

--APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
September 16, 2002
Municipal Meeting Facility

6:30 p.m. Executive Session: Acquisition of Property

Councilor Rice moved, Councilor Watson seconded, to enter into Executive Session to discuss property acquisition. The motion carried with seven (7) yeas. Councilors McCausland and Randolph arrived after the vote.

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; John Eldridge, Finance Director; Gary Howard, Fire Chief; Mike Robitaille; Deputy Fire Chief; Theo Holtwijk, Director of Planning and Development; Steve Walker, Natural Resource Planner; Jim Ashe, Superintendent of Schools; State Senator Beth Edmonds; State Representative John Richardson; State Representative Stan Gerzofsky; several citizens, members of the press, and TV video crew.

Minutes of Previous Meeting: September 3, 2002

Hearing no objection from the Council, Chair Priest declared the minutes of September 3, 2002, accepted as written.

Correspondence:

Letter from Irv Snyder

Manager Gerrish discussed Mr. Snyder's letter regarding holding a forum to discuss health care cost.

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

Manager Gerrish discussed what steps the town has taken to control cost as much as possible. The town is part of MMA Health Trust, which is self insured, and the town has the lowest cost of any town in the plan. He has also been appointed by the Governor to a committee looking at health cost state wide.

Letter from Jim Day re: Melville Robbins Property

Councilor Watson asked that this item be placed on the next Council meeting agenda.

Councilor Randolph read from a letter from the Maine Office of Tourism regarding a sixty four thousand two hundred seventy nine dollar (\$64,279) grant that the Mid-Coast Chamber Council received as part of the new Maine Tourism Marketing Promotion Fund.

(A copy of the Maine Office of Tourism letter will be attached to the official minutes.)

Councilor Randolph discussed the proposed Brunswick Intown Group's Downtown Director position.

(A copy of information on the proposed director will be attached to the official minutes.)

Councilor McCausland noted the passing of Muriel Roy. She and her husband owned a farm stand in Brunswick for decades.

Manager's Report:

1) Report from Marine Resource Committee

Ralph Keyes, Chair of Marine Resource Committee, made this presentation discussing the work the committee had done over the past year. He thanked Dan Devereau and Steve Walker for their work for the committee. He also thanked Eric Butler, the former chair, for his many years of hard work on the committee.

2) Grant approval for NOAA Coastal Services Center

Steve Walker, Natural Resource Planner, discussed this grant the town received for twenty five thousand dollars (\$25,000) to develop a "Rural Smart Growth Strategy."

(A copy of the information regarding the Coastal Services Center Grant will be attached to the official minutes.)

Councilor Lowe moved, Councilor Sartoris seconded, to accept and allow expenditure of the Coastal Service Center Grant grant for twenty-five thousand dollars (\$25,000) to develop a "Rural Smart Growth Strategy". The motion carried with nine (9) yeas.

3) Maine Coastweek/Coastal Cleanup

Councilor Sartoris and Mr. Walker discussed Coastweek & Coastal Cleanup. On October 5, from 9:00 a.m. to 11:00 a.m. the town will be holding its cleanup day. It will be happening at the Androscoggin River.

(A copy of a flier regarding the Coastweek & Coastal Cleanup will be attached to the official minutes.)

4) (ADDED) Gas Leak on McKeen Street.

Roy Lane and **Gary Kenney**, representatives of Maine Natural Gas, explained the gas leak on McKeen Street, occurring on Thursday, September 12. It was due to contractor error. The Police and Fire Departments were contacted immediately and the leak was contained quickly. The required report is being made to the state. Mr. Lane apologized to the neighbors.

Mr. Kenney, responding to Chair Priest's question, said to prevent this from occurring in the future, the following measures are being taken: employees of the contractor are being disciplined and training will be reinforced.

Councilor Sartoris said, after finding out the town would not be reimbursed for public safety cost to respond to this leak, she wants to look at this in the future.

Mr. Kenney and Mr. Lane, responding to Councilor Crimmins' questions, said that no person from Maine Natural Gas was at the site prior to the accident, and the Dig Safe law, if followed, works. They will work to make sure it is followed.

Chair Priest said someone from either Maine Natural Gas or the town, at the expense of the gas company, should be there to inspect. This may be an item on a future agenda.

Councilor Lowe agreed and felt the development of a protocol should be added to that discussion.

Councilor Watson said he did not want to see the gas company passing the buck onto the contractors since they are responsible for what happens.

Adjustments to Agenda: None.

163. The Town Council will discuss Maine Municipal Association's Tax Reform Initiative and will take any appropriate action.

Manager Gerrish said this item will discuss Maine Municipal Association's Tax Reform Initiative. The main direction of the proposal is to mandate that the State pay fifty five percent (55%) of education costs and one hundred percent (100%) of special education costs. The proposal also sets up funds to encourage long-term efficiencies in delivery of local and regional educational and governmental services. Finally, it directs the Legislature to adopt a comprehensive tax burden management plan. The cost of this proposal is estimated at \$200 million. He invited Senator Edmunds, and Representatives Richardson, Gerzofsky and Schneider to attend the meeting to discuss this proposal and other possible tax reform proposals. Representative Schneider was not able to attend.

(A copy of the proposed language for the Tax Reform Initiative will be attached to the official minutes.)

Chris Lockwood, MMA's executive director, made a presentation on this proposal.

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

Mr. Lockwood, responding to Chair Priest's question, said that the legislature pays attention to approved citizen initiatives and does not change what is approved. If passed, this would send a strong message to the legislature about the need for tax reform.

Councilor Randolph requested this item be put on a future agenda for a vote.

Councilor Galloupe said he abstained from the vote of the MMA's Legislative Policy Committee when this was discussed since the Council had not taken action on it.

