

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
October 7, 2002
Municipal Meeting Facility

6:45 p.m. Executive Session: Acquisition of Property

Councilor Rice moved, Councilor Lowe seconded, to enter into Executive Session to discuss property acquisition. The motion carried with nine (9) yeas.

7:35 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, Fran Smith, Town Clerk; Pat Harrington, Assistant Town Manager; Gary Howard, Fire Chief; Clark Labbe, Deputy Fire Chief; Mike Robitaille, Deputy Fire Chief; Tom Farrell, Parks and Recreation Director; John Foster, Public Works Director; Mary Reindl, Welfare Director; Steve Walker, Natural Resource Planner; members of Fire Station Committee; several citizens, members of the press, and TV video crew.

Minutes of Previous Meeting: September 16, 2002

Hearing no objection from the Council, Chair Priest declared the minutes of September 16, 2002, accepted as written.

Correspondence:

Thomas Chard submitted a letter of resignation from the Planning Board. A letter of thanks for his service will be sent to him and the position will be advertised.

Manager's Report:

1) Financial Update

Manager Gerrish reported that both excise tax and state revenue sharing are ahead of last year at this time. The Codes Office fees are ahead, with a high number of new single family homes being built.

2) Report on Procedures for Natural Gas/Propane Emergencies

Town Council Minutes

October 7, 2002

Page 2

Mike Robitaille, Deputy Fire Chief, reported on the procedures for Natural Gas/Propane Emergencies.

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

Councilor Watson inquired about fire signals he heard earlier in the evening, and does the town require the gas company to have gas detectors.

Mr. Robitaille said the signals were from two (2) incidents at the Navy housing. Gas detectors are not required, but would make the Fire Department's job easier since it would allow them to determine the degree of the leak.

Councilor Sartoris said in the procedures it should be clear that subcontractors should first contact the Fire Department.

Mr. Robitaille said that it was made clear to the gas company. Other discussion included the following points:

- Responding to Councilor Sartoris' question about advance notification for work, he said the gas company contacts them by 7:00 am about work to be done that day.
- Responding to Chair Priest's question, he said public notification of work means contacting the Fire Department, not the general public.
- Responding to Councilor Crimmins' question about what is a definition of a "large natural gas incident", Mr. Robitaille said it is an unscheduled leak and all leaks, large or small, are treated with the same caution.
- Responding to Councilor Crimmins' question, he said the public information officer is established by the Fire Department at the incident.

Councilor Sartoris said she still wanted to discuss in the future, fees for use of public safety by the gas company.

Councilor Randolph said that people, if they smell gas, should contact the fire department. If a work schedule is published, people may not contact them if they smell something, thinking it is part of the work being done.

3) Designation of MMA Voting Credentials

Councilor Galloupe moved, Councilor Randolph seconded, to appoint Don Gerrish as the Town of Brunswick's MMA voting delegate. The motion carried with nine (9) yeas.

4) (ADDED) Open Space Task Force Workshop

Councilor Lowe said the Open Space Task Force will be holding a workshop with the Town Council on October 28, 2002, at 7:00 p.m.

Town Council Minutes

October 7, 2002

Page 3

Adjustments to Agenda:

Added Item 181 regarding an option to purchase property on Greenwood Road.

- 170. The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and will take any appropriate action.**

Full Time Malt, Spirituous and Vinous:

**Henry's Catering LLC d/b/a Henry & Marty
61 Maine Street**

Edward Perry and Henry D'Alessandris

Full Time Malt and Vinous:

**Raj Kumar Sharma d/b/a Bombay Mahal, Inc.
99 Maine Street**

Raj Kumar Sharma

Full Time Malt:

**Richard Goodenow d/b/a Rosita's Mexican Food
212A Maine Street**

Richard Goodenow

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Sartoris moved, Councilor Rice seconded, to approve applications for Alcoholic Beverage Licenses for Henry & Marty, Bombay Mahal, Inc, and Rosita's Mexican Food. The motion carried with nine (9) yeas.

(A copy of the public hearing notices will be attached to the official minutes.)

- 171. The Town Council will hear public comments on the following requests for Victualer (Food Service Establishment) License Applications:**

**Bartholomew A. D'Alauro d/b/a Bart & Greg's DVD Explosion
149 Maine Street**

Bartholomew D'Alauro

**Richard Goodenow d/b/a Rosita's Mexican Food
212A Maine Street**

Richard Goodenow

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Town Council Minutes

October 7, 2002

Page 4

Councilor Randolph moved, Councilor Sartoris seconded, to approve application for Victualer (Food Service Establishment) Licenses for DVD Explosion and Rosita's Mexican Food. The motion carried with nine (9) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

172. The Town Council will hear public comments on the proposed amendments to the Sludge and Residual Free Zone Ordinance, and will take any appropriate action.

Steve Walker, Natural Resource Planner, discussed the amendments.

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

Chair Priest opened the public hearing; hearing no comments, he closed the public hearing.

