

-- Approved --
BRUNSWICK TOWN COUNCIL MINUTES
October 2, 2006
7:00 p.m. Regular Meeting
Municipal Meeting Facility

7:00 P.M. Chair King called the meeting to order and called for the Pledge of Allegiance.

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, 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; John Eldridge, Finance Director; John Foster, Director of Public Works; Clark Labbe, Fire Chief; Rick Desjardins, Police Commander; Heidi Nelson, Animal Control Officer; Tim Lukas, Natural Resources Planner; and TV video crew.

Public Comment:

Pem Schaeffer, Crestview Lane, gave his arguments about how the Tax Payers Bill of Rights (TABOR) can work despite comments that had been made against it. It cuts nothings and does not cut budgets. He has a legal opinion it is constitutional. Young people are leaving in droves; Maine has the highest tax burden; it is anti-business; and the population is aging. The bottom line is TABOR allows for flexibility.

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

Correspondence: None.

Manager's Report:

(a) Council Committee Updates

Councilor Lowe said the Maine Street Station Committee is meeting with four possible developers to discuss proposals for the location.

Councilor Watson said on October 18, 2006, the Old High School Committee will hold a public forum to get ideas about what to do with the site.

Councilor Sartoris said the ZBA did hear an appeal on the Mere Point Boat Launch and rejected it. The next step over the next few weeks is working on a Memorandum of Understanding.

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Manager Gerrish said the Brunswick LRA is holding a meeting at the High School and will also be putting together an overview of Saturday's public workshops.

(b) Financial Updates

Manager Gerrish gave a financial update. On the revenue side, excise tax for the first three months is \$11,000 ahead of last year, and state revenue sharing is \$75,000 less than last year. In other areas the town is doing well.

(c) Sponsorship for MARA

Chief Labbe explained the homeland security grant issue and summarized his request.

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

Councilor Watson moved, Councilor Ewing seconded, to sponsor Merrymeeting Amateur Radio Association (MARA) to enable their training and certification as a Community Emergency Response Team and to allow the town to apply for a grant from the Department Homeland Security to pay to train its members. The motion carried with seven (7) yeas. Councilor Sartoris was opposed.

(d) Homeland Security Grant Program

Chief Labbe said this is a competitive process, but it appears there is a need in the area of training. The request would provide training – the bulk of which is to provide training to town employees. The Emergency Management Ordinance laid out what was needed. They are only asking for reimbursement for higher levels of training. They also want to get a new signboard for emergencies. The requested amount will be \$75,000, which is 100% funded.

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

Councilor Sartoris does not question the need for the funds, but how homeland security grants are awarded. It has nothing to do with what communities have the greatest needs. Until national needs are met, she cannot vote to support this since as a United States citizen, she feels it should be spent elsewhere.

Representative Gerzofsky said as a reminder, homeland security grants are also for national disasters – not just terrorism. In the case of events like the ice storm, ham radio operations will work when cell phones will not. It is about being prepared for mother nature's issues. Nothing is more important than communication. The National Incident Management System (NIMS) has a presence in Maine.

Councilor Sartoris said there is a lack of federal funding; she is concerned as a citizen about not putting priorities in order when allocating funds.

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Chief Labbe said these are federal FEMA dollars that are sent to the state; the state provides to communities.

Chair King said she cannot imagine why any town would not want to be as prepared as possible in case of an emergency, and she will be supporting these grant applications.

Representative Gerzofsky added if Brunswick turns down the grants, the money does not then end up in New York since there are funds earmarked for Maine and they are not transferable.

Councilor Watson moved, Councilor Schneider seconded, to give Chief Labbe approval to apply for the 2006 Homeland Security Grant. The motion carried with yeas seven (7) yeas. Councilor Sartoris was opposed.

(e) Update on Swinging Bridge

Nancy Randolph, Swing Bridge Committee, updated the Council on its progress. The bridge is almost done, with the towers being painted next week. There will be a soft opening at the end of October.

Tony Muench, Landscape Architect, talked about the design for the approaches. They want to have parking on both sides. On the Topsham side, there will be a small plaza and people can buy bricks to help fund it. On the Brunswick side, there will be a gathering space with two benches beside the new walkways.

Ms. Randolph added the project was funded through fund raising and some matching funds, with a total cost of \$610,000. She feels that the towns of Topsham and Brunswick should do the parking areas. The grand opening will be in June 2, 2007. The lighting will be the gooseneck type so it will not be adverse to the neighborhood.

(f) Update on Habitat for Humanity Request

Manager Gerrish said Habitat for Humanity would like to gain access to a piece of property that is landlocked and abuts Edwards Field. The town is still working on getting a safe access to the location and is trying to come up with a win-win situation. It is a negotiation process.

