

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
April 2, 2007
7:00 P.M.
Municipal Meeting Facility

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 David C. Webb

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Mat Eddy, Director of Economic Development; Jeff Hutchinson, Codes Enforcement Officer; Jeff Emerson, Deputy Fire Chief; Craig Worth, Deputy Director of Public Works; Peter Baecher, Facilities Manager for Parks and Recreation Department; and the TV video crew

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment:

None

Correspondence:

Manager Gerrish said he had received some letters from people in the tow-truck business who expressed concerns with the town's policy. The town will be reviewing the policy and recommending changes. Staff has met with the tow companies to get their input. He will bring it back to the Council in two weeks to a month.

Councilor Ewing said that he had received information from **John Dorrer**, the Director of Labor Statistics for the State of Maine, who had provided information on job gains and losses in the area. He will be sharing that information at a later meeting, and he may have the director speak at that time.

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

Councilor Sartoris said there would be a couple of fund-raising events including a Capitol Steps comedy show, and an event at the Chocolate Church.

Adjustments to Agenda:

Item 49 will be before item 48.

Manager's Report:

Manager Report items were not done in order, but are recorded in order.

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a) Community Emergency Response Team

John Goran, Cable Coordinator and CERT team leader, said the CERT Team completed their training on March 11, 2007. The training was paid for by a grant the town received. Mr. Goran introduced the members who participated in the training.

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

b) Update on Spring Clean-up and Hazardous Waste Pickup

Craig Worth, Deputy Public Works Director, said the Spring Clean-Up will be from Tuesday, April 17, 2007, to Saturday, April 28, 2007. Residents may come to the Graham Road Landfill during the clean-up period and enjoy special access and disposal fee discounts.

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

c) Council Committee Updates

None were given.

d) Financial Updates

Manager Gerrish updated the Council on financial matters:

- Excise tax was \$30,000 less than last year for the month of March.
- State Revenue Sharing is \$30,000 to \$50,000 short of last year, however, the town had not budgeted as much.
- Investment income is \$300,000 over last year.
- Overtime in the Fire Department is still a concern, but there has been savings in the winter works budget.

e) North Star Alliance Composite Award

Mat Eddy introduced **Doctor Henry Renski**, who presented Chair King with the Maine North Star Alliance Initiative award. It is from Governor Baldacci and is being given to Brunswick for its involvement and support as a valuable member of the North Star Alliance Initiative partnership.

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

f) Project Canopy Grant

Peter Baecher, Facilities Manager, said the Parks and Recreation Department is proposing to apply for a grant from Project Canopy to assist in their efforts to care for Brunswick's downtown tree resources.

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

Councilor Watson moved, Councilor Sartoris seconded, to apply for the Project Canopy Grant. The motion carried with nine (9) yeas.

g) (Added) Election Update

Fran Smith, Town Clerk, said there may be a June State Election; the town will know for sure soon and she will be asking the Council to consider consolidating polls into one location.

Councilor Webb recognized members of a Brunswick Scout Troop, who are here working on a communication badge.

48. The Town Council will hear public comments on the proposed moratorium until July 1, 2007, regarding Outdoor Wood Boilers on an emergency and regular basis, and will take any appropriate action.

Manager Gerrish said the Council had passed an emergency ordinance for fifty days and after talking about this at the last meeting, the Council decided to extend this moratorium until July 1, 2007.

Chair King opened the public hearing.

Laura Brann, college student and resident, said she is making a presentation on the wood burners for a class she is taking in college. She talked about the numbers of these boilers in the country and those who took stands against them. She also explained what other locations in Maine are doing. Why is this such a controversy? The controversy is a result of the smoke and dangerous emissions the boilers emit. If they are to continue, five considerations need to be put into place: only allowing seasoned wood, having setback limits of 500 feet from other residents, setting stack height limits, only allowing operation from November 1 to April 1, and having the units meet EPA voluntary program emission standards. In summary, she believes there should be no new ones, the current ones should comply with the above regulations, and they should be phased out by 2015.

Resident of Readfield and seller of wood boilers, said there are federal standards and units meeting those standards sell the best. She said the Brown report was flawed, with the results not reflective of all boilers. Wood is not bad, and the bulk of the time it is clean. Her boilers are clean burning.

