

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
November 20, 2006
Executive Session 6:30 P.M.
7:00 P.M.
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, Gerald E. Favreau, Ryan E. Ewing, Newell A. Augur, and Forrest Lowe.

Councilors Absent: None.

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Geoffrey Hole, Town Attorney; John Foster, Public Works Director; and TV video crew.

6:30 PM Executive Session: Acquisition of Real Property per 1 M.S.R.A. Sec §405 (6)(c)

Councilor Daughtry moved, Councilor Lowe seconded, to go into executive session pursuant to 1 MRSA §405(6)(c) regarding acquisition of property. The motion carried with seven (7) yeas. Councilor Sartoris was not present for the vote.

Meeting Continues: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Item 184 was taken out of order and done first.

184. The Town Council will consider appointing a Council Representative to District 5 in order to fill a vacancy, and will take any appropriate action.

Manager Gerrish said Gerald Favreau was elected on November 7, 2006, to serve the term beginning January 2007 so it may be fitting to have the Council appoint him to fill the remainder of Councilor Ansari's term.

Councilor Watson moved, Councilor Ewing seconded, to appoint Gerald Favreau to represent Council District 5 for the remainder of the vacant term to expire on December 31, 2006, per section 205(c) of the Brunswick Town Charter. The motion carried with eight (8) yeas.

Fran Smith, Town Clerk, swore in Mr. Favreau; he then took his seat at the Council table.

Public Comment:

Nat Wheelwright, 299 Durham Road, said that there was overwhelming support for Question 2 on the Land Trust funds, with 57% of voters supporting it. There are easier

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ways other than paying taxpayers dollars to conserve land by enforcing existing ordinances, and by not changing growth zones areas.

Correspondence: None.

Manager's Report:

(a) Property on Stone Street

Manager Gerrish said the town is in the process of having the property fixed up and taken care of. There has been a building permit that will expire in February 2007, and the Codes Enforcement Officer, Jeff Hutchinson, is watching this to make sure the improvements begin to happen. The structure has been boarded up to prevent entrance and possible injuries.

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

(b) Council Committee Updates

Councilor Lowe said the Maine Street Station Committee is working on an initial draft of the development agreement. They hope to bring it to the Council in December.

Councilor Watson said on Saturday the Old High School Committee had a second forum, and they will report back to the Council in December.

(c) Council Workshops

Manager Gerrish said there will be the following Council workshops:

Public Benefit Conveyance on November 27, 2006

Comprehensive Plan update on December 11, 2006

(d) Housing Market Presentation

Councilor Watson said he would like to have a brief presentation on December 11, 2006, on the current housing market in the Brunswick area, with a review by Realtor David Gleason.

Adjustment to the Agenda:

Remove Item 192 and take the Tabled Item up later in the meeting.

Councilor Augur moved, Councilor Favreau seconded, to move CA(a) to be the last item. The motion carried with nine (9) yeas.

Ms. Smith report on the Ballot Inspection of Question 1; at the end of the day the difference was six instead of five, with "yes" still prevailing.

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- 185. The Town Council will discuss a request for the Town to accept the unaccepted portion of Collinsbrook Road as a Town Road, and will take any appropriate action.**

Manager Gerrish said this item is to accept the unaccepted portion of Collinsbrook Road as a Town Road. The town's portion of it has been abandoned and that means the town at some point stopped maintaining the road. There is still a public easement. That has caused concerns for residents since it goes from Brunswick to Baker Street in Freeport and has been used as a through way. Freeport has abandoned their part of the road and there is no public easement on it. If the road was brought up to town standards, Brunswick would maintain it and accept it.

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

Todd Buchheit, Collinsbrook Road, said he and others on Collinsbrook Road had prepared a letter regarding this issue. He wanted to add some points. They recognize what they are asking for is outside of the town's policy. They maintained the road and brought it up to better standards to access their properties, which increased the through traffic. He spoke to the town about how to limit access to the road for vehicle traffic. The town determined it cannot limit traffic or install gates. The residents installed a gate on the Freeport side, but someone cut the lock and then the gate was pulled out of the ground. They then put down stones to block the road, but they were moved. They installed signs, which did not work. They have received hostile phone calls from people who were against traffic controls. Realizing state law and town policy, the residents of the street did not know what else to do. Judging from responses he received, he wants to have the town maintain it. There has always been traffic, but with the road paved on the Freeport side, there is more traffic. He did speak with Freeport Public Works and explained to them what was happening, and they seemed to think the road belonged to Brunswick, which it did not.

Manager Gerrish said Freeport's position is there is no public easement since it was abandoned earlier and it is on the subdivision plan as such. Brunswick's position is that on the Brunswick side the section is abandoned and has a public easement.

Geoffrey Hole, Town Attorney, said the Baker Road was abandoned prior to the statute change so there is no public access. It is private property on the Freeport side so they do not have a right to block the road there. Brunswick has felt for some time that there is an easement on the Brunswick side.

