

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
May 2, 2005
6:30 p.m.
Municipal Meeting Facility

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

Councilors Present: Chair Forrest Lowe, W. David Watson, Robert A. Galloupe, Douglas A. Rice, Louise V. Ansari, Barbara A. Desmarais, Ralph L. Tucker, and Joanne T. King. Councilor Jacqueline A. Sartoris arrived after the roll call.

Councilors Absent: None.

Town Staff Present: Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; John Eldridge, Finance Director; Theo Holtwijk, Director of Planning and Development; Steve Walker, Natural Resource Planner; Mathew Eddy, Director of Economic Development; Craig Worth, Deputy Public Works Director; Tom Farrell, Director of Parks and Recreation; Steve Balboni, Deputy Director of Parks and Recreation; Peter Baecher, Parks and Recreation Facilities Manager; and the TV video crew.

EXECUTIVE SESSION: 6:30 P.M. Acquisition of Property

Councilor Desmarais moved, Councilor Watson 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 eight (8) yeas.

MEETING CONTINUES: 7:00 P.M.

Chair Lowe called for the Pledge of Allegiance.

Approval of Minutes: April 4, 2005 and April 19, 2005

Hearing no objection from the Council, Chair Lowe declared the minutes of April 4, 2005, and April 19, 2005, accepted as written.

Public Comment:

Herschel Sternlieb, McKeen Street, presented the Council with a proposal for the future development of the Navy base, making it into a world class garden.

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

Janet Brand, Bunganuc Road, said she would like to see a Council subcommittee that reviewed the budget so the Council was more involved with the process.

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Correspondence:

Manager Gerrish said the town has received a letter of resignation from Sophia Pfeiffer from the Sewer District Board of Trustees. A letter of thanks will be sent and the vacancy will be advertised.

Manager Gerrish said he received a letter from Suscom indicating their intent to explore the option of selling their assets.

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

Councilor Rice said he is not going to run for re-election next fall and he is giving advance notice so residents in District 4 are aware of this.

Manager's Report:

1. Presentation of 2005/06 Budget

Manager Gerrish said this is the official presentation of the budget. The budget meets the Council's three (3) goals, including having no tax increase, being under the state spending cap, and continuing to work on CIP projects. The School Department's budget request is three hundred thousand dollar (\$300,000) less than last year because of other funding sources. On the municipal side, the gross budget is up eight percent (8%). Much of this, approximately five hundred thousand dollars (\$500,000), is the first installment of the debt service for the substation and the operation costs for half of a year for it. There will be expenses for paying debt service on the Times Record Building, starting a revaluation process, and the increasing cost of employee benefits. There is over eight hundred thousand dollars (\$800,000) in new revenue much of it from the agreement for the privatization of the Navy's housing. This total is below the tax cap. The county's budget request is down thirty thousand dollars (\$30,000). Overall, the tax rate will not increase this year.

2. Update from Council Committees

Manager Gerrish said as far as the fire substation, the town is in negotiations on the final contract with Ouellette Associates, and a fourth bay is planned.

Councilor Galloupe briefly talked about where the Times Record and town hall project is going with work being done by SMRT.

Councilor Desmarais reported on the Comprehensive Plan Committee, which is meeting weekly. They hope to have a third draft by July 5 to have it to the Council on July 18. The Maine Street Station Committee is having three (3) public education sessions. There was an insert in the Times Record last Thursday.

3. Update on Downtown Pavement Plaque Program

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Rob Jarrett gave the Council a brief update on the Downtown Pavement Plaque project. The group has figured most aspects of the project out and is ready to commence its private fundraising effort. The group would like the town to be the recipient of the collected funds, which should be about fifteen thousand dollars (\$15,000).

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

4. Update on Gateway 1 Program

Manager Gerrish updated the Council on the Gateway 1 Project. Nineteen (19) of the twenty (20) corridor towns have approved the Memorandum of Understanding.

(A copy of an email from MDOT will be attached to the official minutes.)