Donna Morin, 174 Hillside Road, said she can respect her neighbor's concerns, but she has 13 nieces and nephews who live on the road, and she would not do anything to endanger them. There is no contamination issue as there is with other fuels. The next thing the Council will have to look at is wood stoves, fireplaces, and even burning permits. She read from a letter regarding the Brown report, citing errors in the methods

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and results. She is not opposed to regulation and she wants her wood boiler to be as safe as possible, but she does not support the ban.

Resident of Readfield and seller of wood boilers, said the EPA now has a testing method in place and 80% of the industry is voluntarily testing their equipment. He would like to wait to see what the results are before making a decision.

Chair King closed the public hearing.

Councilor Sartoris said this is not for additional outdoor boilers for Brunswick. The town has become a developed community so the Council should not wait for test results to see if they are safe, more boilers should not be allowed.

Councilor Sartoris moved, Councilor Daughtry seconded, to adopt a new moratorium on Outdoor Wood Boilers until July 1, 2007, to be enacted on an emergency and regular basis.

Councilor Augur said he does not support a permanent ban on boilers since those with the "green" ("orange tag") standards should be allowed. The State Legislature is looking at this issue, with one option banning them totally. He does not want anyone to buy one and then be prohibited from using it. When this moratorium ends on July 1, 2007, he will be supporting "green" ones being allowed and others not allowed.

Councilor Favreau agreed with Councilor Augur. Manufacturers are working to get retrofit kits.

Councilor Daughtry said she will be voting to extend the moratorium.

Stanley Gerzofsky, State Representative, said none of the bills on this subject have been heard yet. He knows of two bills that are out and they will be heard after the Legislature's spring break.

Chair King said another state representative did not feel the state would be doing anything.

Representative Gerzofsky said he should know by June 20 when the session ends and the bills could be voted in or not to pass so the town will know what the state will be doing.

Councilor Sartoris said the wood boilers are okay to use in some other communities, but not in Brunswick - not even the "orange tag" ones.

Councilor Sartoris moved, Councilor Daughtry seconded, to adopt a new moratorium on any new Outdoor Wood Boilers until July 1, 2007, to be enacted on an emergency and regular basis. The motion carried with six (6) yeas. Councilor Watson, Councilor Favreau, and Councilor Schneider were opposed.

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

49. The Town Council will receive a report from Maine Partners for Cool Communities, and will take any appropriate action.

Joy Prescott, 102 Echo Road and representing COOL Communities, provided information on the concept and explained what other communities in Maine are doing. She encouraged the Council to participate in this program.

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

Councilor Augur asked if there had been any feedback on hybrid vehicles being used as police vehicles and the issue of their slower start up time.

Ms. Prescott said she did not know the answer, but could get it. Primarily the vehicles are used in other departments.

Councilor Sartoris said there is a lot of research that needs to be done prior to this being implemented.

Ms. Prescott said the best way to implement it is for both staff and the community to work together. It creates a community effort.

Councilor Sartoris said this issue was raised in the Comprehensive Plan and almost became an action item. It may have risen higher if the document had been done at a later time; it began over a year ago. Implementation is an issue, but, in the long term, there is a savings to be found. The town needs to follow-up to see what other communities have done. She asked the group to get information from other communities because of all the great work they have done on this.

Chair King pointed out in Saco there was an energy committee that was given a \$300,000 budget; that is not likely to happen here.

Councilor Daughtry said this is a win-win situation for Brunswick. The town can save money and help reduce emissions. They can do little things like cutting back on idling vehicles and turning lights off. The Recycling Committee may be the best committee to get involved with this issue.

Councilor Ewing said the Recycling Committee is interested in this issue. These are great ideas.

Councilor Augur added there is an anti-idling policy already in place that Chair King brought to the Council a while ago. He asked if it is an all or nothing proposition when a community signs on, or can the town do sections of it.

Ms. Prescott said the town would have to look at each item and see where the town stands on it.

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Councilor Watson asked about efficient light bulbs and balancing that with hazardous mercury waste that is in them.

Ms. Prescott said this is an issue that needs to be addressed, but they can be used if the bulbs are disposed of properly.

50. The Town Council will consider setting a public hearing to establish minimum operating standards for existing Outdoor Wood Boilers, and will take any appropriate action.

Councilor Augur said the Council needs to have some standards in place for those existing boilers in town. He reviewed his proposal that included registration, months of operations, stack location, property setbacks, and permitted fuels. The months of operation will be October 1 to April 30 of each year. He sees this as addressing some concerns and being a compromise.

Councilor Schneider supported Councilor Augur's drafted language.

