Ewing said the water is a source of livelihood for folks so he will support the amendment over pets being allowed on the wharves.

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Councilor Schneider said the town should be as aggressive as possible to keep the area clean, but he supports removing the prohibition of domestic animals.

Councilor Augur said the town does not know the real source of pollution, but agrees livelihoods should be favored.

Councilor Augur moved, Councilor Ansari seconded, to amend the ordinance to remove B1 which prohibits domestic animals on the wharves and landings.

Tom Farrell said they would start by putting receptacles at Wharton's Point and Simpson's Point.

Councilor Augur moved, Councilor Ansari seconded, to amend the ordinance to remove B1 which prohibits domestic animals on the wharves and landings. The motion carried with five (5) yeas. Councilor Daughtry and Councilor Ewing were opposed.

Councilor Ewing moved, Councilor Daughtry seconded, to amend Chapter 14, Article V Sec.14-139 of the Municipal Code of Ordinances Public Wharves and Landings to include language relative to feeding wildlife and requiring owners to clean-up after their domestic animals, and to adopt it on an emergency and regular basis. The motion carried with seven (7) yeas.

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

108. The Town Council will hear public comments on accepting the "2006" CDBG funds to support the development of the Master Reuse Plan for BNAS, and will take any appropriate action.

Steve Levesque, Executive Director of LRA, said as part of a grant from the Office of Economic Adjustment there needs to be a 10% match so the state authorized this match under CDBG funds, for \$100,000. As part of this grant process, the Council needs to hold a public hearing and accept the "2006" CDBG funds to support the development of the Master Reuse Plan for BNAS.

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

Manager Gerrish said, responding to Councilor Ewing's question, the town gave \$75,000 to the LRA to cover some areas such as legal fees, that are not covered by other funds. The town will not be reimbursed for that money.

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

Councilor Ansari moved, Councilor Watson seconded, to accept "2006" CDBG funds to support the development of the Master Reuse Plan for BNAS. The motion carried with seven (7) yeas.

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- 109. The Town Council will consider the following request for Sellers of Prepared Food on Public Ways on the Brunswick Mall, and will take any appropriate action.**

True to Texas B-B-Q-Jules Patry

This item was tabled until the next meeting since the applicant had not completed all the necessary paperwork in time for this meeting.

- 110. The Town Council will discuss the appointment of members to the Elementary School Committee, and will take any appropriate action.**

Manager Gerrish said this item is to appoint members to the Elementary School Construction Committee.

Councilor Schneider presented the Appointment Subcommittee's nominations for this committee:

- David Onos, as the Construction/Building Materials Representative
- G. Douglas Richmond, as the Art, Architecture and Design Representative
- Joanne Olson, as Previous School Building Experience Representative
- Marybeth Latti, as Citizen/Educator Representative
- Christine Rosen, as Citizen/Educator Representative
- Jeanne Stinson, as Citizen/Educator Representative

Having no additional nominations, the Council voted seven (7) yeas to appoint those nominated.

Councilor Augur felt it was important to have representatives with a connection to the Hawthorne and Longfellow Schools and they have found this.

Councilor Watson thanked Mr. Ashe, and School Board member Eileen Murphy, who assisted with the interviews. There are two positions that still need to be filled on this committee – an Engineering and an Environmental Impact Representative. He added the School Board appointed Bob Morrison and Malcolm Andrews to the Old High School Implementation Committee.

Chair King appointed without objection, Councilors Daughtry and Watson to be the Council Representatives to the Elementary School Construction Committee.

- 111. The Town Council will discuss appointments to boards and committees, and will take any appropriate action.**

Councilor Watson nominated the following persons to board vacancies:

- James Allard to serve on the Conservation Commission for a term expiring on 05/01/2009
- Mille Stewart to serve on the Davis Fund Committee for a term expiring on

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06/30/2009

- Charles Vaughan to serve on the Marine Resource Committee as an Alternate Member for a term expiring on 05/01/2009
- Richard Brautigam, O. Jeanne d'Arc Mayo and John Shea to serve on People Plus for terms expiring on 07/01/2009
- Ann Vincent to serve on the Personnel Board as an Alternate member for the balance of a term expiring on 01/12/2009
- John Horan to serve on the Recreation Committee for a term expiring on 07/01/2009
- Michael Howe to serve on the Recycling Committee for the balance of a term expiring on 01/01/2007

Having no additional nominations, the Council voted seven (7) yeas to appoint those nominated.

112. The Town Council will discuss allocation of funds within the Health and Social Service Budget, and will take any appropriate action.

Manager Gerrish said the Town Council has authorized \$26,230 for the Health and Social Services Budget for 2006/2007. The Council needs to decide how the money should be divided.

Chair King suggested the same allocations as given for the 2005/2006 Fiscal Year.

Councilor Watson moved, Councilor Ansari seconded, to allocate funds within the Health and Social Service Budget in the amount of \$26,320 as allocated in 2005/06. The motion carried with seven (7) yeas.

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

113. The Town Council will discuss approval of the Police Contract, and will take any appropriate action.

Manager Gerrish said this item would approve the three-year contract with the Police Union. The major changes include a 2% increase in year one, a 3% increase in year two and a 4% increase in year three. There will also be longevity pay adjustments and an additional personal day.

Councilor Watson moved, Councilor Daughtry seconded, to approve the Police Contract. The motion carried with seven (7) yeas.

(A copy of the approved Union Contract and Fiscal Note will be attached to the official minutes.)

114. CONSENT AGENDA;

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- (a) The Town Council will consider abating personal property taxes assessed in error.

Councilor Augur moved, Councilor Ansari seconded, to approve the Consent Agenda. The motion carried with seven (7) yeas.

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

Councilor Watson moved, Councilor Daughtry seconded, to adjourn the meeting. The motion carried with seven (7) yeas.

The meeting adjourned at 8:49 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.

Frances M. Smith

Town Clerk

June 26, 2006

July 10, 2006

Date of Approval

Council Chair