5. Report on Transportation Volunteers Grant

Susan Wygal gave the Council a brief update on the Transportation Collaboration Project. The Mid-Coast Collaborative for Access to Transportation has been awarded a fifty thousand dollar (\$50,000) grant from the Maine Department of Transportation. It will allow the group to:

- Coordinate volunteer transportation in the Brunswick-Topsham area;
- Identify opportunities for sharing resources among existing transportation providers; and,
- Explore the feasibility of a limited fixed/flex route transportation service in the area.

(A copy of a press release will be attached to official minutes.)

6. Donation to Town from Cal Ripkin Baseball

Alan Carter, President of Brunswick Cal Ripken Baseball, said the Recreation Department does a great job with fields. The group is donating money to the town for a portable fence to be used by the Recreation Department.

(A copy of a letter from Mr. Carter will be attached to the official minutes.)

Councilor Sartoris moved, Councilor King seconded, to accept and expend funds in the amount of sixteen hundred fifty dollars (\$1,650) from Cal Ripkin Baseball for a portable fence. The motion carried with nine (9) yeas.

7) (ADDED) Finance Report

Manager Gerrish said excise tax is about where it was projected to be and other revenues are also doing well. Public works is now expected to only be sixty one thousand dollars (\$61,000) over budget, with FEMA giving the town seventy thousand dollars (\$70,000),

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which will make up the difference. Legal services are still over, mainly due to the boat launch. There is going to be saving in other areas, including health insurance cost.

Adjustments to Agenda: None.

55. The Town Council will discuss amending the Town's Ordinance concerning sellers of prepared food on a public way and will take any appropriate action.

Councilor Desmarais said Matt Eddy has prepared a change to the ordinance to allow the waiving of the five hundred dollars (\$500) fee for businesses in the downtown area if they wish to sell food on the public way.

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

Stephanie Slocum, Executive Director of the Brunswick Downtown Association, said her group and the downtown businesses are supportive of this change.

Councilor Desmarais moved, Councilor King seconded, to set a public hearing for May 16, 2005, for proposed changes to the ordinance regarding sellers of prepared food on a public way. The motion carried with nine (9) yeas.

63. The Town Council will receive a recommendation concerning the use of pesticides and fertilizer in the Aquifer Protection Zone and will take any appropriate action.

Theo Holtwijk, Director of Planning and Development, said the town has prepared new draft ordinance amendments concerning the use of fertilizer and pesticides in the Aquifer Protection Zone. He summarized the proposal, which included use of compost residuals, fertilizer, pesticides, and geographical applications. He also reviewed issues that needed to be resolved:

- 1) Should the use of Class A compost residuals be allowed;
- 2) Who should be consulted regarding granting approval for an emergency pesticide application; and,
- 3) Should there be a distinction between athletic fields and other lawn or landscape areas.

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

Peter Baecher, Parks and Recreation Facilities Manager, said, responding to Councilor Desmarais' question, the state said there is no requirement for fencing after spreading the Class A compost. The amount of odor is based on the amount of time the product has been composted. The longer it is composted, the less the odor. They would request product that had been composted longer to reduce odor issues.

(A copy of an e-mail from the state will be attached to the official minutes.)

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Mr. Baecher said, responding the Councilor King's question on the limited testing of Class A compost and organic products, the Class A compost is tested extensively, but he cannot say what it is tested for. The organic is tested for different things, and he did not know at what level it is tested.

Councilor Ansari expressed concerns about what is going into the sludge through what is being flushed down toilets, such as medications, chemicals, and other waste. All these products cannot be removed when it is processed.

Mr. Baecher explained how the composting activity kills off pathogens. It is tested extensively due to similar concerns as those raised by Councilor Ansari.

Mr. Baecher said, responding to Councilor Ansari's question, the Class A compost from New England Organic is seven dollars (\$7) per yard and the organic product is twenty five dollars (\$25) per yard. The compost is very fine and easy to work with.