John Foster, Public Works Director, said, responding to Councilors' questions, there is about 160 feet abandoned on the Brunswick side and if the town were to at some point accept the road, they would like to have a turnaround there.

Mr. Foster said, responding to Councilor Daughtry's question, the cost to pave the gravel section of the "town road" only section, not the abandoned part, would be more than \$23,000.

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Mr. Buchheit said the issue was brought to the police who could issue trespassing summonses if vehicles license plate numbers were given, but the residents have concerns about their personal safety. Responding to Councilor Augur's question about the annual cost to maintain, Mr. Buchheit said it cost the residents there, for the last two years, around \$2,500 per year. There was an earlier cost of less than \$10,000 to bring the road up to its current quality.

Mr. Hole explained, responding to Councilor Daughtry's question, the difference between the discontinuance and abandonment of a road. The first is done by Council action, and abandonment results from a lack of maintenance over time. 1975 is when abandonment appeared in the statute. Mr. Hole said Freeport had stronger language and documentation to support their part of the road having no public easement. If it is turned into a town road, the road quality will have to rise to a higher level than as a private road.

Manager Gerrish suggested working it more and asked the Council to table this item.

Mr. Foster suggested, responding to Councilor Augur's question as to how to block the road, either move part of the road or block it, which would cost a few thousand dollars.

Councilor Sartoris moved, Councilor Watson seconded, to table this item until a future meeting, once the necessary research has been done. The motion carried with nine (9) yeas.

186. The Town Council will consider setting a public hearing on the proposed zoning amendment to the definition of Impervious Surface area definition as per Section 111 of the Town of Brunswick Zoning Ordinance, and will take any appropriate action.

Manager Gerrish said this item is to consider setting a public hearing on the proposed amendment of the definition of Impervious Surface area as per Section 111 of the Town of Brunswick Zoning Ordinance.

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

Councilor Lowe moved, Councilor Ewing seconded, to set a public hearing for December 4, 2006, to amend the definition of Impervious Surface area as per Section 111 of the Zoning Ordinance. The motion carried with nine (9) yeas.

187. The Town Council will consider a Memorandum of Understanding with the State of Maine Inland Fisheries and Wildlife and the Town regarding the Mere Point Boat Launch, and will take any appropriate action.

Manager Gerrish said this item is to consider a Memorandum of Understanding with the State of Maine Inland Fisheries and Wildlife department and the town regarding the Mere Point Boat Launch. The memorandum outlines the responsibilities of both the state and the town. An estimated budget is also provided in the Council's materials.

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Steve Walker, Inland Wildlife and Fisheries (IF&W), said this is a draft and a result of several meetings between the town and IF&W. It includes the Advisory Committee's issues. It has an annual review process and allows for amendments to the management plan and it highlights a cooperative approach.

Councilor Lowe said after five years of working at it, he is looking forward to work beginning on this project. He expressed his appreciation to those who worked on it, including Mr. Walker, Councilor Sartoris and the Advisory Committee members. He is happy it covers many concerns. Experience will tell how this will go with cost and maintenance. He commented he would like to see under Items 18 and 19, language indicating a "good faith effort" being made prior to terminating the agreement.

Mr. Walker said, responding to Chair King's question about financial responsibilities if the agreement is terminated, this is a state project and they would need to maintain it to the standards, so the state does not want to have to do this and wants to work with the town.

Councilor Augur said under Item 10, he would like to see the town have the ability to have a fee if the money is put back to maintain it. He asked why there is language to have fees approved by the state.

Mr. Walker answered the state does not want a fee charged and would like other methods to have funds developed to cover costs.

Councilor Augur said he would like to say "provided the town consulted with state." Mr. Walker said he could take that back to the state for their thoughts.

Leon Bucher, Federal Aid Coordinator for IF&W, said current language is in there since the funds are from the federal government, and one of the conditions is they are very sensitive to charging fees for projects with their funds in it. He will be going back to the federal agency to see if the proposed change would be acceptable. The funds that come through IF&W services is money already paid by sportsmen and collected by the federal government. The funds are then distributed back to the state. The idea is not to double charge sportsmen.

Councilor Sartoris said under the budget section, IF&W is willing to pay for the pavement striping, sign maintenance, and repair of the float, to name a few. There needs to be a season gone through to see what the actual operating cost will be. This has been a very public process, and there was an e-mail notice sent out about this meeting, with a draft of the agreement attached.

Manager Gerrish said, responding to Councilor Schneider's question about who assumes legal responsibility, both sides would have insurance.

Charles Wallace, 501 Mere Point Road and Advisory Committee member, said this is a well drafted document with public concerns incorporated into it.

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Tony Yuodsnukis, 276 Bunganuc Road and Advisory Committee member, said it has been five long years, and the document looks great. He has been happy to see the level of cooperation between the state and town.

Stan Gerzofsky, State Representative, said in the State of Maine there has been a fight for access to water. This proposed launch is going to be the nicest, yet most regulated boat launch in Maine. The people of Maine have the right to access. He wanted to publicly thank Councilor Sartoris for her very hard work on this project.

