

6:45 PM – The Town Council will vote to enter Executive Session to discuss a personnel matter and meet with Legal Counsel.

Councilor Feldman moved, Councilor Sartoris seconded, to go into executive session to discuss a personnel matter and meet with Legal Counsel. The motion carried with nine (9) yeas.

**BRUNSWICK TOWN COUNCIL MINUTES
MARCH 19, 2001
7:30 P.M.
Municipal Meeting Facility**

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

Councilors Present: Chair McCausland, Michael Feldman, Jacqueline Sartoris, Timothy Dotts, Robert Galloupe, Charles Priest, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None.

Others Present: Don Gerrish, Town Manager; Fran Smith, Town Clerk; Chief Hinton, Police Chief; Chief Howard, Fire Chief; Commander Bob Annese, Police Department; Clark Labbe, Deputy Fire Chief; John Foster, Public Works Director; Tom Farrell, Parks and Recreation Director; Geoffrey Hole, Town Attorney; Brian Burne, MDOT; Lt. Com. Vern Turner, Naval Station; representatives of Maine Natural Gas; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: March 12, 2001

Councilor Dotts moved, Councilor Priest seconded, to approve the minutes of March 12, 2001. The motion carried with nine (9) yeas.

Correspondence:

Councilor Lowe provided an update on the open space task force fair to be held on Thursday from 7:00 p.m. to 8:30 p.m. The fair is going to have booths showing what each subcommittee does.

Manager's Report:

- 1) Addressing Ordinance

Clark Labbe discussed this proposed ordinance that looks at numbering homes. At the Council's request, the fines for violation will be reviewed. This ordinance will be brought back to the Council when changes have been made.

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2) Animal Control Issue: Cats

Bob Annese said they have been working with the Humane Society and local veterinarians to come up with the attached agreement to deal with sick and injured stray animals. Since the Council had no objections, the town will move forward with the agreement.

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

3) Update on Chamberlain Statue

Dick Morrell made this presentation, updating the Council on the proposed Joshua Chamberlain Statue on the upper mall. They have raised ninety thousand dollars (\$90,000) so far and hope to raise two hundred thousand dollars (\$200,000) total, with one hundred twenty five thousand dollars (\$125,000) for the statue and seventy five thousand dollars (\$75,000) for the town to be held for future maintenance, lighting, and repairs.

Councilor McCausland moved, Councilor Dotts seconded, to approve in concept what has been presented on the Chamberlain Statue project and its location. The motion carried with nine (9) yeas.

4) Discussion of Traffic Light on McKeen Street

Chief Hinton discussed why there was a need for a traffic light at McKeen and Maine Streets.

(A copy of Chief Hinton's report will be attached as part of the official minutes.)

Councilor Lowe moved, Councilor Feldman seconded, to set a public hearing for April 2, 2001, to consider placing a traffic light at the intersection of McKeen and Maine Streets. The motion carried with nine (9) yeas.

5) Discussion of CDBG Grants for Respite Care and Mid-Coast Geriatric Services

Chris Schrum discussed applying for these grants. It is a three part process: 1) the application phase, requiring a public hearing; 2) if the grant is received, the Council will vote to accept the grant, requiring another public hearing; and 3) the administration of the grant by the town.

Councilor Dotts moved, Councilor Priest seconded, to set a public hearing for April 2, 2001, to consider CDBG Grants for Respite Care and Mid-Coast Geriatric Services. The motion carried with nine (9) yeas.

6) Discussion of effective date of new ambulance fees

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Councilor Lowe moved, Councilor Feldman seconded, to make the ambulance fees adopted on March 19 become effective on April 1, 2001. The motion carried with nine (9) yeas.

7) Discussion of browntail moth spraying.

Mr. Gerrish discussed the need for limited land application to get rid of browntail moths. The estimated cost is eight thousand dollars (\$8,000).

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

Adjustments to the Agenda: To add Item 45 relative to a quitclaim deed.

