

APPROVED
BRUNSWICK TOWN COUNCIL MINUTES
April 1, 2002
MUNICIPAL MEETING FACILITY

6:45 P.M.

Councilor Crimmins moved, Councilor Watson seconded, to enter into Executive Session to discuss a poverty tax abatement. The motion carried with seven (7) yeas. Councilors Sartoris and McCausland joined later.

7:30 P.M.

Chair Priest called the meeting to order and asked for the Pledge to the Flag.

Councilors Present: Chair Charles R. Priest, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins and Stephen H. McCausland.

Councilors Absent: None

Others Present: Donald H. Gerrish, Town Manager, Patricia C. Harrington, Assistant Town Manager; Melissa L. Smith, Deputy Town Clerk; Theo H.B.M. Holtwijk, Director of Planning and Development; Steve Walker, Natural Resources Planner; Mary Reindl, Director of Human Services; several citizens, members of the press and TV video crew.

Minutes of Previous Meetings: March 18, 2002

Councilor Crimmins moved, Councilor Randolph seconded, to approve the minutes of March 18, 2002. The motion carried with nine (9) yeas.

Correspondence: Manager Gerrish paraphrased a letter from Northwest Brunswick Neighborhood Association. *(A copy of the letter will be attached to the official minutes.)* The Association would like to partnership with Brunswick in purchasing the lot at the corner of Cushing and Cumberland Streets for a pocket park. Chair Priest suggested sending this information to the Recreation Commission for consideration. Manager Gerrish suggested sending it to the Recreation Commission and the Planning Department.

Councilor Galloupe moved, Councilor Sartoris seconded, to send this information to the Recreation Commission and the Planning Department. The motion carried with eight (8) yeas. Councilor Rice opposed.

Manager's Report:

Manager Gerrish took the Update on the Cuba Sister City Program out of order. He stated that the Council had voted to support the Sister City Program with Trinidad, Cuba.

Town Council Minutes

April 1, 2002

Page 2

2. Update on Cuba Sister City Program – Tina Phillips from the Cuba Sister City Program gave an update on the program’s progress. *(A copy of Ms. Phillips remarks will be attached to the official minutes.)*

Councilor Lowe stated that he would be interested in being one of the representatives.

Chair Priest read a letter from Trinidad’s President Norberto Carpio Calzada, which had been translated to English. *(A copy of the letter(s) will be attached to the official minutes.)*

1. Financial Update – Manager Gerrish stated that the Town was 75% through the fiscal year. Excise tax for this third quarter has dropped, but is still \$100,000 ahead of where the Town was last year. The State Revenue Sharing is about \$35,000 behind projection. Mr. Gerrish stated that it could be about \$60,000 less at the end of the fiscal year. The amount expected from the investment of funds, which was budgeted at \$250,000, is only expected to be \$150,000, thereby, also being short. Expenditures expect to show an \$80,000 to \$90,000 savings because of the mild winter. All other accounts look to be in good shape.

3. Proposed Workshop Meetings – Manager Gerrish informed the Council that a workshop with the Superintendent and the School Committee, to receive an update on the Elementary Space Needs, is scheduled for Monday, April 8 at 7:00 p.m. Also, a workshop to discuss a Comprehensive Plan update, with the Director of Planning and Development Theo Holtwijk and a follow-up discussion on the Sewer District service line, is scheduled for Monday, April 29 at 7:00 p.m.

4. Proposed Budget Schedule – Manager Gerrish reviewed the proposed budget schedule for the Town Council. *(A copy of the Proposed Budget Schedule will be attached to the official minutes.)* There was no objection from the Council to adopt the Budget Schedule.

5. Maine Department of Transportation Community Gateway Grant – This Grant was for \$10,000 for work to be done at the Cook’s Corner intersection for plantings, flowers, etc. The Town was notified that it would receive \$5,000. Parks and Facilities Manager Peter Baecher has a plan to implement using in house staff.

Councilor Watson moved, Councilor Sartoris seconded, to accept the Grant of \$5,000 and to authorize its expenditure for the Cook’s Corner intersection project. The motion carried with nine (9) yeas.

6. Maine Department of Transportation Cutting of Center Strip on Route 1 – Manager Gerrish stated that the Town was notified that MDOT would be doing some cutting of the center strip of the divided Route 1 from Cook’s Corner to the line in West Bath. This is to clear the area to help melt the ice and snow on the road for safety during the winter months.

