

-- Approved--
BRUNSWICK TOWN COUNCIL MINUTES
JANUARY 22, 2002
7:30 P.M.
MUNICIPAL MEETING FACILITY

7:30 P.M. Chair Priest called the meeting to order and asked for the Pledge to the Flag.

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

Others Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Tom Farrell, Director of Parks and Recreation Department; Peter Baecher, Parks and Facilities Manager; John Foster, Public Works Director; Geoff Hole, Town Attorney; Phil Carey, Planner; several citizens, members of the press and TV Video Crew.

Minutes of Previous Meeting: January 14, 2002

Councilor Lowe moved, Councilor Randolph seconded, to approve the minutes of January 14, 2002. The motion carried with nine (9) yeas.

Correspondence: Resignation: Kitt Scarponi, Cable TV Committee

The Council accepted Mr. Scarponi's resignation and a letter of thanks will be sent to him.

Councilor Randolph congratulated Bookland for celebrating its one year anniversary as an employee owned store. She requested a letter be sent on behalf of the Council congratulating them. The Council agreed. The Chamber of Commerce held its annual meeting last Thursday and she encouraged Councilors to attend the Chamber After Hours meeting this Thursday from 5:00 to 7:00 p.m.

Manager's Report:

1. Update on Chamberlain Statue

Dick Morrell and Cam Niven gave an update on the project which is expected to be completed in the spring 2003. Fund raising should total two hundred thousand dollars (\$200,000). Currently, they are fifteen thousand dollars (\$15,000) from their goal. Part of the funds will be used for annual upkeep of the statue.

2. Ice Storm Recovery Grant Application

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Peter Baecher, Parks & Facilities Manager, gave an overview of this grant, which the town has applied for regarding funds for ice storm recovery. This is the second round in this grant process, with the town have received the funds the first time. The grant is limited to seventy-five thousand dollars (\$75,000), with the majority to be used for pruning and removal of damaged trees.

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

Councilor Lowe moved, Councilor Watson seconded, to support the grant application for the Ice Storm Recovery Grant Program. The motion carried with nine (9) yeas.

3. Discussion of Cable TV Rates (Sus-Com)

Councilor McCausland said the Cable TV rates increase as of February 1, with an increase of ten percent (10%) or from \$35 to \$38 for the majority of customers. The town has no authority over the rates; although, it does franchise the Cable Company. At the February 4 meeting, when the Cable Company is present, he may present a resolution requesting them to reconsider the increase.

4. Council Workshops

The Council will be holding workshops on the following days: January 28 (facilities discussion), February 11 (economic development), February 25 (Cooks Corner zoning amendments), and March 11 (issue of sewer district boundaries versus the town's growth area and possibly the Comprehensive Plan)

Adjustments to Agenda: None

10. The Town Council will hear public comments on proposed amendments to the Zoning Map and Zoning Ordinance, relative to Section 214 – Telecommunications Zone (TCZ), and will take any appropriate action.

Geoff Hole, Town Attorney, quoted federal law Title 47, §323, which says that local governments may make decisions regarding the placement, construction and/or modification of personal wireless communication, but may not reasonably discriminate among buyers of functionally equivalent services and cannot pass something that either prohibits or has the effect of prohibiting those services.

Councilor Crimmins asked Mr. Hole a series of questions relative to tower placement and service.

Mr. Hole responded it is prohibitive to simply prohibit the placement of towers. The law provides for a balance between providing service and having local control. The town

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cannot discriminate among the buyers of the same service. Therefore, just because there are two providers does not necessarily mean the town could prohibit a third.

Phil Carey, Town Planner, gave an overview of the process the Planning Board went through in order to draft the proposed amendments to the Zoning Map and Zoning Ordinance.

(A copy of memo from the Planning Board on the proposed telecommunications zone amendments and the Brunswick Maine Wireless Facility Analysis report will be attached to the official minutes.)

Chair Priest opened the public hearing.

Erik Caron, representing ATC Realty, discussed the process his group has gone through with the Planning Board to draft this language and how technology has changed. Currently, there is no Personal Communications Service (PCS) past Oak Hill. He made the following points while discussing the proposal or responding to questions from Councilors Galloupe, Crimmins, Sartoris, Randolph, Lowe, and Watson.

1. The proposed site meets FAA requirements.
2. Before a tower can be built, the proposed ordinance requires them to have FCC licensed carriers signed up to use it.
3. They also provide performance bonds and removal bonds.
4. They are proposing one pole at a height of one hundred ninety feet (190 ft.)
5. There should not be a need for another tower of this size; although, there may be others from one hundred feet (100 ft.) to one hundred fifty feet (150 ft.) tall and use of church steeples for additional coverage.
6. He could not tell the Council how many additional towers it would take to cover the area or additional areas like Harpswell since he had not researched that.
7. The tower will be used by multiple carriers.

Bill Messier gave his concerns on the proposed ordinance. He reviewed multiple handouts he provided to the Council. He made the following points while responding to questions from Councilors Crimmins, Rice, and Sartoris.

1. There is no need for a tall tower in the Cooks Corner area.
2. He could not see why a carrier would spend a great deal of money for such a small population.
3. He explained a demonstration that he conducted with toy radios, which worked from Oak Hill to Cooks Corner. This test was not done in front of the Planning Board.
4. He thought the proposed tower would be empty.
5. His tower is not maxed out and has plenty of capacity. He saw no benefit to having the tower at Cooks Corner.