Adjustments to Agenda:

Remove Item 159 at the request of the petitioner.

Take up Item 166 before Item 165.

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

Special Amusement License

**Yankee Lanes
276 Bath Road**

Cory Dionne

Manager Gerrish said this item is for public comment and approval a Special Amusement License for Yankee Lanes on Bath Road.

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

Councilor Augur moved, Councilor Watson seconded, to approve a Special Amusement License for Yankee Lanes on Bath Road. The motion carried with eight (8) yeas.

165. The Town Council will hold a public hearing on increases to the Business License Fees, and will take and appropriate action.

Chair King said she is personally involved since her company is subject to fees for cabs and cab drivers. It was agreed she could vote on this issue, especially since she planned to support the increases.

Fran Smith, Town Clerk, explained the proposed increases. Most fees have not gone up much and are in line with a survey she did of other communities. She is proposing a late fee for expired licenses and an application fee for alcohol licenses for which the state is doing the licensing, but the town signs off.

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

Councilor Lowe moved, Councilor Augur seconded, to increase the Business License Fees as proposed by the Town Clerk. The motion carried with eight (8) yeas.

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

166. The Town Council will hold a public hearing on the time allowable for commercial waste collectors to collect waste, and will take any appropriate action.

Manager Gerrish said this item is for a public hearing on the time allowable for commercial waste collectors to collect waste. The current ordinance allows for collection between the hours of 5:00 a.m. and 6:00 p.m. This change would allow for collection between the hours of 7:00 a.m. and 6:00 p.m.

Chair King opened the public hearing.

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Jeff Pelletier, 29 Union Street, supports the proposed change since he has downtown dumpsters near his home. This decision needs to balance the downtown businesses' needs and the residents' needs for not being awakened at 5:00 a.m. To him, this a quality of life and business issue since it effects his tenants. They tried to find an alternative to changing the ordinance. The Codes Officer did speak to the haulers, but that only helped for a short time.

Jason Bergquist, representing Pine Tree Waste, said they strongly urged that the town not change this due to the downtown setup. They have this problem in other older towns. The dumpsters are not out front so they are tucked away and therefore harder to get to. It creates a customer service and safety issue. One top issue is cars hitting trucks. There are a few customer locations where it is difficult to get to the containers once there is traffic. Pine Tree tries to focus on getting to the tight areas in the downtown area early. Fort Adross is one with the turn at the bridge; Tess' Market, and the Tontine Mall have sharp turns. If they do not get in before 7:00 a.m., they cannot get there because of workers and customers parking. With the recreation center on Center Street, and the schools, they try to get there before students get there. They try to deal with problems on a case-by-case basis. He is asking to work to fix issues before making changes.

Mike Trioano, representing Trioano Waste, said he agrees with Mr. Bergquist. They worked through a complaint by the Tontine Mall neighbors and have not had issues since.

Anne Marr, President of the Northwest Brunswick Neighborhood Association, said this is a very stable neighborhood and have come together as strong neighborhood. The two sides can compromise, but need to resolve issues if they want to maintain quality of life.

Elizabeth Glover, 19 High Street, is urging the Council to consider a change in time. By increasing density in neighborhoods, there needs to be quality of life for those living in the downtown area. She also owns 17 units on Maine Street and has a dumpster so she understands the issues with logistics.

Marybeth Burbank, 11 Cumberland Street, said in the downtown there are businesses; turn a corner and there are residences. The residents hear plow trucks all night, but at 5:00 a.m. to hear the commercial waste trucks is a lot to ask. She suggested the ordinance should not be the same for all parts of town and maybe a compromise time could be 6:30 a.m.

Chair King closed the public hearing.

Mr. Bergquist said, responding Chair King's question, if schools were done first, it could be an issue since they are located in residential areas. Extending hours into the evening is problematic since there is the afternoon commute issue. He suggested maybe looking at a section of town to change the time.

Mr. Pelletier said, responding to Chair King's question, there is no consistency as to when the dumpsters are picked up; it varies from 5:30 a.m. to after 7:00 a.m.

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Mr. Bergquist said, responding to Chair King's request to have a normal route, they start at the same time, but if they have issues when picking-up, this can change the schedule.

Councilor Sartoris said looking at a mapped area would work, but that is not before the Council tonight. She asked if the Planning Department can come up with an area downtown, where there could be a 7:00 a.m. time and have a different restriction for other areas.

Councilor Lowe said the density of people in the downtown is greater than homes by the schools.

Councilor Ewing said the geographic limitation is a good one and suggested making it applicable to the Village Review Zone. They could also go later than 6:00 p.m. if that would help.

