

-- Approved --
BRUNSWICK TOWN COUNCIL
MINUTES
June 18, 2007
7:00 P.M.
Municipal Meeting Facility

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

Councilors Present: Chair Joanne T. King, W. David Watson, Jacqueline A. Sartoris, Hallie Daughtry, Jeffrey A. Schneider, Gerald E. Favreau, Ryan E. Ewing, and David C. Webb. Councilor Newell A. Augur arrived after roll call.

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; John Eldridge, Finance Director; Clark Labbe, Fire Chief; Jeffrey Emerson, Deputy Fire Chief; Vanessa Levesque, Natural Resources Planner; and the TV video crew.

Public Comment: None

Correspondence:

Memo from Gary Brown on the Progress of Town submittals for Public Benefit Conveyances

Mr. Brown presented where the town is in this process.

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

Councilor Sartoris said she wanted it made clear to the LRA that many of the facilities requested have been on the Council's list of long-term needs. If the town does not get requested facilities, it will be faced with both the capital cost to purchase properties to meet its needs, and the operational cost to run them.

Adjustments to Agenda:

To table item #185.

Manager's Report:

a) Council Committee Updates

Councilor Webb reported on the Economic Development Feasibility Study Committee. They have selected the Boulos Company and the committee is working with them on the

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scope of work needed to study sites for industrial parks. By September 17, 2007, they hope to have their work completed. There will be an update at the July 9, 2007, Council meeting.

Councilor Watson said the Old High School Committee will be making a presentation to the Council at the second meeting in July.

Councilor Sartoris reported on the Maine Street Station Design Committee's activities and the site's clean-up.

Councilor Daughtry reported on the work of the Elementary School Design Committee. They have decided on the school configuration, with four equal size schools. Coffin and Jordan Acres will be kindergarten through second grade. The new school will be a double school, with grades three through five.

Councilor Webb said the grand opening of the Brunswick Advanced Technology Center will be on Wednesday, June 20, 2007.

b) Thibeault Property in Industrial Park

Manager Gerrish said that at their December 4, 2006, meeting the Council extended the deadline to buy back Industrial Park lot 8 for another six months. Since nothing has occurred, the town will be following up with Mr. Thibeault to buy back this lot.

c) Cumberland County Redistricting

Mr. Brown said the Cumberland County Commissioners held a forum in Brunswick on Monday, June 4, 2007, to present information on the consideration to increase the number of County Commissioner Districts in Cumberland County from the current number (three) to either five or seven. Commissioners will be holding public forums, and if the Council wants to take a position on what they want, he will draft a letter.

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

When asked his thoughts, Manager Gerrish recommended seven being the better size. The districts would be the same size as a State Senate district and more representation is better to discuss the issues. Responding to Chair King's question, Manager Gerrish said the Council does not have to take a position, but the county is looking for input from communities.

Councilor Augur arrived at 7:24 p.m.

Councilor Sartoris supports there being seven districts since she feels Brunswick has more in common with Freeport and Harpswell, as they are geographically better for the town.

Councilor Sartoris moved, Councilor Watson seconded, to support having seven County Commissioners and to write a letter of support for that choice. The motion carried with eight (8) yeas. Chair King was opposed.

d) Bureau of Highway Safety Speed Enforcement Grant

Manager Gerrish said the Brunswick Police Department is requesting approval to apply for a speed enforcement grant from the Bureau of Highway Safety speed enforcement in the amount of \$5,000. This grant is a soft match grant in the amount of \$1,667. The purpose of this application would be to increase our speed enforcement activities in the Town of Brunswick. This grant is based on non-overtime (basic salary) administrative costs of the project director.

Councilor Watson moved, Councilor Daughtry seconded, to allow the Brunswick Police Department to apply for the Bureau of Highway Safety Speed Enforcement Grant. The motion carried with nine (9) yeas.

e) Council meetings and workshops

Manager Gerrish said he is planning a meeting for Monday, June 25, 2007, at 7:00 P.M. for year-end business and to discuss the 2007-2008 CIP in workshop.

f) (ADDED) Literary Grant Update

Manager Gerrish said the town has received this grant.

Councilor Ewing moved, Councilor Favreau seconded, to accept and expend the Literacy grant in the amount of \$2,000. The motion carried with nine (9) yeas,

g) (ADDED) Fourth of July Trash Pick-up

Manager Gerrish said on July 4, 2007, there will be no trash pickup, instead it will be picked up on Saturday, July 7, 2007.

92. The Town Council will hold a public hearing to extend the current moratorium on Outdoor Wood Boilers until the end of the year to be enacted on an emergency and regular basis, and will take any appropriate action.

Deputy Fire Chief Emerson said the date of December 31, 2007, was reflective of the tentative dates in October when the state should have their rules in place, plus some extra time built in to figure out what the town wants to do as a result of those rules.