Councilor Watson suggested under section D, to add language to have a storage facility to ensure dryness of the wood.

Councilor Sartoris said she appreciates the effort, but even though there are just a few of them in Brunswick, they are creating unacceptable quality of life issues. She would like to have a program to help phase them out. This language will continue to allow them to be operated.

Manager Gerrish said there was a listing and location of boilers from primary residences and the town believes there are seven total in the town. The staff has not visited all of them, but plans to do so to get information on the various types. Councilor Augur asked them to prepare a list of those in town.

(A copy of the locations of existing boilers will be attached to the official minutes.)

Councilor Sartoris said these are distances to homes, and not to front yards or streets where children play or bike. She is uncomfortable allowing them forever and stated again she would like to work on a program to phase them out.

Councilor Favreau said he received a letter from Mr. Morin that included prices and work to install them. This is not a small deal. This is their primary source of heat so they do not have to use fossil fuels.

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

Councilor Daughtry said she feels strongly there should be no new ones, and, at a minimum, they should exceed the "orange tag" standard and meet the emission standards set for indoor wood stoves. There have been seven or eight people who have purchased

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them in good faith. The Council needs to seek compromise for the neighbors. Residents do not have a right to put pollution in their neighbor's bedrooms. She would like to advertise the most restrictive time and standards so the Council could consider them and not have to re-advertise if they wanted to be more strict.

Councilor Webb thanked Councilor Augur for his well thought out draft and said he is leaning more toward Councilor Sartoris' comments on the balance of the health risks. He likes the possibility of assisting those who have purchased the boilers already. At a future meeting he would like to have a breakdown of how much it would cost to do a buy-back. The other possibility may be to replace these models with cleaner burning units.

Councilor Ewing said he would like information on the cost for buy-out and hopes the town could get a refund from manufactures.

Manager Gerrish said when the staff meets with each owner they will ascertain the cost. He had talked to the manufacturers who said they could not help with any costs.

Chair King said she will be going with the staff. The first issue was easier (no future ones), and the issue of what to do with existing ones is more difficult. The Council can hold a public hearing, but they may not be ready to do anything. They need to look at buy-backs and replacement with wood stoves. She asked this be on a future agenda so they can have a better package of information.

Councilor Augur said by setting operation times, this will bring some relief to those who are being affected by the smoke. In the future, the Council could say they are not going to have any new ones, have a phase out program, or set other standards. He still supports the "green" standard.

Councilor Sartoris said the Council needs to set standards that are respectful of health issues and encourage a phase out. She wants to look at the whole issue and possibly have none allowed.

Manager Gerrish suggested setting a public hearing on all of the standards except for the setbacks (C) of the proposed language since this appears to be the largest area of concern.

Councilor Augur moved, Councilor Ewing seconded, to set a public hearing for April 17, 2007, to establish minimum operating standards for Outdoor Wood Boilers to include sections A, B, D of the proposed language and to add the language "dry seasoned firewood," to be enacted on a regular and emergency basis.

Councilor Daughtry said the Council has to settle this for the sake of those who have them and the expenses they continue to incur.

Councilor Sartoris said the "green" standard boilers still have health issues and she wants a clear presentation on the standards as to emissions and health issues next to homes.

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There needs to be more information to finish the conversation on the science and the emission numbers.

Councilor Augur moved, Councilor Ewing seconded, to set a public hearing for April 17, 2007, to establish minimum operating standards for Outdoor Wood Boilers to include sections A, B, D of the proposed language and to add the language “dry seasoned firewood,” to be enacted on a regular and emergency basis. The motion carried with nine (9) yeas.

51. The Town Council will receive a report from the Old High School Committee, and will take any appropriate action.

Margo Knight, Chair of the Old High School Committee, said the Committee has completed Phase 2 of their charge, which is to draft a Request for Proposals and/or Qualifications. They are recommending the Request For Qualifications (RFQ) since it will get a developer with a better fit for the town. More developers will respond since the upfront costs are less. The Committee has learned through its process that there is interest, but there needs to be a decision made on an elementary school site. The Committee is asking the Council to hold onto the documents tonight until this site is removed from the preferred sites list or the Council removes it from the list. The Committee will then be ready to move forward on the RFQ process.

Chair King asked the Council representatives to the Elementary School Building Committee to get a firmer date as to when they will make their site decision.

Councilor Favreau said the Elementary School Building Committee will talk more about it in executive session at the next meeting.