Responding to Councilor Randolph's concern about using brand names in the amendments, the Council discussed other wording.

Councilor Galloupe moved, Councilor Randolph seconded, to add "and/or equivalent" after "Lime Grit" under the definition of Residual. The motion was withdrawn after another recommendation was made.

Councilor Sartoris moved, Councilor Watson seconded, to remove "and lime grit specifically IMERY'S Lime Cake, IMERY'S Lime Grit, and Specially Minerals Lime Grit from the proposed definition of Residual" and to replace it with "and liming materials which meet Maine DEP Rules and Regulations Chapter 419 for Agronomic Utilization of Residuals". The motion carried with nine (9) yeas.

Councilor Sartoris moved, Councilor Galloupe seconded, to adopt the amendments to the Sludge and Residual Free Zone Ordinance as proposed and amended, and to enact them on an emergency and a regular basis. The motion carried with nine (9) yeas.

(A copy of the public hearing notice and approved ordinance language will be attached to the official minutes.)

167. (Tabled Item) The Town Council will discuss the possibility of working with the Town of Topsham concerning opportunities where the two communities could work together to offer municipal services, and will take any appropriate action.

Councilor Randolph said she would like the town to look at ways of cutting costs and still keeping services through possible regionalization of some services.

Town Council Minutes

October 7, 2002

Page 5

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

The Council discussed the need to have time to do some work and contact the Topsham Town Manager on what is being discussed.

Councilor McCausland suggested the blackout between Topsham and Brunswick public cable being eliminated would go a long way in helping this situation.

Councilor Randolph moved, Councilor Sartoris seconded, to schedule a meeting in January 2003 with the Topsham Selectmen and the Brunswick Town Council to discuss coordinating services to cut costs. The motion carried with nine (9) yeas.

173. The Town Council will receive a report from the Fire Station Committee and will take any appropriate action.

Harold Emerson, Chair of the Fire Station Committee, made this presentation regarding the committee's final report. Some recommendations were building:

- 1) A new Central Fire Station on Pleasant Street (Tax Map U-13, Lots 52, 53, 54) at a proposed total cost of \$7,784,750. (This is different from the numbers in the report)
- 2) A Cooks Corner Substation on the town-owned property on Thomas Point Road at a proposed total cost of \$2,177,070.

(A copy of the Fire Station Committee's report will be attached to the official minutes.)

Councilor Crimmins moved, Councilor Watson seconded, to receive the report from the Fire Station Committee on recommendations for fire stations. The motion carried with nine (9) yeas.

Councilor McCausland moved, Councilor Crimmins seconded, to receive public comments on October 21, 2002, on the Fire Station Committee's final report. The motion carried with nine (9) yeas.

Councilor Crimmins thanked Jeanne Sutton for her work as the committee's secretary.

174. The Town Council will receive an update on the River Road "S" Curve improvements, and will take any appropriate action.

Manager Gerrish said the item concerns the "S" curve improvements on River Road. The town held a public information meeting with the neighbors on Thursday, October 3, to discuss the new proposal with them.

The new estimated total cost of the project is \$572,000. The town had originally estimated the total cost at \$415,000, with the developer paying half. The developer has again agreed to pay half of the cost of the project (estimating the cost at \$600,000), or \$300,000. The remaining \$300,000 would be the town's responsibility. Manager Gerrish

Town Council Minutes

October 7, 2002

Page 6

recommends going forward with this project. This item would be placed in the town's Capital Improvement Plan (CIP) and approved as part of the CIP. Funding would come from the Unappropriated Fund Balance. A condominium project is approved for the first phase (24 units) without the "S" curve being improved. Phases II and III (which add an additional 56 units) cannot be built until the "S" Curve is improved.

Mr. Foster, Public Works Director, discussed this item further and explained what is being proposed there for construction.

(A copy of Mr. Foster's e-mail on this item will be attached to the official minutes.)

Ken Buzzell, 17 Nancy Drive, urged the Council to support the project, but requested the culvert slip-lining (as proposed) be as large as possible.

Councilor Rice moved, Councilor Sartoris seconded, to accept the new engineering proposal, and have the manager move forward with the CIP process for this project.

Councilor McCausland spoke against the motion. The S curve has been talked about for two (2) decades and it is good that the town is doing it at this point. The town is only at this point because a major developer had come into that area and as a requirement for his project, the improvements need to be done. If the developer wants Phases II and III, he should come up with additional funds to pay for the project.

Councilor Rice discussed the requirement of the five percent (5%) impact fee, which the developer is required to pay. The developer is going well beyond that requirement.

Councilor Sartoris said she is concerned about having this type of situation coming to the Council again. If a development makes the town have to do major traffic improvements, the onus should be on the developer to do the improvements.

Manager Gerrish said, responding to Chair Priest's question, with the concerns from the School Department and others, this project would have risen to the top of the list of projects to do. The developer offered the money as way to get the town to move faster on the improvements.