Councilor Schneider suggested changing the time from 5:00 a.m. to 6:00 a.m. as a compromise to the 7:00 a.m. time.

Councilor Sartoris said that was her original thought, but there are safety issues and there are no problems in other locations. She would like to see a tiered system.

Manager Gerrish said the staff can take a look at it and come up with suggestions in two weeks to have something for the downtown area.

Councilor Watson moved, Councilor Sartoris seconded, to table this item until the October 16 meeting to see if a tiered system could be developed. The motion carried with eight (8) yeas.

167. The Town Council will hold a public hearing on increases for dog impounding and warrant fees in Chapter 4, Animals Code of Ordinances, and will take any appropriate action.

Commander Desjardins introduced Heidi Nelson, the Animal Control Officer.

Officer Nelson explained the issue of repeat offenders and dogs being impounded. There were cases of twenty to thirty times for some dogs. This ordinance would, hopefully, act to prevent this from happening, with higher fines for repeat offenders.

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

Councilor Watson moved, Councilor Daughtry seconded, to increase impounding and warrant fees in Chapter 4, Animals Code of Ordinances. The motion carried with eight (8) yeas.

(A copy of the adopted ordinance changes to the Chapter 4 Animas will be attached to the official minutes.)

- 159. (TABLED) The Town Council will consider the request from Theryl Robbins to remove the deed restrictions placed by the Town on Adams Road Property, and will take any appropriate action.**

This item was removed from the agenda at the request of the applicant.

Councilor Sartoris asked that the item be put back on the agenda in two weeks since it is a disservice to the public not to resolve this issue.

Councilor Augur said the Council can put it on the agenda and notify Mr. Robbins that he is welcome to come, but that the Council wants to make a decision on this issue and move on.

Councilor Lowe agreed.

The item will be on the October 16 agenda for a decision.

- 168. The Town Council will consider setting a public hearing on changes to the Shellfish Ordinance to create a 10 out 10 system for license issuances, and will take any appropriate action.**

Dan Devereaux, Marine Resources Warden, explained the current 5-out-of-5 system and the Marine Resources Committee's request for a 10-out-of-10 system instead.

(A copy of the memo from the Town Clerk and Mr. Lukas will be attached to the official minutes.)

Councilor Sartoris moved, Councilor Watson seconded, to set a public hearing for October 16, 2006, on proposed changes to the Shellfish Ordinance to allow for a 10-out-of-10 commercial licensing system. The motion carried with eight (8) yeas.

- 169. The Town Council will consider an appropriation of \$75,000 from un-appropriated fund balance for the final design for replacement and upgrade of the storm sewer system on Maine Street as approved in the "2006" CIP, and will take any appropriate action.**

Manager Gerrish said this item would authorize \$75,000 to do the final construction drawings for the Maine Street Storm Drain update. The town expects that Bowdoin College will fund half the cost of the project. This item was approved in the 2006/2007 CIP.

Councilor Sartoris moved, Councilor Watson seconded, to adopt Resolution For An Emergency Appropriation of \$75,000 From Unappropriated Available General Fund Revenues For The Engineering And Design Of Improvements To A Portion Of The Storm Sewer System On Park Row. The motion carried with eight (8) yeas.

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

- 170. The Town Council will consider issuing a quit claim deed on Persons Unknown property located on Collinsbrook Road to Fraser Family Trust, and will take any appropriate action.**

Manager Gerrish said this site is 1.4 acre parcel. There is not access for anyone so the town notified the abutters to see if they had a claim. Ruth Fraser has expressed an interest in getting this property deeded to her family's trust.

(A copy of the memo from the Finance Director and Assessor, along with other supporting information will be attached to the official minutes.)

Councilor Sartoris said the town is an abutter and she wants to know why the town was not one of the abutters who has an interest since it is in a significant natural habitat area. She wants more information and wants to table this item tonight.

Councilor Sartoris moved, Councilor Lowe seconded, to table this item until the October 16, 2006 meeting. The motion carried with eight (8) yeas.

171. CONSENT AGENDA:

- (a) Minutes of August 7, 2006 (tabled last meeting)**
- (b) Appoint Wardens and Deputy Wardens for November 7, 2006**
- (c) Set Extended Registrar Hours for November 7, 2006**
- (d) Approve Election Warrant for November 7, 2006**

Councilor Schneider moved, Councilor Ewing seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.

(A copy of the Warrant, Wardens' list, and Registrar's hours will be attached to the official minutes.)

Councilor Watson moved, Councilor Sartoris seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 9:00 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 10, 2006*

December 18, 2006

Date of Approval

Council Chair