39. The Town Council will hear public comments on the following requests for Special Amusement License Renewals and take any appropriate action:

Columbus Club, Inc., d/b/a Knights of Columbus
2 Columbus Drive

Robert Rainville, Grand Knight

Brunswick Golf Club, d/b/a Brunswick Golf Club
River Road

Claudette Allen

Councilor Dotts moved, Councilor Sartoris seconded, to approve the Special Amusement License Renewals for The Knights of Columbus and the Brunswick Golf Club. The motion carried with nine (9) yeas.

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

40. The Town Council will hear public comments on the following requests for Games of Chance Licenses and take any appropriate action:

St. John the Baptist Church Annual Bazaar
39 Pleasant Street

Joanne Stacey/Joe Donovick

Beat the House
Pan Game
Spin the Wheel
Sealed Tickets
Bingo
Crazy Ball

Councilor Moll moved, Councilor Priest seconded, to approve the Games of Change License Applications for St. John the Baptist Church to run the following games at their annual bazaar: Beat the House, Pan Game, Spin the Wheel, Sealed Tickets, Bingo, and Crazy Ball. The motion carried with nine (9) yeas.

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

Full Time Malt, Spirituous and Vinous

Brunswick Golf Club d/b/a Brunswick Golf Club Lounge
River Road

Claudette Allen

The China Pearl, Inc
112 Pleasant Street

Lo Yui Wang

Ly-Corp d/b/a China Rose Restaurant
42 Bath Road

Cuong Ly

Masagana Corporation d/b/a Oriental Restaurant
13 Mill Street

Cecilio Juntura

Full Time Malt and Vinous

Brunswick House of Pizza d/b/a The Kitchen
4 Pleasant Street

Christos and Niki Zoulamis

Maine Pines Racquet Club d/b/a Maine Pines Racquet and Sports
120 Harpswell Road

Robert Manter

Full Time Malt

Columbus Club, Inc. d/b/a Knights of Columbus
2 Columbus Drive

Robert Rainville, Grand Knight

Councilor Moll moved, Councilor Dotts seconded, to approve the Alcoholic Beverage License Applications for Brunswick Golf Club Lounge, The China Pearl, China Rose Restaurant, Oriental Restaurant, The Kitchen, Maine Pines Racquet and Sports, and Knights of Columbus. The motion carried with nine (9) yeas.

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

- 42. The Town Council will hear a proposal from Maine Natural Gas regarding the placement of the gas pipeline in the MDOT Right of Way.**

MAIN MOTION TABLED FROM MARCH 12, 2001

Councilor Galloupe moved, Councilor Dotts seconded, to allow the Maine Natural Gas Company to use what is minimally necessary of the town's property to have access to the MDOT right-of-way, with Maine Natural Gas being responsible for any damage to and restoration of the bike path to its original condition.

Mr. Gerrish presented a list of eighteen (18) proposed requirements that Maine Natural Gas would have to comply with in order to access the Maine Department of Transportation (MDOT) right-of-way through the bike path.

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Mr. Kenney, Maine Natural Gas, said they are seeking approval to get access across the bike path to do construction. MDOT has said this is the best alternative. As far as the eighteen (18) requirements, he had concerns about the one not allowing the bike path ramps to be opened. There would be major construction traffic, which may warrant repaving anyway. They will make a commitment to use rubber tires, or if they have to move larger equipment, move it over tires. Future maintenance does not require the use of driving equipment.

Maine Natural Gas met with the Brunswick and Naval Station Fire Chiefs to discuss the proposed pipeline and the location of critical valves that could be used in case of an emergency, as well as to discuss how to respond to an emergency. The fire department would be able to operate the valves in an emergency.

Maine Natural Gas spoke with the Navy about the AICUZ zones at the end of the runway. The Navy has identified a ground scar depth that they feel would result if a plane crashed. They are working with the Navy to identify a pipe depth and width adjacent to the end of the runway.

Brian Burne, MDOT, said MDOT has considered several different routes, and the best way to accommodate the utility is at the new bridge since it has room. The proposed route is very visible, and has the shortest crossing of Route One.