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

Councilor Daughtry moved, Councilor Schneider seconded, to extend the current moratorium on Outdoor Wood Boilers until December 31, 2007, to be enacted on an emergency and regular basis. The motion carried with eight (8) yeas. Councilor Favreau was opposed.

82. (Tabled) The Town Council will consider adopting the Emergency Medical Services Ordinance, and will take any appropriate actions.

Manager Gerrish said this item is to adopt the Emergency Medical Services Ordinance. The Council held the required public hearing on this issue and can now adopt the Ordinance, with a few wording changes.

John Eldridge, Finance Director, discussed the changes since last time explaining they were for clarity purposes and are immaterial to the overall ordinance. Responding to Councilor Augur's question from last time, the town has no choice except to accept the amounts allowed by Medicare and Medicaid.

Councilor Augur said his only concern is for low-income folks, who do not need to be transported, that they will face a charge. He wanted to see if they could receive assistance from Human Services/General Assistance.

Mr. Eldridge explained the process of billing. If not covered by insurance, the town bills the patient and if they do not pay it goes through the collection process. The town will make a payment schedule and the payments may even be small.

Councilor Daughtry moved, Councilor Sartoris seconded, to adopt the Emergency Medical Services Ordinance. The motion carried with nine (9) yeas.

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

185. (Tabled) 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.

(This item was tabled from the November 20, 2006 meeting)

Manager Gerrish said he met with Mr. Buchheit, who thought this was coming back later and needed time to meet with residents there. This should provide some additional information from what was provided last fall.

Councilor Sartoris requested information on any undeveloped land and any proposed subdivisions in that area be provided at the next meeting.

Councilor Augur moved, Councilor Favreau seconded, to table this item until July 9, 2007. The motion carried with nine (9) yeas.

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93. The Town Council will consider finalizing the Maquoit Bay Project, and will take any appropriate action.

Vanessa Levesque, Natural Resources Planner, explained this item and introduced members of the Conservation Commission and Sam Potter from the Trust for Public Land. The town has been awarded \$2.7 million dollars from the National Oceanic and Atmospheric Administration and the State's Land for Maine's Future. This allows the town to purchase an important property along Maquoit Bay in Brunswick. This property was so highly valued it was ranked the number one priority in the entire country to receive federal funding. The purchase of this property will be funded entirely through grants. Mr. Stoddard is donating an easement. This will provide exceptional access and views, and will be a tremendous benefit to the town.

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

Sam Hodder, Trust for Public Land, explained this project. He thanked the Council and others for their support for the plan.

Manager Gerrish explained that the town charter says even though the town is getting money outside of the tax base anything over \$1 million has to be passed by ordinance. The Council will need to set the public hearing for July 9 to be enacted on a regular and emergency basis. He asked the Council to adopt a draft based on approval of the ordinance.

Councilor Daughtry asked about hunting and Manager Gerrish said it could be limited to shot gun only if not already so limited.

Councilor Sartoris moved, Councilor Watson seconded, to approve the draft with the condition that the Council pass the ordinance on July 9, 2007; and to set a public hearing for July 9, 2007, on the ordinance, to allow the town to accept the \$2.7 million dollars for grants for the Maquoit Bay Project. The motion carried with nine (9) yeas.

Councilor Sartoris commented that this is a great project and will be a legacy for the Council.

Councilor Augur thanked the Stoddard family for their donation.

94. The Town Council will consider setting a public hearing to adopt the ordinance changes to the Brunswick Community Health and Land Care Ordinance.

Manager Gerrish said this item is to set a public hearing to consider an ordinance change to the Brunswick Community Health and Land Care Ordinance. Changes are as a result of a Court ruling.

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

Councilor Ewing said his understanding was that the town was striking all the language and questioned only a few lines changing.

Manager Gerrish said he had only asked the town attorney to make changes to areas of non-compliance, but the Council can go back and make additional changes if they choose.

Councilor Sartoris said Councilor Ewing is correct about striking more of the language, and the town then agreed with the Katahdin Center to look at certain sections. The citizens passed the ordinance and the town is only trying to make changes to move forward with the Recreation Department program. The rest of the ordinance was not deemed illegal, and care has to be taken when changing citizen initiatives. The Council can take another look at others elements at another time.

Councilor Ewing wanted to put the whole ordinance out to public hearing to see if other changes should be made.

Chair King feels that the Council went through a big process to get the sludge part taken out and if more is changed it will anger those who brought it forward.

Councilor Augur echoed Councilor Ewing's comments. If the Council leaves language that supports banning sludge products, it may have long-term effects and it will be on the books, possibly effecting future actions.

Councilor Webb supported having a look at it to see if it is consistent with the court case.

Councilor Sartoris said this is consistent with state law even if the Council does not agree with some of the language in there. She respects that there is language she disagrees with. This was a citizen initiative and the Council could make changes, but this falls under a special case situation since it was not owned by the Council. Additional changes could open a "can of worms" with citizens. She wants to move forward with the proposed changes for now.