Town Council Minutes

April 1, 2002

Page 3

7. Vendors on the Mall overnight – Manager Gerrish notified the Council that the vendors would like to keep their carts on the Mall overnight as they did last year during the construction. The Licensing Ordinance for Sellers of Prepared Food on Public Way does not allow this. This item will be brought up at another Council Meeting and a decision will have to be made.

Adjustments to the Agenda: None

55. The Town Council will hear public comments on the following requests for Victualer’s Licenses and will take any appropriate action.

David C. Hamilton d/b/a McDonald’s
154 Pleasant Street

David C. Hamilton

Mr. & Mrs. Sausage, Inc. d/b/a Mr. & Mrs. Sausage
28 Durham Road

Stanley L. Brawn

The public hearing opened at 8:00 p.m. The public hearing closed at 8:01 p.m.

Councilor Sartoris moved, Councilor Watson seconded, to approve the Victualer Licenses for McDonald’s (154 Pleasant Street), and for Mr. & Mrs. Sausage (28 Durham Road) conditioned on meeting Zoning Ordinance requirements. The motion carried with nine (9) yeas. *(A copy of the public hearing notice will be attached to the official minutes.)*

56. The Town Council will hear public comments on the proposed insecticide spray program for browntail moth infestation and will take any appropriate action.

Natural Resources Planner Steve Walker thanked Dick Bradbury from the Maine Forest Service and Dr. Lee Bell-Hicks, who is the State Toxicologist from the Maine Board of Pesticide Control. Both were present to answer questions. Mr. Walker gave an overview of his memorandum. *(A copy of the memorandum and map will be attached to the official minutes.)*

Mr. Bradbury replied to Councilor Sartoris’ question that the spraying of BT does not work. He also replied that, if residents would like to be added to the program, he would be happy to look at the individual sites.

Councilor Sartoris questioned the effectiveness of ground spraying because of the high canopy of oak trees on Mere Point. Mr. Bradbury described the differences between aerial spraying and ground spraying.

Manager Gerrish announced that Dr. Judith Chamberlain, and Dr. Mark Worthing from the Bowdoin Medical Group were present to answer questions about the medical side of the effects of the browntail moths.

Town Council Minutes

April 1, 2002

Page 4

The public hearing opened at 8:14 p.m.

Macky Bennett, 25 Thompson Street, is against the spraying of Dimilin. She feels that the benefits of spraying Dimilin do not outweigh the risks to the environment.

William Allen, 74 Lookout Point Road, Harpswell, is not against spraying but he is against this chemical. He would like to know how much Dimilin will get into the system and potentially put 1,036 lobstermen out of work. Mr. Allen said that Dimilin would not kill the browntail moths, but it would control them every year. Mr. Allen also said that there had been no aquatic testing of this chemical.

Dr. Lee Bell-Hicks, State Toxicologist, Maine Board of Pesticide Control stated that there is literature on aquatic testing but there is no specific test on lobsters. The EPA requires aquatic testing of chemicals used in and around shore areas. Shrimp and Eastern Oysters are usually used as a surrogate for other shellfish. When talking about risk, you are looking at the toxicity of the chemical and the exposure. If there is no exposure, meaning that the chemical stays out of the 150 foot buffer zone between the high water mark and the spray area and the chemical does not get into the water, then there is no risk. In addition to Mr. Bradbury, and an inspector from the Board will be on site and monitoring the applications as they happen.

Numerous questions were raised by the Council and addressed by the appropriate authorities.

Mr. Dick Bradbury stated that the window for the spraying of Dimilin would be two weeks.

Dr. Lee Bell-Hicks stated that Dimilin is not water soluble, it sticks to the wax coating of the leaves, and any of the chemical that does reach the ground, should not reach the water because of the 150 foot buffer.

Dr. Bell-Hicks stated that the ground spraying chemicals would probably wipe out the fin fish along with the shellfish. It is legal to use these ground spraying chemicals. When she receives phone calls, she suggests that a professional be hired to spray instead of the homeowner doing it themselves.

Mr. Bradbury stated that for the Mere Point spraying, he believes that aerial spraying of Dimilin poses the least risk. He will be on site and in contact with the pilot during the spraying. He sends up the helium balloons on the properties that do not get sprayed and he assures that Mr. Walker and the Town's Public Safety Group, the State Department of Marine Resources will be off shore; and inspectors from the Board of Pesticide Control will also be present. He stated that the pilot is licensed and responsible for not violating any laws. Spray cards are put down near the water periodically to be sure the dimilin is not getting in the water. Mr. Bradbury stated that it is generally a fast operation. Two hundred and thirty acres would be only 2/3 of a tank and would be sprayed in 50 to 65 minutes.

