

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
March 19, 2007
Executive Session 6:30 P.M.
Meeting Continues 7:00 P.M.
Municipal Meeting Facility

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

Executive Session: Personnel Matters per 1 M.R.S.A. § 405(6)(A)

Councilor Augur moved, Councilor Watson seconded, to go into executive session on personnel matters per 1 M.R.S.A. § 405(6)(A) and a legal matter per 1 M.R.S.A. (6)(E). The motion carried with six (6) yeas. Councilor Sartoris, Councilor Daughtry, and Councilor Webb arrived after the vote.

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; Steve Levesque, Executive Director of LRA; Geoffrey Hole, Town Attorney; Mat Eddy, Director of Economic Development; Jeff Emerson, Deputy Fire Chief; Jeff Hutchinson, Codes Enforcement Officer; John Foster, Public Works Director; Peter Baecher, Parks and Recreation Facilities Manager; and the TV video crew

Meeting Continues: 7:00 P.M.

Chair King called for the Pledge of Allegiance.

Public Comment: None

Correspondence: None

Adjustments to Agenda: None

Manager's Report:

a) Status of Recycling Program

John Foster gave the update. On average over the last eight weeks, curbside recycling is up by 54% and curbside trash is down by 46%.

(A copy of a table summarizing the pay by the bag rubbish collection program and single-stream recycling program will be attached to the official minutes.)

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Mr. Foster said, responding to Councilor Augur's question, this program could extend the life of the landfill by 10 years, but with higher amounts being recycled, he will look at numbers again at budget time. Manager Gerrish added the 10 years was based on recycling at 30% and if the town keeps closer to 50%, the life can be extended more.

b) LRA Update

Steve Levesque, Executive Director, reviewed the upcoming steps in this process with the expectation that by December 2007 the Final Master Reuse Plan will be presented to the Council. He provided the Council with a timeline of events.

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

Mr. Levesque said, responding to Councilor Ewing's question, the finalized plan will be submitted to the Council along with a proposed zoning ordinance. Once the plan is complete, the LRA dissolves and there will be an implementation group. This group will have to create an environmental impact study and look for tenants. He added that the committee is to be appointed by the Governor from a list of nominations provided by affected communities, and three at large members; there will be eleven members in all.

c) Future Workshops

Manager Gerrish said there will be a meeting next Monday night (March 26) with the Conservation Commission on their recommendations for BNAS property. Impact fees will be looked at in a future workshop.

Councilor Sartoris said she hopes to discuss impact fees prior to the budget discussions.

d) Council Committee Updates

Councilor Ewing said the Recycling Committee will be sending out a mailing and going into the schools to work to get them to recycle more. There has been a concern from businesses that do not want to have to go to West Bath to bring their recyclables. The Recycling Committee will be working on this to get them to continue to recycle more.

Councilor Augur added that nonprofits also expressed that concern.

Councilor Webb said he is pleased to report for the Brunswick Economic Development Corporation (BEDC). At their March 7 meeting, they discussed ways to be more transparent and reach out to the community while still doing economic development work. In lieu of making this a public committee by adding a third Councilor, the BEDC talked about a three-prong plan:

- 1) Improve communication through written quarterly reports to the Council.
- 2) Hold an annual public meeting to report what has been done, and as a way to get input from the public.
- 3) Provide a monthly news release to the local newspaper, along with updating their website to have this information on it.

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In addition to this, the Committee has started a policy plan to hold some public meetings to allow for discussion on public spending. They are looking at what similar organizations do in other communities. Under their membership, the BEDC plans to expand the board to include both an at-large and small business owner representative.

Scott Howard, Chair of BEDC, thanked Councilor Webb for the update and for the great job he did facilitating the discussion on this issue. They are sensitive to the need to be open and transparent, but there are issues with possible economic development or acquisition and it is important to keep some of those confidential. They are here to do public work by providing confidentiality when there is need to be protective of the public interest. Some of their work done in the last few months has helped to create jobs in areas with Harbor Technology, Allied Composites and Southern Maine Community College. This involves state, federal and local issues that need to be addressed. Mat Eddy and Manager Gerrish have done a great job. In the future, he hopes to see additional staff to help them.

Councilor Sartoris said Capital Steps, a comedy group, is coming April 7 to the Merrill Auditorium, and the Brunswick Teen Center is one of the groups to benefit.

e) (ADDED) Grant for Credit Quality Improvement Grant

Manager Gerrish said this grant application is to apply for a Credit Quality Improvement Grant to be administered by the MidCoast Council for Business Development & Planning.

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

Councilor Sartoris moved, Councilor Watson seconded, to allow the town to apply for the Credit Quality Improvement Grant. The motion carried with nine (9) yeas.