Councilor Rice said for the record, his employer has a group that works on composting facilities and he has worked on site planning, but he is not involved with the selection of the product. He expressed concerns about the lack of testing on the organic product. He feels the Class A compost is safe and there is also a savings with it. He explained other locations where it has been done and the lack of problems with it. There are no special requirements for run-off. If organic is used, it should be tested to the same standards as the Class A compost. He would like to see an initial permit to spread the products.

Norm Cyr, Water District, said the District has reviewed the amendments and all materials from the other groups. The Department of Environmental Protection does not regulate water, but the Department of Human Services does. Therefore, he has turned to them for guidance for best management practices. The language that is being proposed does comply with them and so the Water District is supportive of the amendments. He did support having a one time permit and if there is a change in the product used, then allow amendments. They would like to see some record keeping of what has been applied and how much. Responding to Councilor King's question, they have not had experience with testing relative to areas using Class A compost.

Laura Moon, representing the Brunswick Pesticide Watch, said her group is supportive of the pesticide language in the proposed ordinance. She would like to see the town submit a management plan and require a permitting process. They are in favor of organic product use. In Brunswick, there is already a sludge and residual free zone. If there is such a zone, then the town should have the same type for aquifer protection zone. Her group is ready to assist with funding if organic is used. She said sludge smelled bad. Class A compost is not the only choice and she would urge the Council to keep the language discussing organic use.

(A copy of letters from the Brunswick Pesticide Watch and Tom Fusco will be attached to the official minutes.)

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James Ecker, New England Organics, said his company does sell Class A compost, but he also sells organic. He explained his product and the safety of the Class A compost. There is plenty of information against sludge, but he cautioned the Council to review it carefully. This is not sludge per say, with Maine having some of the strictest regulations on its recycling program for sludge. There are two (2) kinds of sludge, Class A and Class B. Class A has been approved for general distribution. There is a presumption that something organic is safe, but they are not regulated in Maine and are not required to be tested for anything. He offered some amendments to the proposed language.

(A copy of information from Mr. Ecker, supporting the Class A compost and proposing amendments, will be attached to the official minutes.)

Tim Carr, representing Bowdoin College, said Bowdoin is in support of using Class A compost and is willing to keep records and do the permitting process. They have used both products and they are both good.

David Whiteside, 64 Spring Street, praised the town on the ordinance regarding the use of pesticides, but he has concerns with the use of sludge. He explained his experience with the sludge's odor when it is spread. He read sections of a study on Class A and Class B sludge and the risks and dangers associated with their use.

Steve Walker, Natural Resources Planner, said, speaking on Mr. Ecker's amendments, they make sense as far as the testing requirements on the organic product.

Chair Lowe reviewed Mr. Holtwijk's three (3) points and asked for Council feedback.

Item 1

Chair Lowe recommended adding a permitting and record keeping section.

Councilor Watson suggested adding this recordkeeping element to other zones.

Item 2

Chair Lowe said it should be the Codes Officer, not the Conservation Commission or other group, who will be consulted prior to granting approvals for an emergency pesticide application request.

Councilor Rice and Chair Lowe also wanted the Water District to be notified as well as the Codes Officer.

Item 3

Chair Lowe said the treatment zones should be uniform.

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Mr. Baecher said the use of organic compost will be cost prohibitive if it needs to go through so many tests.

Councilor Rice said he felt the company selling the organic product must do the testing, not the town or other users. It would put both products on same playing field.

Chair Lowe said he was comfortable with the current staff language.

Councilor Sartoris said the standards should be the same and she wants the last paragraph of Section 210.8.C of Mr. Ecker's suggested language incorporated into the proposed language.

Catherine Longley, from Bowdoin College, said she was concerned that they could not use organic with this additional language and she urged caution.

Chair Lowe said he wanted to include the language in what is going to the public hearing so more research could be done.

Councilor Sartoris moved, Councilor Desmarais seconded, to set a public hearing for May 16, 2005, for the proposed amendment to the ordinance regarding the Aquifer Protection Zone, with the additional language on testing, a one-time permit and record management requirement, and to advertise it to be passed an emergency and regular basis. The motion carried with nine (9) yeas.