Town Council Minutes

April 1, 2002

Page 5

Mr. Steve Walker assured the Council that the Department of Marine Resources, who primarily protect the shellfish resources for the state, and the Maine Forest Service, both concur that Dimilin will not pose a threat to local fisheries. He also stated that the Regional Biologist did not see any reason for concern based on the research that he had done.

Mr. Walker also stated that after talking with contractors, he believes that there are quite a few residents who have contacted professionals to do ground spraying on their own land within the 150 foot setback. In his opinion, after all his research, he believes that the aerial spraying of Dimilin is the safest alternative for the way that the Town is proposing to spray.

Mr. Bradbury stated that it is illegal for other contractors to spray an already treated area. He also stated that less chemical would be used for aerial spraying and by doing it there would definitely be less ground spraying.

Susan White, 37 Webb Field Road, wanted to know why there was no spraying on the east side of Mere Point. She stated that her husband was allergic to the hairs of the browntail moth and has a respiratory problem, and she hopes that the Town sprays. She wants the spraying to be safe.

Mr. Bradbury stated that if Ms. White would contact Steve Walker, he would be happy to look at her property.

James Porter, 550 Mere Point Road, is in favor of aerial spraying. He had a serious reaction to browntail moths. He is waiting to see what happens. If there is no spraying, he will definitely hire a contractor to spray his property.

Dr. Judith Chamberlain explained that she sees a lot of people with rashes from browntail moths, which are very uncomfortable and annoying but not life threatening; it can last for up to three weeks. She has not personally seen a lot respiratory problems but a colleague says that he has had one new case of asthma because of browntail moths.

Dr. Mark Worthing stated that he had not seen any asthma reactions, but pulmonary specialists in this area see three or four per year, which is for the whole region, not just Brunswick. There is no data for these incidences and these occurrences in Maine or the United States.

Dr. Worthing explained that some people do not realize what they can do to prevent getting this rash. His suggestions were: wear long sleeves, not to dig in the leaves, do not clean the gutters. If you do, wear clothes that can be washed, take a shower after the task is done, and do the task on a rainy day, not a dry, dusty day.

Town Council Minutes

April 1, 2002

Page 6

Dr. Bell-Hicks explained that one of the reasons that there is no medical data on browntail moths is because they are limited to Cape Cod, the Maine Coast and several areas in Europe.

The public hearing closed at 8:55 p.m.

Councilor Randolph stated that she was not convinced that the Town should use Dimilin. She believes that the Town does not know the full effects of this chemical on the environment and people.

Councilor McCausland moved, Councilor Crimmins seconded, to approve the proposed insecticide spray program for Browntail Moth infestation.

Councilor Sartoris had concerns, if this is approved, about what will happen to the people who would be calling to be added to the project but are not in the current project or the current spray zones. She will support the spraying as explained but would like to address the landowners who are not in the current zones.

Manager Gerrish explained that by approving the project, there will still be a lot of work to do. Notices must be sent to each landowner to give the Town permission to spray their property. If the landowner does not want the Town to spray, then it also affects the landowners' neighbors in terms of what can be sprayed. He addressed Councilor Sartoris' comments that if additional changes in the zones need to be made, he would check with Mr. Walker and Mr. Bradbury to see how quickly they can check these areas. He suggested making the motion as proposed, adding any additional areas that have been recommended in the Mere Point area. The Town needs to move very quickly on this to get the project done in the allotted period.

Councilor Sartoris replied that she agreed with the amended motion.

Councilor McCausland moved, Councilor Crimmins seconded, to approve the proposed insecticide spray program for Browntail Moth infestation and any additional areas that have been recommended in the Mere Point area.

Councilor Lowe stated that he was a reluctant supporter but based on the information given, he will support the aerial spraying.

The motion carried with eight (8) yeas. Councilor Randolph opposed. *(A copy of the public hearing notice will be attached to the official minutes.)*

Having no objection from the Council, Item #57 was taken out of order.

57. The Town Council will receive the proposal for Redistricting and will consider setting a Public Hearing on same.

Town Council Minutes

April 1, 2002

Page 7

Chair of the Redistricting Committee, Lars Rydell, stated that the committee had split the Navy Base, as requested.

Redistricting Committee member Molly Pitcher stated that in all the past redistricting committees that she had served on, streets have been cut down the middle. This time the redistricting is by population using the State census blocks rather than by registered voters as in the past, which makes it very hard to keep neighborhoods in the same districts. She believes that the committee has done the best they could with this census information. Ms. Pitcher also stated that it is very difficult to change from registered voters to the census.

Manager Gerrish explained the time frame for the completion of the redistricting. It must be passed at the May 20th Council Meeting to be in place for the November Election.