Lt. Com. Turner, Naval Station, said an underground pipeline is acceptable in the AICUZ zone. An AICUZ expert stated that the Navy instruction clearly states that above ground utilities are not compatible in the clear zone, but underground utilities are compatible based on Naval and Department of Defense AICUZ guidance and instructions. Ground scar from an aircraft accident from the approach or departure profile is approximately one (1) to three (3) feet. The Navy does not have a standard for how deep the line should go other than it would have to be deeper than three (3) feet. The Naval Station has a fourteen (14) member emergency response team.

Councilor Moll asked about the P-3 that went down in Poland Springs several years ago. What was the earth scar that was left?

Lt. Com. Turner did not have that data.

Gary Howard said the Fire Chief at the Naval Station indicated there was no scarring from the crash in Poland Springs. He said the Fire Department is comfortable with the location of the underground pipeline and is prepared in case of an emergency. They will be able to shut down valves if necessary. He outlined what the procedure would be if there were an emergency. He felt the pipe should go deeper than three (3) feet.

Jim Grant, resident, gave a summary of MDOT's website on pipeline safety. He reviewed the number of accidents and damage they caused. He is concerned about safety at the bike path when construction is under way. The fire department should be trained by the gas company on how to deal with gas fires. The depth of the pipeline is an issue. He hopes the Council will get their questions answered by the gas company.

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

Scott Higgins, resident and firefighter, said he is not against natural gas, but he does not support bringing a three hundred (300) pound gas line through a residential area when there is an alternate route. The need for residential safety should be looked at. He suggested putting the line down the bike path to a less populated area.

Jim Burbank, resident, said the gas company had taken him and others opposed to the proposal on a site visit where the pipe is proposed to go. He asked if the proposed option is the only way to bring the trucks in or could they go off from Route One. He inquired if the wetlands would be invaded. He was concerned about how many times the bike path would be shut down.

Tom Crimmins, Jordan Ave, said he was not pleased with the Navy's answers, which were not specific enough. He does not want to prevent the gas company from coming, but he wished they were going in a less populated area and not through a clear zone (Jordan Ave). It is time to say "no" to Maine Natural Gas to keep them out of the clear zone until the town gets answers from the Navy.

Bill Brown, engineer for Wright Pierce, but speaking as a resident, said he supports natural gas. Having a safe community can be compatible with having a gas line. There are larger risks with the gas trucks going through town. Natural gas is a safe energy alternative. All the issues presented as concerns can be readily addressed through communication. He urged the Council to support the proposal.

Elizabeth Glover, resident, said the earlier proposal included a payment of fifty thousand dollars (\$50,000) to the town. She asked why there was no money discussed this time. She asked if the EPA has been involved. She felt the bike path should not be touched.

George Glover, resident, said he participated in the site walk. There is a perception that the bike path is special and should not be touched. MDOT has said the proposed route is the best one, but he is not sure what the alternatives are and what costs are associated with them so that the Council could balance them out before making a decision. This is a Base driven project. There should be an exchange of dollars for the discomfort of using the bike path.

Ted Crooker of Harry Crooker and Sons and resident, encouraged the Council to consider this proposal. Natural gas is one of the cleanest fuels and gives the town a chance to protect the environment. One dollar (\$1) per square foot in heat could be saved if gas was used in a big box or a school. The connector bridge is the safest location to put the gas line.

(A copy of the alternatives presented by Maine Natural Gas will be attached to the official minutes.)

Councilor Sartoris asked what MDOT's position would be if there were to be access from Route One.

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Mr. Burne said it would not be the most desirable choice. If the proposal were denied, he would be looking at details to do the project from Route One. He would rather avoid the risks that come with the Route One access.

Mr. Kenney responded to concerns presented:

- Mr. Grant's statistics are worldwide numbers and other countries do not have the safety standards the United States has.
- A natural gas pipeline is a safe transportation system.
- Natural gas is nontoxic.
- Direct pipeline contact would be required to create a problem with one.
- Underground utilities have always been permitted in the AICUZ zone.
- Maine Natural Gas is committed to doing fire safety training to the towns they serve.
- No changes in grade are proposed and for that reason the EPA has minimal interest in the project, although they will be reviewing it.
- Maine Natural Gas would be checking annually for leaks.

Roy Lane, Maine Natural Gas, said he spoke with ten (10) citizens residing near the sewer district and received no real objections to the pipeline. They just wanted more information.