Councilor Sartoris said the school issue will not be decided until June and she would like the School Department to hold to that deadline.

Councilor Daughtry said Councilor Favreau and she will work to make things move along with Elementary School Building Committee. She asked about adding developer qualifications and financial capacity to ensure they can do the project. She questioned another section that talked about the town giving up the cost of demolition to go toward the project.

Ms. Knight answered that would be a Council decision to give up to \$1 million toward the project.

Ms. Knight said, responding to Councilor Ewing’s question, the master plan has suggestions for all portions of the building including the A/B wing.

Councilor Ewing said when the Council acts on this, he wants it made clear to developers the plan is for the entire site.

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Councilor Sartoris said she is supportive of an RFQ and will study the document more before it goes out.

Councilor Daughtry thanked the Committee for all their hard work. She wanted to be sure the financial capacity of developers is explained more. She is not comfortable with the 99 year lease, and would be more supportive of 50 years.

Ms. Knight said for some grants and financing the lease has to be for at least 99 years, but they can look at that.

No Council action was taken.

52. The Town Council will appoint Council members to the Economic Development Feasibility Study Committee, review their charge, and will take any appropriate action.

Chair King appointed Councilor Daughtry, Councilor Webb, and Chair King to be the Council representatives.

Councilor Ewing said he would like to have Mr. Dorrer present at one of the meetings.

Chair King said she wants to review materials and see if it warrants an entire workshop meeting or just a presentation at a meeting.

Councilor Webb supported having him speak at this committee's meeting and maybe meet later with the Council.

53. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.

Councilor Augur nominated the following persons and the Council vote nine (9) yeas to approve them:

Assessment Review Board – 3 year term to expire 01/12/10 - Charles Washington

Conservation Commission – 2 vacancies for 3 year terms to expire on 05/01/10 - John Kanwit

Fence Viewer - now a 3 year term, to expire on 04/04/10 - Mark Worthing

Maine Street Station Implementation Committee (College Neighborhood Association Member) - Sarah Brayman

Marine Resource Committee - Christopher Green (Harvester – balance of 3 year term to expire 05/01/09)

Suzan Wilson (Alternate, 3 year term to expire 05/01/10)

People Plus Board of Trustees - balance of 3 year term to expire on 07/01/08 - John McCurrach

Trust Fund Advisory Committee – 3 year term to expire 05/10/2010 - Everett Hanke

The following nominations were made for the Economic Development Feasibility Study Committee and the votes of the Council are as follows:

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For David Bright (nominated by Councilor Augur) – Councilor Watson, Councilor Daughtry, Councilor Schneider, Councilor Favreau, Councilor Augur, and Councilor Webb

For Dennis Knox (nominated by Councilor Augur) – Councilor Watson, Councilor Sartoris, Chair King, Councilor Favreau, Councilor Ewing, Councilor Augur, and Councilor Webb

For Sande Updegraph (nominated by Councilor Sartoris) Councilor Daughtry, Councilor Sartoris, Councilor Schneider, Chair King, and Councilor Ewing

Councilor Sartoris said this is a comprehensive study for the entire town and she did not want to have an abutter to the Moore property location as one of the representatives. She is concerned about creating a decision on a certain location.

Dennis Knox and David Bright were appointed to this committee.

Councilor Sartoris said there are some concerns with the Planning Board appointments and she would like to ask the Planning Board their opinion on the conflict of interest issue with one applicant being a fiancé of a sitting Councilor.

Councilor Daughtry said the Planning Board has already discussed this so the Council can ask for their position.

Chair King said she would like to see an appointment made to this board at the next Council meeting.

Councilor Webb said he also wants to have information on the conflict of interest issue.

CONSENT AGENDA:

- a) **Conveying tax acquired property through quit claim deed**
- b) **Annual Appointment of Plumbing Inspectors**
- c) **Appointment of Harbor Master**

Manager Gerrish explained the consent agenda:

- a) Is to convey tax acquired property through quit claim deed
- b) Is for the annual appointment of the Plumbing Inspector (Jeff Hutchinson, Codes Enforcement Officer), and alternate Plumbing Inspector (Carl Adams, Inspections Officer)
- c) Is to appoint Officer Daniel Devereaux as the Harbor Master

Councilor Watson moved, Councilor Sartoris seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

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

The meeting adjourned at 10:15 pm.

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

April 9, 2007

May 7, 2007

Date of Approval

Council Chair