After much discussion, the consensus of the Council was to try and keep neighborhoods in the same districts instead of splitting them up into two districts and to have Councilor Rice meet with the Redistricting Committee because he has been studying the proposed plan and believes he may be able to keep neighborhoods in the same district using the census information given.

Councilor Crimmins moved, Councilor Sartoris seconded, to table this item until the next regular Council Meeting and to have Councilor Rice meet with the Redistricting Committee in the interim. The motion carried with nine (9) yeas. *(A copy of the proposed ordinance, memorandum, written boundaries, census information and a map will be attached to the official minutes.)*

Manager Gerrish stated that he would notify all the Councilors of the next Redistricting Committee meeting so they may attend to look at the proposal.

47. Tabled Item: The Town Council will discuss the proposed Zoning Map and Zoning Ordinance Amendments, and the proposed Cooks Corner Design Standards, and will take any appropriate action.

Manager Gerrish stated that the public hearing was held on March 18, 2002 on this issue. He also reviewed the past history of the process.

Chair Priest stated that at the public hearing people did not understand the plan and thought it would cause economic harm. He suggests that the Town mail the proposed plan to all the Cook's Corner business owners and to schedule a meeting with the business owners to discuss the plan. This would take some time so that would mean postponing action on this item.

Councilor Lowe stated that the process was complete. He does not favor an additional Town organized process. The product is about design standards, not economic development. This product would relate to future changes and development at Cook's Corner. This would not affect any of the existing businesses.

Town Council Minutes

April 1, 2002

Page 8

Councilor Lowe moved, Councilor Sartoris seconded, to approve the proposed Zoning Map and Zoning Ordinance Amendments, and the proposed Cook's Corner Design Standards. *(A copy of the public hearing notice and map will be attached to the official minutes.)*

Councilor Crimmins stated that he has concerns with the smaller businesses because they have been paying taxes for years, and it is time for us to support and listen to them. It has taken two years to evolve and many of these businesses have been in and out of the process as they have lost faith because it has turned into a zoning design issue. Economically, it is not helping them to survive. Mr. Crimmins commented that the initial charge to the Planning Board was to look at the design standards, not how this affects the economics at Cook's Corner. He agreed with Chair Priest's suggestion.

Councilor Randolph stated that the Council should go to the businesses and have the meeting held in their area. She would like to defeat this motion.

Councilor Sartoris stated that she supports the motion. She feels that businesses have had ample opportunity to contact the Town and there were many public meetings in Cook's Corner. She will be looking for specific standards where they are warranted. She does not feel that years of work should be rejected. Ms. Sartoris believes that if there is another listening session, there should be Council representation, to talk about the specifics, not the general economic development situation at Cook's Corner.

Councilor Rice agreed with Councilor Sartoris.

Councilor Watson moved, Councilor Randolph seconded, to table this item until May 20th. The motion carried with seven (7) yeas. Councilor Lowe and McCausland opposed.

Manager Gerrish restated that the Council wanted a letter sent to all the business owners at Cook's Corner about an educational session to discuss this proposal, to be held at a Cook's Corner location, and that a complete copy of the proposal will be available in the Cook's Corner area, which location would also be listed in the letter. This meeting would only be for the Director of Planning and Development to explain what is in the document. The second meeting, which would be a Council workshop, would be held at Cook's Corner and both meetings would be taped by Cable 7.

51. Tabled Item: The Town Council will discuss Goals for 2002 and take appropriate action.

Manager Gerrish reviewed the Compilation of Council Goals. *(A copy of the Compilation of Council Goals will be attached to the official minutes.)*

After much discussion the Chair asked the Town Manager to do a final list of the top 6 for the 2002 Council Goals.

Town Council Minutes

April 1, 2002

Page 9

52. Tabled Item: The Town Council will discuss appointments and charges to the Fire Station Committee.

Manager Gerrish read the draft charge.

Councilor Galloupe stated that he felt that the existing location should not be a mandatory site. If the site can not stand on its own, it should not be considered as one of the top two sites.

Councilor Rice believes that it is important to consider what the Town already has. He believes that is what the Manager intended. He acknowledged it may not be feasible to use that site.

Manager Gerrish stated that he felt that this is such a key site that it needed to be looked at, and he felt he had accomplished that by saying, "The committee will explore locations for the new central Fire Station, including the existing site", the sentence before that. He would not have a problem deleting the current site as mandatory, from the charge.

The consensus of the Council was to not change the charge.