Representatives Richardson and Gerzofsky, and **Senator Edmonds** discussed how they felt about the proposal and tax reform.

Representative Richardson said the problem with the MMA proposal is that it does not provide a way to raise the additional revenue. The way the state taxes people needs to be reviewed. There is between six hundred million dollars and eight hundred million dollars in sales tax exemptions that could be used to assist with education cost. He also discussed income tax reductions, tax brackets, and property tax relief.

Senator Edmonds agreed with Representative Richardson on tax reform and added that people are ready to talk about tax relief.

Representative Gerzofsky said with several bills coming up, he asked the Council to wait to see the other proposals before weighing in on this one. He also agreed with the other two legislators about the need for tax reform.

164. The Town Council will review a report concerning proposed changes in the Natural Resource Protection Zone (NRPZ) regarding streams and will take any appropriate action.

Steve Walker, Natural Resource Planner, gave an overview of the proposed changes to the Natural Resource Protection Zone regarding streams.

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

Councilor Galloupe said he wants the definitions of an "intermittent stream" included in the proposal.

Town Council Minutes

September 16, 2002

Page 5

Mr. Walker said that the Department of Environmental Protection (DEP) does not have a definition and he did not feel there was a way to define the intermittent stream. They are looking just to have a definition of a "stream" in the ordinance. He discussed the criteria for a stream – not all of them need to be met to have a stream.

Councilor Sartoris said there is a real environmental benefit to regulating streams. With local regulations in place, it helps stop enforcement issues at the state level.

Councilor Lowe moved, Councilor Watson seconded, to send the proposed changes to the Natural Resource Protection Zone regarding streams to the Planning Board for review and recommendations. The motion carried with nine (9) yeas.

165. The Town Council will receive a report concerning an amendment to the Sludge and Residual Free Zone Ordinance and will take any appropriate action.

Mr. Walker discussed this item.

(A copy of Mr. Walker's memo regarding the sludge and residual free zone ordinance amendment will be attached to the official minutes.)

Councilor Sartoris said she brought this change to the Council on behalf of the constituent who would like to use a type of lime, which is not allowed under the ordinance, on his fields. Upon study she felt it is safe to use.

James Ecker, New England Organics, discussed the product the farmer would like to use on his land and how it would be environmentally safe to use.

(A copy of information from New England Organics will be attached to the official minutes.)

Ed Benedikt, resident, spoke against changes to section 12.5-4 which changed the area defined under the Brunswick sludge and residual free zone.

The Council discussed whether to pass the ordinance on an emergency basis this evening so that the farmer could spread the product earlier. Councilor Sartoris spoke in favor of this, while Chair Priest and Councilor McCausland wanted to wait until the next meeting due to the sensitivity of Coastal Protection Zone issues.

Councilor Randolph said she was concerned about the use of a brand name product in the proposed language.

Councilor Rice moved, Councilor Sartoris seconded, to set a Public Hearing for October 7, 2002, for proposed changes to the Sludge and Residual Free Zone Ordinance to be passed on an emergency and regular basis. The motion carried with nine (9) yeas.

- 166. The Town Council will discuss possible ordinance changes concerning garage sales, definition of nuisances and use of setbacks and will take any appropriate action.**

Councilor Galloupe discussed garage sale problems. He also discussed his concerns with setbacks in the growth area being more restrictive and not being consistent with other areas. He discussed his concerns with nuisances in the form of what defines a junkyard. He asked the Council to have the Planning Board look at these issues.

After discussing the three (3) issues, the following motions were made:

Councilor Galloupe moved, Councilor Rice seconded, to send the issue of defining nuisances to the Planning Board for review and recommendations. The motion carried with nine (9) yeas.

Councilor Galloupe moved, Councilor Watson seconded, to send the issue of setbacks being consistent in the growth and rural zones to the Planning Board for review and recommendations. The motion carried with nine (9) yeas.

Councilor Galloupe moved, to send the issue of regulating garage sales to the Planning Board for review and recommendation. The motion failed due to lack of a second.

- 167. 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 requested this item be placed on the next agenda due to the late hour.

- 168. The Town Council will consider accepting deeds for numerous properties which are part of Planning Board Subdivision approvals and will take any appropriate action.**

Mr. Walker discussed this item to accept three parcels of property that were part of subdivision proposals that the Planning Board approved.

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

Councilor Rice asked about the lost value if this property is taken off the tax roles. He wanted to know what that loss would be. Manager Gerrish said he did not have that information.

Town Council Minutes

September 16, 2002

Page 7

Mr. Walker discussed how it was possible to build more homes in a subdivision when this space is conveyed to the town. This can offset the tax loss for not having an open space subdivision.

Councilor Sartoris said by looking at the tax ramifications alone, of the lost taxes on the open space, one is only looking at half the equation as if the lots had been developed into larger lots instead.

Councilor Galloupe said, according to the tax assessor, the sold homes' taxes will equal out to what the whole piece's taxes would have been if it all was developed. Sometimes the total development will come out with more taxes since the open space is desirable.

Councilor Randolph said by allowing clustering, it is a benefit to the developer, and the town is still getting a lot of open space for the animals and plants.

Councilor Sartoris moved, Councilor Randolph seconded, to accept subdivision property conveyances. The motion carried with eight (8) yeas. Opposed was Councilor Rice.

169. The Town Council will consider a request from the American Cancer Society to hang a banner over Maine Street from September 30 to October 14, 2002 and will take any appropriate action.

Councilor Randolph moved, Councilor Watson seconded, to approve the request from the American Cancer Society to hang a banner over Maine Street. The motion carried with nine (9) yeas.

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

The meeting adjourned at 10:13 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
September 25, 2002*

October 7, 2002

Date of Approval

Charles R. Priest

Council Chair