

**6:30 P.M.**      **The Town Council will vote to enter Executive Session to discuss a possible property acquisition and a personnel matter.**

**Councilor Feldman moved, Councilor Moll seconded, to go into executive session to discuss a possible property acquisition and a personnel matter. The motion carried with nine (9) yeas.**

**BRUNSWICK TOWN COUNCIL MINUTES  
MARCH 5, 2001  
Postponed until March 12 due to inclement weather  
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; Gary Howard, Fire Chief; Tom Farrell, Parks and Recreation Director; Jerry Hinton, Police Chief; Rob Jarrett, Maine State Music Theatre; Representative Gerzofsky; Senator Edmonds; Brian Burne, MDOT; Lt. Com. Vern Turner; representatives of Maine Natural Gas; several citizens, members of the press, and the TV video crew.

**Minutes of Previous Meeting:**      **February 20, 2001**

**Councilor Priest moved, Councilor Lowe seconded, to approve the minutes of February 20, 2001. The motion carried with six (6) yeas. Councilors Feldman, Sartoris, and Dotts abstained, as they were not present at the February 20 meeting.**

**Correspondence:** None.

**Manager's Report:**

**Representative Gerzofsky**, along with Senator Edmonds, presented Jerry Hinton with a resolution from the State House of Representatives and State Senate recognizing him for being named Maine's Police Chief of the Year. He also read a letter from Governor King congratulating the Chief.

**1) Financial Update**

Mr. Gerrish said that the snow budget is not in good shape while other accounts are in all right shape. Excise tax is still flat, with no increase from last year.

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**2) Presentation by Maine State Music Theater**

**Rob Jarrett**, Maine State Music Theater, presented this report. Housing costs have increased greatly over the past two years. They wanted their space needs considered since the town's facility study is being done.

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

**3) Presentation by Village Review Board**

Emily Swan, Chair of the Village Review Board, made this presentation. Some of their goals are as follows:

- Identifying buildings worthy of being recommended as town landmarks;
- Providing public education about the board and the historical district; and,
- Developing design guidelines for the Village Review area.

**4) Discussion of Council Goals 2001**

Mr. Gerrish reviewed last year's goals and updated the Council on how much had been done on them. The Council can provide ideas for the 2001 goals.

The Council discussed what goals they felt were important based on the goals drafted by Councilor Priest and those in the 2000 goals. Based on this information the Manager was going to provide an updated list for the Council to review and discuss at a future meeting.

*(A copy of Councilor Priest's draft goals will be attached to the official minutes.)*

**5) Manager will discuss date for workshop on Coastal Protection**

The Council set Monday, March 26 at 7:00 p.m. to hold a workshop on Coastal Protection.

**6) Discussion to allow Harpswell to purchase an old generator from the town**

**Councilor Dotts moved, Councilor Feldman seconded, to authorize the Manager to sell an old generator to the Town of Harpswell. The motion carried with nine (9) yeas.**

**Adjustments to the Agenda:** To add Item 39 and to take it after Item 34.

**31. The Town Council will hear public comments on the following requests for Victualer licenses and take any appropriate action:**

Thai Dish, Inc., d/b/a Thai Dish Restaurant  
136 Pleasant Street

Wandee Usdonvuthikrai

Homeplate Pizza  
393 Bath Road

Michele Key and Susann Kosici

**Councilor Moll moved, Councilor Priest seconded, to approve the Victualer license applications for Thai Dish, Inc. d/b/a Thai Dish Restaurant and Homeplate Pizza. The motion carried with nine (9) yeas.**

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

- 32. The Town Council will hear public comments on the following request for an Alcoholic Beverage license and take any appropriate action:**

Thai Dish, Inc., d/b/a Thai Dish Restaurant  
136 Pleasant Street

Wandee Usdonvuthikrai

**Councilor Moll moved, Councilor Priest seconded, to approve the Alcoholic Beverage license application for Thai Dish, Inc. d/b/a Thai Dish Restaurant. The motion carried with nine (9) yeas.**

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

- 33. The Council will hear comments to consider amending the Ambulance User Fee schedule and take any appropriate action.**

Mr. Gerrish said there has been no increase in the ambulance fees since 1993, and the proposed ones reflect an average of communities surveyed.

There was no public comment.

**Councilor Dotts moved, Councilor Sartoris seconded, to approve the amended Ambulance User Fee schedule. The motion carried with nine (9) yeas.**

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

- 34. The Town Council will discuss Licensing for Sellers of Prepared Food on Public Ways - Malls and Sidewalks.**

Mr. Gerrish said he had met with the vendors on the mall regarding the construction that is going to take place there. They have worked out an arrangement so the vendors can be there while it occurs.

**Peter Robbins**, owner of the Bohemian Coffee House, asked the Council to review the fee of five hundred dollars (\$500) he is required to pay to have tables on the sidewalk since other businesses put items for sale on the sidewalk at no charge.

**Councilor Feldman moved, Councilor Galloupe seconded, to approve Licenses for Sellers of Prepared Foods on Public Ways (Mall): Brunswick Farmers Market Association d/b/a Brunswick Farmers Market, Sean McDonald d/b/a Danny's Dogs, Stephen Sprague d/b/a Down East Hot Dogs, Lucille Spencer d/b/a Luc-Wheels Something Different, and, Betty Jordan d/b/a Wrappers. The motion carried with nine (9) yeas.**

**Councilor Feldman moved, Councilor Galloupe seconded, to approve a License for Sellers of Prepared Foods on Public Ways (Sidewalk): Peter M. Robbins d/b/a Bohemian Coffee House. The motion carried with nine (9) yeas.**

39. **The Town Council will hear a request from the Maine Department of Transportation for access across the bike path for the placing of a gas line in the MDOT right-of-way.**

Mr. Gerrish said the town had been approached by MDOT concerning Maine Natural Gas's request to put a gas line in the state's right-of-way.