Councilor Lowe said he is sympathetic to Councilor McCausland's points. He would like to look at how development affects the town overall. As an observation, he said, without this change, Phases II or III could not have moved forward, so the developer is paying this amount so the improvement could be made.

Councilor Rice said the Planning Board approved the entire developer's project with the improvements as part of it.

Councilor Rice moved, Councilor Sartoris seconded, to accept the new engineering proposal, and have the manager move forward with the CIP process for this project. The motion carried with eight (8) yeas. Councilor McCausland was opposed.

Town Council Minutes

October 7, 2002

Page 7

- 175. The Town Council will discuss traffic safety improvements to the Durham/Hacker/Collinsbrook intersection and will take any appropriate action.**

Mr. Foster discussed this item, which proposes warning signs at the intersection of Durham/Hacker/Collinsbrook. Responding to Councilor Sartoris' question, he said there have been resident concerns prior to the two (2) new subdivisions. The developments helped focus this more. There is insufficient site distance at this intersection. The project cost will be approximately \$17,000.

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

Manager Gerrish said the town has been looking at this for awhile. The cost to take the hill down would be high. The parking lot at Cox Pinnacle was also approved by the Planning Board with the condition that something be done at this intersection.

Councilor Galloupe said with trucks using that area, this is a good solution.

Councilor McCausland said this is worth a try before spending large sums of money.

Manager Gerrish responded to Councilor Rice's question on the one (1) year period in the Resolution. The one (1) year was chosen with both the amount of development and the existing problem at the hill, the town needs to take the major responsibility in taking care of it.

Councilor Galloupe moved, Councilor McCausland seconded, to approve the Resolution for an Emergency Appropriation of \$20,000 from Unappropriated Available General Fund Revenues for Traffic Safety Improvements on Durham Road. The motion carried with nine (9) yeas.

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

- 176. The Town Council will receive a report concerning new General Assistance Ordinance Maximums and will take any appropriate action.**

Mary Reindl, Welfare Director, explained the proposed increases to the General Assistance Ordinance Maximums.

Councilor Randolph moved, Councilor Sartoris seconded, to set a public hearing for October 21, 2002, on proposed General Assistance Ordinance Maximums. The motion carried with nine (9) yeas.

- 177. The Town Council will consider setting a Public Hearing on a winter closing of Sawyer Road from 12/1/02 to 3/31/03 and will take any appropriate action.**

Town Council Minutes

October 7, 2002

Page 8

Manager Gerrish said this item would set a public hearing for the October 21 meeting to do the seasonal closing of Sawyer Road from December 1, 2002 to March 31, 2003. The closing has occurred for the last nine (9) years.

(A copy of a map showing the area will be attached to the official minutes.)

Councilor Watson moved, Councilor Randolph seconded, to set a public hearing for October 21, 2002, on the annual winter closing of Sawyer Road from 12/01/2002 to 03/31/2003. The motion carried with nine (9) yeas.

178. The Town Council will consider approving Voter Registration Hours for the November 5, 2002 State and Municipal Elections and will take any appropriate action.

Fran Smith, Town Clerk, explained the voter registration hours.

Councilor Lowe moved, Councilor Rice seconded, to approve the hours for the Voter Registration for the November 5, 2002 State and Municipal Election. The motion carried with nine (9) yeas.

(A copy of the Voter Registration hours will be attached to the official minutes.)

179. The Town Council will consider a request from the United Way of Midcoast Maine to hang a banner over Maine Street from 10/23/02 to 11/6/02 and will take any appropriate action.

Councilor Galloupe moved, Councilor Randolph seconded, to approve the request from United Way of Midcoast Maine to hang a banner over Maine Street from October 23, 2002, to November 6, 2002. The motion carried with nine (9) yeas.

180. The Town Council will consider appointments to Board and Committees, as follows, and will take any appropriate action.

**Cable TV Committee
One Full Member**

**Fair Hearing Authority
One Full Member**

**Village Review Board
One Full Member**

Councilor Sartoris nominated Pauline Brilliant to serve on the Fair Hearing Authority.

Seeing no other nominations, Chair Priest closed the nominations.

The Council voted unanimously to appoint Pauline Brilliant to serve on the Fair Hearing Authority.

181. (ADDED)The Town Council will consider an option on property off Greenwood Road and take any appropriate action.

Manager Gerrish said there is a purchase and sales agreement to purchase twenty (20) acres of land from Marriner Lumber. It will be added to the town's existing business park. As announced today, the town is working with Brunswick Publishing to allow them to purchase ten (10) acres to move their facilities there.

Councilor Sartoris moved, Councilor Lowe seconded, to authorize the Town Manager to enter into a purchase and sales agreement with Marriner Lumber for property off Greenwood Road. The motion carried with nine (9) yeas.

(A copy of the purchase and sales agreement will be attached to the official minutes.)

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

The meeting adjourned at 9:25 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.

*Frances M. Smith
Town Clerk
October 10, 2002*

October 21, 2002

Date of Approval

Charles R. Priest

Council Chair