Councilor Priest asked the Town Attorney what power the town has regarding the location of the gas line.

Mr. Hole responded if the town does not give permission in the park setting, it is acceptable under the law. While the town can have a voice in the process, it would take a very unusual set of circumstances for the town to deny the gas line's location in a public street.

Councilor Moll said the Water Street residents and businesses would be disrupted and will receive no benefit from the gas. She proposes complete access be provided by MDOT through the highway.

Councilor Lowe said there are benefits to having gas come to Brunswick. It does not make sense to access from Route One. He does not want the bike path choice, but it is preferred over the Route One option. He wanted to include in the restrictions a time frame as to how long the construction can occur, such as a maximum of four (4) weeks.

Mr. Kinney said they would be agreeable to the four (4) week time frame, with actual major construction impact being two (2) weeks.

Councilor Feldman said the Route One access is dangerous. The gas would be a good product for the environment.

Councilor Sartoris said she could not in good conscience say she would prefer to close a lane on Route One, which does pose a risk. However, she has things that are not being addressed. She is concerned that the gas company may think they can continue to have access to the pipeline. She wants to make sure that the town is fully covered for any risk

that may occur. She would like to have a long-term agreement for possibly charging the gas company a fee for access to the path and clearly spelling out the protocol that the company would use to gain access to the pipeline in case of emergency or to do normal checks.

AMENDMENT TO MAIN MOTION (see main motion at beginning of this item)

Councilor Lowe moved, Councilor Feldman seconded, to allow access to Maine Natural Gas over the bike path if they meet the eighteen conditions set forth by the Town Manger as well as the following three additional conditions: 1) a maximum time of four (4) weeks to use bike path, 2) contractors and subcontractors have the appropriate insurance and 3) tires must be used while tracked equipment crosses the bike path. In addition, Maine Natural Gas will pay the Town of Brunswick \$7,500 for the privilege of using the bike path. The motion carried with seven (7) yeas. Opposed Moll and Sartoris.

RESTATED MAIN MOTION WITH AMENDMENT

Councilor Galloupe moved, Councilor Dotts seconded, to allow the Maine Natural Gas Company to use what is minimally necessary of the town's property to have access to the MDOT right-of-way, with Maine Natural Gas being responsible for any damage to and restoration of the bike path to its original condition, and Maine Natural Gas must meet the eighteen conditions set forth by the Town Manger as well as the following three additional conditions: 1) a maximum of four (4) weeks to use bike path, 2) contractors and subcontractors have the appropriate insurance and 3) tires must be used while tracked equipment crosses the bike path. In addition, Maine Natural Gas will pay the Town of Brunswick \$7,500 for the privilege of using the bike path. The motion carried with seven (7) yeas. Opposed Moll and Sartoris.

Councilor Priest moved, Councilor Feldman seconded, that the Brunswick Town Council go on record as supporting the relocation of the 300-PSI supply line away from the Naval Air Station's clear zone at the end of Jordan Avenue. The motion carried with five (5) yeas. Opposed Galloupe, Dotts, McCausland, and Gleason.

Councilor Sartoris moved, Councilor Priest seconded, to have the town enter into discussion with Maine Natural Gas to establish what, if any, other kind of access to the bike path will be required, and if any, to negotiate with them what their needs will be and what an appropriate charge would be for ongoing access to the gas line. The motion carried with eight (8) yeas. Opposed Moll.

43. The Town Council will consider adopting Goals for 2001 and will take appropriate action.

This item was tabled until the next meeting.

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44. The Town Council will consider a request from Habitat For Humanity to hang a banner on Maine Street from April 20th to April 30th and take any appropriate action.

Councilor Lowe moved, Councilor Priest seconded, to approve the banner request for Habitat for Humanity. The motion carried with nine (9) yeas.

45. The Town Council will consider taking action on a quitclaim deed.

Councilor Lowe moved, Councilor Priest seconded, to authorize the Town Manager to execute a quitclaim deed. The motion carried with nine (9) yeas.

The meeting adjourned at 11:05 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
March 21, 2001

April 2, 2001

Date of Approval

Council Chair