Councilor Sartoris said the Advisory Committee benefited from the many concerns that were brought-up. She thanked the opposing side for all their comments and thoughts which worked to create a better document and project.

The proposed changes were to be incorporated and more time allowed for public comments. Therefore, the Council wanted to table the item.

Councilor Sartoris moved, Councilor Lowe seconded, to table this Item until the December 4, 2006 meeting. The motion carried with nine (9) yeas.

188. The Town Council will consider the acceptance of Huckleberry Lane, Magnolia Lane, the final section of Alder Drive, and a portion of Tamarack Drive as Town Roads, and will take any appropriate action.

Manager Gerrish said this item is to accept Huckleberry Lane, Magnolia Lane, the final section of Alder Drive, and a portion of Tamarack Drive as Town Roads.

Councilor Lowe moved, Councilor Favreau seconded, to accept Huckleberry Lane, Magnolia Lane, the final section of Alder Drive, and a portion of Tamarack Drive as Town Roads. The motion carried with nine (9) yeas.

(A copy of the deed and a memo from John Foster will be attached to the official minutes.)

189. The Town Council will consider six-month Beano/Games of Chance Licenses, and will take any appropriate action.

Sealed Tickets Only:

Brunswick Lodge of Elks #2043

d/b/a/ Brunswick Elk's Lodge

179 Park Row

Collette Cullen, Chairperson

Beano and Sealed Tickets:

Evergreen Senior Citizens Club

1 Columbus Drive

Rena Rittall

Beano and Sealed Tickets:

Brunswick Knights of Columbus

**Sekenger Council 1947
2 Columbus Drive**

Robert Rainville

Manager Gerrish said this item is for approval of six month Beano/Games of Chance licenses.

Councilor Sartoris moved, Councilor Augur seconded, to approve the six-month Beano/Games of Chance Licenses, as stated above. The motion carried with nine (9) yeas.

190. The Town Council will consider accepting a conservation easement for Arrowhead Farms Condominiums on the River Road, and will take any appropriate action.

Manager Gerrish said this item is to consider accepting a conservation easement for Arrowhead Farms Condominiums on the River Road. This has been approved by the Conservation Commission, the Town Attorney, and the Planning Board.

Councilor Sartoris moved, Councilor Lowe seconded, to approve the conservation easement for Arrowhead Farms Condominiums on River Road. The motion carried with nine (9) yeas.

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

191. The Town Council will consider authorizing the expenditures for starting the pay-per-bag program, and will take any appropriate action.

Manager Gerrish said this item is to authorize expenditures to start the pay-per-bag program. The funds will be used to provide free bags on a one time basis and help with public education. He hoped to have a signed agreement on bags soon.

Chair King said she is going to vote against this since this is not being done at the appropriate time and should be looked at during budget review.

Councilor Favreau said he is going to vote against it since his district was not represented on the vote to implement this program, and he has concerns about where the money generated from the program is going. This process is still in motion.

Councilor Sartoris said the funding issues and where it goes has not come back to the Council for a decision. Previously, the Council seemed to support funds going into the general fund, with the enterprise fund location addressed at budget time.

Manager Gerrish said it not been decided and this will come back to the Council in the future to figure out where funds go.

Councilor Ewing explained that the coupons for free bags will be mailed to each residence.

Councilor Lowe moved, Councilor Sartoris seconded, to adopt the Resolution for an Emergency Appropriation of \$135,000 from Unappropriated Available General Fund Revenues to Fund Start-Up Costs Associated with Single-Stream Recycling and the Pay-per-Bag Rubbish Disposal Fee. The motion carried with five (5) yeas. Councilor Watson, Councilor Schneider, Councilor Favreau, and Chair King were opposed.

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

192. The Town Council will review disputed election ballots, and will take any appropriate action.

This item was removed as there were no disputed ballots.

CA (a) The Town Council will discuss the proposed policy to set fees for copies of documents provided to the public, and will take any appropriate action. (Tabled from 10/16/06 meeting)

Ms. Smith gave an overview of this proposal to the Council, and explained that Brunswick's proposal is in line with what other towns charge.

Chair King said she will not support this item since she feels citizens should be able to get information at no charge.

Councilor Ewing asked for there to be as much information as possible made available on the town's web page so it will be available to residents for free.

Councilor Sartoris moved, Councilor Augur seconded, to approve the Policy to Provide Copies of Documents to the Public. The motion carried with eight (8) yeas. Chair King was opposed.

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

193. CONSENT AGENDA:

- (a) Utility Location Permit Request
- (b) Quit Claim Deed for Bath Road

Councilor Lowe moved, Councilor Schneider seconded, to approve the consent agenda. The motion carried with nine (9) yeas.

(A copy of the utility location permit and quit claim deed will be attached to the official minutes.)

Councilor Sartoris moved, Councilor Ewing seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

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The meeting adjourned at 8:37 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

December 9, 2006

December 18, 2006

Date of Approval

Council Chair