64. The Town Council will receive a position paper on the Graham Road Landfill from the Recycling Committee and will take any appropriate action.

Craig Worth, Deputy Public Works Director, said the Recycling Committee has drafted a position paper on the Graham Road Landfill. They are looking for some feedback from the Council on the proposal and some direction from them to pursue their recommendations. There were four (4) recommendations to assist with extending the life of the landfill:

- Establishing a higher tipping fee or not accepting commercial waste at the landfill, preserving the landfill for Brunswick residents.
- Extending the landfill's life, allowing the economic consideration of specialized processing equipment, modified materials and improvements in operations.
- Increasing recycling levels and ease, including implementing two stream recycling.
- Increasing recycling participation by going to a pay per bag program.

(A copy of the position paper on the Graham Road Landfill will be attached to the official minutes.)

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Mr. Worth said, responding to Councilor Watson's question about what could not be recycled, under two stream recycling, food waste and Styrofoam would be examples of what could not be recycled.

Manager Gerrish said the two stream recycling is exciting, but is not quite ready to go. He would like feedback on a pay per bag system.

Councilor Rice said what is being proposed is going down the right track. He asked how it will impact the funds set up for closing the landfill.

Manager Gerrish said the enterprise fund will still be used to close it, but with a loss of thirty percent (30%) of commercial waste the fund is not growing as fast, however, with this loss of waste, the landfill's life is being extended. He added going to pay per bag is a major step.

Councilor Ansari said she is excited about the two stream recycling. If the town is going to a pay per bag system, they will also need to have it or more recycling.

Councilor Galloupe said he likes most of the ideas in the position paper, but he is concerned about not accepting commercial waste from the town. As far as the pay per bag, he is not supportive of that at this time, and is concerned about trash being thrown onto other's property. As far as two stream recycling, there would be savings in staff cost and that may balance out the higher cost.

Mr. Worth said the pay per bag helps encourage people to recycle and will prolong the landfill. He has seen more burning of trash under this system.

Councilor King said she does not support a pay per bag system, which would cause more trash to be thrown on the side of roads or on other's property, and with the tipping fee having recently been increased.

Councilor Watson said it is important to extend the landfill.

Manager Gerrish said the town will do more research and come back to the Council with more information.

65. The Town Council will consider an Emergency Appropriation of \$24,000 for upgrades to the Municipal Building telephone system and will take any appropriate action.

Manager Gerrish said this item deals with an emergency appropriation of twenty four thousand dollars (\$24,000) to do upgrades to the town hall phone system. The voice mail system is failing and it needs to be updated immediately to ensure the building does not lose its capabilities. He is asking for this appropriation now since the town cannot wait until next budget year.

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Councilor Sartoris moved, Councilor Tucker seconded, to approve the Resolution for an emergency appropriation of twenty four thousand dollars (\$24,000) to upgrade the municipal phone system. The motion carried with nine (9) yeas.

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

66. The Town Council will consider a Utility Location Permit for a utility pole for Verizon and CMP for Bath Road and will take any appropriate action.

Manager Gerrish said this will approve a new utility pole for Bath Road and the new development outlined in a memo from Jim Higgins of Public Works.

Councilor Desmarais moved, Councilor King seconded, to approve the request from Verizon for a utility pole on Bath Road. The motion carried with nine (9) yeas.

(A copy of the pole permit and memo from Mr. Higgins will be attached to the official minutes.)

67. The Town Council will discuss appointments to Boards and Committees and will take any appropriate action.

Councilor King nominated Paul Clark to serve on the Housing Authority for a five (5) year term, Mark Phillips to serve as a full member of the Personnel Board for a balance of a three (3) year term, and Alphonso Ripa to serve on the Trust Fund Advisory Committee for a three (3) year term; asked the Chair to cease nominations; and asked the Chair to cast one vote for the nominees. The Council voted nine (9) yeas to appoint Mr. Clark, Mr. Phillips, and Mr. Ripa.

The meeting adjourned at 10:10 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
May 16, 2005*

June 6, 2005

Date of Approval

Council Chair