42. The Town Council will hear public comments on the following Special Amusement license application, and will take any appropriate action.

Special Amusement:
Renaissance Bistro, LLC.
D/B/A Renaissance Bistro
25 Mill Street

Ms. Tanya Chase

Chair King said the Clerk has indicated there will be a guitar, saxophone, or other similar music being played by one or two performers during dinner or brunch. They will be performing in the dining room.

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

Councilor Sartoris moved, Councilor Augur seconded, to approve the Special Amusement License for Renaissance Bistro, LLC., D/B/A/ Renaissance Bistro located at 25 Mill Street. The motion carried with nine (9) yeas.

43. **The Town Council will hear public comments on a moratorium regarding the Brunswick Community Health and Land Care Ordinance to be adopted on an emergency and regular basis, and will take any appropriate action.**

Geoff Hole gave an update on this. The involved parties met with Justice Crowley, and he is willing to sign an order whereby the Katahdin Center for Education and Research lawsuit can be decided on submission of briefs. Everyone was agreeable to amend the petition ordinance to clarify that it did not apply to Coffin Pond. In exchange for not extending the moratorium, Katahdin would withdraw its special motion to dismiss. This would allow the lawsuit to focus primarily on the validity of the Community Health and Land Care Ordinance. Justice Crowley will rule by June 1 on the Declaratory Judgment.

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

Manager Gerrish said the Council can hold a public hearing, but not adopt the moratorium. They will come back on the Coffin Pond issue.

Mr. Hole said it was agreed that amendments could be made on Coffin Pond.

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

Councilor Augur moved, Councilor Ewing seconded, to table any further consideration of a moratorium until after June 1, 2007. The motion carried with nine (9) yeas.

44. **The Town Council will hear public comments on the proposed Community Planning Grant (CPG) request in the amount of \$10,000, and will take any appropriate action.**

Amanda Similien, Economic Development Specialist, said this proposed Community Planning Grant (CPG) request is to apply for \$10,000 to support development of a grant and infrastructure program for the area around the Northwest Brunswick Neighborhood Association.

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

Councilor Ewing moved, Councilor Favreau seconded, to apply for the proposed Community Planning Grant (CPG) request in the amount of \$10,000 to be used in the Northwest Brunswick Neighborhood Association area. The motion carried with nine (9) yeas.

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

- 45. The Town Council will hear public comments on amendments to the Sludge and Residual Free Zone regarding the use of biosolids and other residuals, and will take any appropriate action.**

Councilor Sartoris said it was identified to the town that in the residual free zone sludge products, bio-solids, and other residuals could not be used. Residents could not apply products either. It was originally to prevent less treated sludge from being used in this area. The language also prohibits anything from the organic side. Citizens can violate town law yet comply with state law. This amendment makes the town's ordinance consistent with state law.

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

Councilor Daughtry said in keeping with good faith and compromise, she would like to postpone this decision until after the June 1 court decision.

Councilor Ewing agreed with Councilor Sartoris; this is an inconsistency having people buying legal products and not being able to use them.

Councilor Webb said this Declaratory Judgment is a little different.

Councilor Sartoris said she respects acting in good faith, but this is very different. The Community Health Ordinance prohibited only the town from using it, but in this sludge free zone it is for private property, also. Citizens are put in the position of buying state approved products, using them and violating the town ordinance. Either way she does not want to put people in jeopardy since this is private property – not public.

Councilor Augur moved, Councilor Watson seconded, to adopt the amendment to the Sludge and Residual Free Zone regarding the use of biosolids and other residuals. The motion carried with eight (8) yeas. Councilor Daughtry was opposed.

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

- 46. The Town Council will consider an ordinance for Outdoor Wood Burners, and will take any appropriate action.**

Manager Gerrish said the Council asked the town to draft a couple of ordinances. One prohibits new outdoor boilers, and the other allows new outdoor wood boilers. He wanted the Council to give feedback on what to do with new wood boilers.

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

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Mr. Hole said this is new subject nationwide, with no state or federal regulations. Therefore, he had to look at a reasonable timeframe, which included a ten year retrofit process for the existing ones.

Deputy Fire Chief Jeff Emerson explained the emission numbers cannot be higher than 0.6 in order to be in compliance with the voluntary program. The “orange tag” (or “green” ones) emit less 0.6, but existing boilers on average produce 2.0.

Mr. Emerson said, responding to Councilor Daughtry’s question, the outdoor emission can be 4 times higher than an indoor wood stove.

Councilor Sartoris said this industry needs to develop before the town allows neighbors to have them. She is against new ones.