(A copy of Mr. Messier's supporting documents will be attached to the official minutes.)

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Councilors Sartoris and Rice expressed concerns about cell phone coverage problems at the Cooks Corner area.

Ted Crooker, Storer Road, said his company has twenty (20) cell phones and they have problems with them in the Cook's Corner area. He felt it was necessary to have better coverage for the new hospital and it is necessary for safety purposes. He supports the proposed ordinance.

Chair Priest closed the public hearing.

Councilor Watson moved, Councilor Crimmins seconded, to table the item until the February 4, 2002, meeting. The motion carried with five (5) yeas. Opposed were Councilors Sartoris, Rice, Lowe and Randolph

(A copy of the public hearing notice and a memo from Councilor Crimmins will be attached to the official minutes.)

11. The Town Council will hold a Public Meeting on the issue of improving the "S" curve on River Road, and will take any appropriate action.

Chair Priest opened the public meeting on this item.

Ken Buzzell, 17 Nancy Drive, spoke against the proposed "S" curve improvements since he felt it would not resolve the safety issues there. He questioned if the town wanted a quick fix with the developer paying half, or to look for a long term solution. There will be future development, which will increase traffic even more. He felt the S-Curve needed to be removed.

Judy Husman, 1 Bailey Lane, spoke against the proposed improvements. She gave examples of accidents on River Road and the dangers there. The condo units will double the population from the "S" curve to the green. Something needed to be done, but she would like to see it done the right way the first time. The "S" curve was not in either 2000-01 or 2001-02 budget for improvements, but since the developer is willing to pay for it, the town is now going to do it.

Lori Bozeman, 11 Bailey Lane, spoke against the proposed improvements, with traffic being her issue. The Planning Board approved the Signature Pines project only after they struggled with the rules and regulations and what they knew to be a safety issue. It only passed the Planning Board by one (1) vote and only after they attached conditions. The "S" curve improvements may make it more dangerous with higher speeds and more vehicles using it. The road needs to be fixed beyond the "S" curve. The developer is not truly paying half since the amount they are paying includes the turning lane they were responsible for anyway.

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Richard Kreiner, 73 River Road, lives by the “S” curve and spoke against the proposed improvements. The town is not getting enough for its money and what the town does not like about the S-Curve will still be there after the improvements. There would be an additional ninety-two (92) families using the new intersection created by the developer. This is going to make the road more dangerous, with more traffic going faster. He quoted a traffic study done by the police which said that seventy eight percent (78%) of the traffic goes thirty (30) miles per hour or faster. Forty one percent (41%) of traffic was going over thirty five (35) miles per hour coming out of the “S” curve. He is not comfortable with the linking of a town project with a developer’s project.

Jim Van Wyck, Kasprzak Condominiums – the developer of the project, said the total traffic volume on River Road is six thousand (6,000) with the development adding five hundred (500), which created the five percent (5%) impact fee. River Road is an arterial road, serving many more people than the road’s residents. Four engineers have indicated that the development should not have a significant effect on the “S” curve. He felt the proposed improvements addressed the concerns with the curve. The developer made an offer to combine the projects since they felt they are interlinked. The town could adopt impact fees for future projects to recoup costs for the improvements.

Harold Hutchinson, 230 River Road, spoke in favor of the improvements. There is no way to make the “S” curve safe without taking a home. The sewer pumping station would have to be moved, which would be expensive. Roads do not cause accidents, people driving cause accidents.

Ted Crooker said spoke in favor of the improvements. Kasprzak is one of the better developers around. The town also needs to do long term planning and think about opening of arteries (the by-pass) which would take traffic off smaller roads.

Chair Priest closed the public hearing.

John Foster, Town Engineer, said he felt the proposed improvements were a safe design and balanced the issues. It is designed to MDOT design guidelines for a thirty (30) mile per hour road. To straighten the road, there would be issues including stream crossing, taking of land, and replacing a sewer pumping station. The cost has gone down from the original proposal since the improvements will not go as far down River Road. There had been funding in the current budget for a consultant to study this project. The improvements would be a full road reconstruction in the “S” curve area and would help with the water freezing issues.

Councilor Sartoris wanted to make sure that River Road was not going to be a back entrance for Fox Run.

Mr. Gerrish said Fox Run is not currently being proposed to have access to the River Road. He could not say that there would never be access, but it is not in today’s plan.

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Councilor McCausland said he would not support the proposed improvements since he felt there were roads with higher priorities that the two hundred thousand dollars should be spent on.

Councilor Rice said he would support the improvements. He is sympathetic with the residents. However, River Road has been neglected for a long time and the developer is willing to pay half of the project. There was also a petition from residents there requesting the "S" curve be fixed.

Councilor Lowe said he would support the motion, but respects the issues brought forth by the residents. This is a good financial offer, plus it will provide some improvement to the road.

Councilor Galloupe moved, Councilor Randolph seconded, to authorize the Town Manager to proceed with the proposed improvements to the "S" Curve on River Road. The motion carried with six (6) yeas. Opposed were Councilors Crimmins and McCausland. Councilor Watson was not present for the vote.

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

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

The meeting adjourned at 10:52 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
January 25, 2002*

February 4, 2002

Date of Approval

Charles R. Priest

Council Chair