Councilor Ewing said the Council is a citizen-initiated body and he is respectful of the citizen initiative process, but he would like to do a motion to strike the whole ordinance since it is within the Council's authority to look at the whole thing.

Chair King respects both sides, but as this is a contentious issue she wants to just go to public hearing with the things that must be changed.

Manager Gerrish said the Council has the authority to do what they want with the ordinance as a whole. The town attorney only looked at it to make it fit with the intent of the court case and use of biosolids.

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Councilor Watson said all the “Whereas” clauses do not mean anything. He would like to address the rest of the ordinance in a proper manner, but the Council should move forward with the changes resulting from the court case.

Councilor Favreau moved, Councilor Augur seconded, to set a public hearing for July 9, 2007, to consider the ordinance changes to the Brunswick Community Health and Land Care Ordinance. The motion carried with eight (8) yeas. Councilor Ewing was opposed.

95. The Town Council will consider adopting the Resolution regarding the use of Net Revenue collected from the Pay-per-Bag Rubbish Disposal Fee, and will take any appropriate action.

Manager Gerrish said this item is to adopt a resolution regarding the net revenue collected from the pay-per-bag rubbish disposal fee.

Councilor Favreau said he had public input and wanted to amend it to ensure funds are not removed so there will be funds to close the dump.

Mr. Eldridge said the resolution was written to use the funds for closure. It is the Council’s intent to use the funds for closure, but this is not an ordinance. If the Council at some point chooses not to fund the deficit, the town will have to pay to close the landfill.

Mr. Eldridge said, responding to Councilor Daughtry’s questions about raising the tipping fee, the problem is the town pays the most in fees and will have to run a deficit in the public works budget if the fees are increased. The town would have to get money from the general fund balance.

Councilor Watson moved, Councilor Sartoris seconded, to adopt the Resolution regarding the use of Net Revenue collected from the Pay-per-Bag Rubbish Disposal Fees. The motion carried with nine (9) yeas.

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

96. The Town Council will consider an Emergency Resolution to appropriate funds for the purpose of funding the closing of the River Road wood masonry landfill, and will take any appropriate action.

Mr. Eldridge explained the funding for closing the wood and masonry landfill. This resolution is to pay for closing costs for that location, and will put money back into the enterprise fund.

Councilor Sartoris moved, Councilor Watson seconded, to adopt the Resolution for an Emergency Appropriation of \$510,000 for Unappropriated Available General

Fund Revenues for the Purpose of Funding the Closure of the Wood and Masonry Landfill on River Road. The motion carried with nine (9) yeas.

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

- 97. The Town Council will consider an Emergency Resolution to fund costs associated with the acquisition of the Times Record Public Works Storage Building as approved in the 2006/2007 CIP, and will take any appropriate action.**

Mr. Eldridge said this will fund the building that public works is using. This item is to consider an emergency resolution to fund costs associated with the acquisition of the Times Record Public Works storage building, as approved in the 2006/2007 CIP.

Councilor Favreau moved, Councilor Ewing seconded, to adopt a Resolution for an Emergency Appropriation of \$150,000 from Unappropriated Available General Fund Revenues to Fund the Purchase of the Storage/Garage Building at the Former Times Record Property. The motion carried with nine (9) yeas.

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

- 98. The Town Council will consider clarifying the Bibber Trust Fund Scholarship Award, and will take any appropriate action.**

Mr. Eldridge said there was a trust fund established in Mr. Bibber's name, with the funds to be used for scholarships for students studying public administration. There was nothing formalized. This will formalize the trust fund. Mr. Bibber wanted to expand it to increase the pool of applicants. The approach is to reaffirm the scholarship to be consistent with those who donated and make it broad enough to expand the number of those eligible.

Councilor Daughtry moved, Councilor Schneider seconded, to adopt the Resolution Confirming the Establishment of the John P. Bibber Scholarship Fund. The motion carried with nine (9) yeas.

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

- 99. The Town Council will consider establishing a Junior High Personal Growth Award Trust Fund, and will take any appropriate action.**

Mr. Eldridge said this item is to consider establishing a Junior High Personal Growth Award Trust Fund. The School Board received donations and agrees with using the money for this; the Council needs to establish it.

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

Councilor Sartoris moved, Councilor Daughtry seconded, to adopt the Resolution Establishing the Brunswick Junior High School Personal Growth Award Trust Fund. The motion carried with nine (9) yeas.

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

CONSENT AGENDA:

**Maine Natural Gas Utility Location Permits
Brunswick Sewer District Utility Location Permit**

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

Councilor Sartoris asked what is being done to let citizens know about the expansion of gas lines and the possibility of hooking up to it in the future.

Manager Gerrish said he thinks the Gas Company lets the citizens know, but he will follow up.

(A copy of the utility location permits will be attached to the official minutes.)

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

The meeting adjourned at 8:52 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 22, 2007

July 9 2007

Date of Approval

Council Chair