Councilor Priest suggested that the Council set dates for reporting. October 7th would be the final recommendation with an interim report on July 15th half way through, then the Council would know where the committee is going, and, if the Council had a different view, then they could make their feelings known.

Councilor Crimmins moved, Councilor Randolph seconded, to approve the organization and charge of a Fire Station Planning/Building Committee. The motion carried with nine (9) yeas. *(A copy of the draft charge will be attached to the official minutes.)*

Councilors Crimmins and Watson volunteered to be the two Council Members on this committee.

58. The Town Council will consider appointing a committee to re-negotiate the Cable TV franchise agreement, and will take any appropriate action.

Manager Gerrish suggested that a committee be formed to negotiate with Sus-Com on the renewal of the Cable TV franchise and that the committee be made up of the following: Two Councilors, a member of the Cable TV Committee, the Cable TV Coordinator, and the Town Manager or Assistant Town Manager. Mr. Gerrish stated that the committee would be authorized to negotiate with Sus-Com (with legal assistance) and bring back a proposal to the Council for approval. The current franchise agreement expires December 31, 2003.

Town Council Minutes

April 1, 2002

Page 10

The consensus of the Council was to explore other options with the guidance of legal counsel.

Councilor Crimmins stated that he wanted senior citizen discounts to be available through the cable company.

Councilor Crimmins moved, Councilor McCausland seconded, to table this item. The motion carried with nine (9) yeas.

- 59. The Town Council will consider erecting temporary signs at the entrances to Brunswick, recognizing the State Championship Basketball Team, and will take any appropriate action.**

Chair Priest suggested that a Team as glorious as ours should be announced.

Councilor Randolph suggested that instead of the Town paying for the sign that the Boosters might pay for it.

Chair Priest had no objection to asking the Boosters to pay for the signs.

Councilor Crimmins moved, Councilor McCausland seconded, to approve the proposal to erect temporary signs in recognition of the Brunswick High School Boy's State Championship Basketball Team. The motion carried with nine (9) yeas.

- 60. The Town Council will consider a tax abatement as recommended by the Tax Assessor and will take any appropriate action.**

Councilor Crimmins moved, Councilor Rice seconded, to approve an abatement of 1999 and 2000 personal property tax on Account T0212P, as recommended by the Assessor. The motion carried with nine (9) yeas. *(The memo from the Assessor will be attached to the official minutes.)*

- 61. The Town Council will consider a request for poverty tax abatement and will take any appropriate action.**

Chair Priest moved, Councilor Randolph seconded, to deny the request for poverty tax abatement. The motion carried with nine (9) yeas.

- 62. The Town Council will consider appointments to various Boards and Committees, and will take any appropriate action.**

Councilor Sartoris stated that the Appointments Sub-Committee will not appoint or re-appoint until an applicant has had an interview. Those applicants who are serving in a position continue their appointment until such time they are re-appointed or replaced. The applicant for the Conservation Commission and the Marine Resource Committee could not make their interviews so they will not be nominated.

Town Council Minutes

April 1, 2002

Page 11

Councilor Sartoris nominated **Stu Palmer** to the **Androscoggin Pedestrian Bridge Committee** as an alternate member, and asked that the Chair cease nominations and cast one vote for the nominee. With support of the nine (9) Councilors present, the Chair cast one vote to appoint Mr. Palmer to the Androscoggin Pedestrian Bridge Committee.

Councilor Sartoris nominated **Mark Worthing** as **Fence Viewer** with a one year term expiring 4/1/03, and asked that the Chair cease nominations and cast one vote for the nominee. With support of the nine (9) Councilors present, the Chair cast one vote to appoint Mr. Worthing as Fence Viewer.

Councilor Sartoris nominated **Dale King** to the **Personnel Board** as an alternate member with a one year term to expire 1/12/03, and asked that the Chair cease nominations and cast one vote for the nominee. With support of the nine (9) Councilors present, the Chair cast one vote to appoint Mr. King to the Personnel Board.

Councilor Sartoris nominated **E. Stuart Savage** for reappointment to the **Sewer District Trustees Board** as a full member with a three year term expiring 4/1/05, and asked that the Chair cease nominations and cast one vote for the nominee. With support of the nine (9) Councilors present, the Chair cast one vote to appoint Mr. Savage as a Sewer District Trustee.

Councilor Rice stated that the reason he voted against the proposal for the lot at the corner of Cushing and Union Streets as a park, was because he thought this would be better used for affordable housing and put on the tax rolls.

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

The meeting adjourned at 10:30 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A TAPE RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

Melissa L. Smith, Deputy Town Clerk
April 3, 2002

April 16, 2002

Date of approval

Council Chair