Councilor Watson said he was uncomfortable with a ban on all, especially for those who have already purchased them. In the future he is leaning toward strict standards similar to those of certified wood stoves.

Councilor Daughtry said she is in favor of a ban on future ones for at least a year to let standards develop, and creating some standards on the existing ones.

Councilor Schneider said he is not in favor of an outright ban, but could support a ban on their use from April to October.

Councilor Favreau said he is not in favor of a ban on the EPA “orange tag” ones.

Councilor Ewing said he is leaning toward banning until more is known, but he could be convinced to allow “orange tag” ones.

Councilor Augur said the EPA “orange tag” is significant, they have a better standard than the run of the mill ones. Since the Council does not have scientific evidence of their own, until the state comes down, the town needs to be careful what they are prohibiting. He can support the “orange tag” ones. He is supportive of having existing ones meet certain setbacks and other standards, and to have a phase out program. The town should work with the families to meet the standards.

Councilor Webb said in order to prevent future problems, he is leaning toward an outright ban of future ones until he can feel comfortable with the standards. It is a public health issue because of the emissions they produce.

Jeff Hutchinson, Codes Enforcement Officer, said, responding to Councilor Augur’s question, that none of the existing ones meet the “orange tag” standards. As far as the current ones, there is nothing coming down the pike to retrofit them to “orange tag” standards. They are not going to be able to meet the indoor wood stove standards.

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Councilor Schneider asked how emissions are determined for types of wood burned. Mr. Hutchinson answered he could not provide numbers, but the dry wood should make some difference.

Chair King said she has no problem banning new ones; this is a public health issue and the Council needs to take this action. Those in current existence is tough; there is not an easy answer.

Deputy Chief Emerson said, responding to a Council question, most owners have back-up oil or gas when the unit goes off. He explained what they are proposing to do with the existing outdoor wood boilers. Option 1 requires permits for existing outdoor wood boilers and provides other requirements. Option 2 requires the existing ones to be removed.

Mr. Hole said under Option 2, it would be prudent to have the town assist the owners financially with the cost related to losing this heating source. If enacted, compliance is not voluntary.

Phil Morin, 174 Hillside Road, said those having the units are feeling like they are criminals. If there is a ban, they would want full compensation for what is invested, and other costs.

Chair King said those who purchased did so in good faith.

George Morin, 183 Hillside Road, said there is no proof of what is bad and what is not. No one has asked them about the research they did. These units are built well. They burn well, and if taken away, he wants to know who will pay for his fuel since his wood is free.

Representative Charles Priest said, responding to Councilor Ewing's question, the legislative bills have not been heard yet and it is too early to predict what the state will do.

Councilor Sartoris moved, Councilor Daughtry seconded, to set a public hearing for April 2, 2007, on the Outdoor Wood Boiler Ordinance.

Mr. Hutchinson said, responding to Councilor Augur's question, the standards for stacks came from language from New York, which has been worked on for awhile. Responding to Councilor Favreau's question, he said about three dozen communities in New York have looked at this issue and half have put bans on them.

Councilor Augur said he wanted to see what Councilors wanted an outright ban on all or just new ones.

Councilor Daughtry and Councilor Sartoris wanted to know if language could be added to not allow them after the property changes hands. Mr. Hole said he could add such language.

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Councilor Ewing said he would like to have this at the second meeting of April.

Councilor Augur said maybe the Council could extend the moratorium until the end of June or July to see if the state does something.

Councilor Sartoris said anything that has to reduce the standards by 95% could be hard to meet.

Councilor Sartoris moved, Councilor Daughtry seconded, to set a public hearing for April 17, 2007, on the Outdoor Wood Boiler Ordinance amendment above. The motion failed with four (4) yeas. Councilor Watson, Councilor Schneider, Councilor Ewing, Councilor Favreau, and Councilor Augur were opposed.

Councilor Ewing moved, Councilor Favreau seconded, to set a public hearing for April 2, 2007, to extend the moratorium on new boilers until July 1, 2007, to be enacted on an emergency and regular basis. The motion carried with nine (9) yeas.

47. The Town Council will consider Beano/Games of Chance License, and will take any appropriate action.

Beano and Sealed Tickets:
St John's Parish
39 Pleasant Street

Karl Bonner

Manager Gerrish said this item is for approval of a three-day games of chance license for the St. John's Parish bazaar.

Councilor Watson moved, Councilor Schneider seconded, to approve a 3-day Games of Chance License for St. John's Parish bazaar. The motion carried with nine (9) yeas.

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

The meeting adjourned at 9:22 p.m.

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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 20, 2007

May 7, 2007

Date of Approval

Council Chair