**Brian Burne**, MDOT, said the Department is in the process of allowing Maine Natural Gas to put their pipeline over the connector bridge into Brunswick. After reviewing options, this is the best route to minimize any potential conflict in the future and provide the shortest crossing. He showed where it would be located on a map prepared by Maine Natural Gas. It is on the river side of the highway since it is easier with the ramps and the railroad to go there as opposed to the other side of Route One. The river side is a much more straightforward proposal, and it will be easier for future maintenance. MDOT has an obligation to accommodate utilities in the highway rights-of-way. The green bridge was not a good place to put the gas line since it needs repairs, plus there is room on the new bridge to accommodate the line.

*(A copy of the proposed map will be attached to official minutes.)*

Councilor Moll said she is having difficulty with this item being on the agenda, and the Council should not have a discussion about it unannounced since it is a controversial item.

Chair McCausland asked Mr. Burne to discuss MDOT's decision-making process since the Council was under the impression up to recently that the line could not be accommodated in the right-of-way. There seems to be a change in position on MDOT's behalf.

**Mr. Burne** said that MDOT has said they would consider allowing the gas company to put the line over the connector bridge. Maine Natural Gas was looking at several different options, and they came back to MDOT to see if they would consider the proposed option.

Councilor Sartoris said she is concerned about what she is hearing as legitimate MDOT issues versus economic constraints for the applicant. It is not clear to her that this is the best alternative purely from a transportation perspective.

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**Mr. Burne** said it has been MDOT's job to consider the alternatives and select the one they feel is the safest for the traveling public. They met with Maine Natural Gas to review all the alternatives they had for that interchange area, and this is what he feels is the best option for minimizing the conflicts while accommodating this utility. It is safe to say MDOT takes into consideration what it would cost the utility, but paramount to that are the needs of the highway corridor.

Councilor Feldman said he has concerns that they did not factor in sufficiently Brunswick's discomfort with having the gas line near the bike path when MDOT considered the best route for the gas line. The proposal is not on the town's land, but it is close to the bike path. The Council said they did not want the gas line that close to the path. He is trying to get a feel of how MDOT measured those factors; were they concerned enough that the Council voted not to have the gas line in the bike path.

**Mr. Burne** responded MDOT does not feel that the proposed location is a safety issue.

Chair McCausland asked if there was another alternative if the Council turns down the option of allowing the gas company to go over the bike path with equipment to install the gas line.

**Mr. Burne** said the next proposal would be the gas company submitting a proposal to MDOT a method as to how it would be constructed from Route One. It would have to be done at night, with a break in the guardrail, obstruction of traffic and so forth. He is not sure how the interchange would be handled with the different grades there.

Councilor Moll said she has no documentation before her regarding this proposal, and the Council has not been privy to any process between the gas company and MDOT. She thinks that this documentation is needed, with a proper presentation and public notification. She would like a consultant representing the Council.

**Roy Lane**, Maine Natural Gas, said they think the connector bridge is the only feasible way to get gas into Brunswick. They want to assure the Council that they heard the sincere comments of residents and understand their sentiment toward the bike path. After the results of the February 6 Council meeting, all reasonable alternatives to the bike path have been considered. It appears they have a solution to make it possible for Maine Natural Gas to serve the Naval Air Station and the midcoast region with gas this year. It is in the state's and region's best interest to provide a new energy alternative to the area. They hope the Council will grant them permission to cross the town property for about three hundred (300) feet with their vehicles and materials to get to the state right-of-way to do the construction necessary for the line. This plan does reflect the citizen's concerns and includes the area's energy needs. They would be crossing over the Water Street entrance of the bike path. The space between the two bridges is where they would like to cross. The construction could be done either in the summer or fall for a period of three (3) to four (4) weeks.

Councilor Lowe said he wants to know what time of day, the number of vehicles, and where they would be going across.

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**Gary Kenney**, Maine Natural Gas, said, while referencing a map, they would not be constructing in the field area. They are requesting access from Water Street, across a section of the bike path, and onto the MDOT right-of-way on the easterly side of the connector bridge. They would be traveling on the bike path or beside it to the point of work. Any damage that may be done they would certainly repair to the town's satisfaction. They could not predict to one hundred percent (100%) accuracy what type of vehicles would be used and what time of day it would be done since the project is out to bid. The bidders' methods and equipment may vary, but regardless, an excavator and dump trucks will be needed. There will be welding equipment and pipeline setting equipment. They can make the commitment to the town that it all is rubber tired or rubber tracked equipment that is traveling on the bike path. They would commit to trying to keep the bike path open and move equipment as much as possible during off hours. There will have to be traffic control. Pedestrian traffic may have to be interrupted briefly.

Mr. Gerrish said that if this proposal were to go forward there would have to be an agreement with the company on when they could use the path and what type of equipment could be used.

Tom Farrell, Director of the Parks and Recreation Department, said the town has done construction to the field, and the sewer department has done work to rip-wrap a section of the embankment across from the sewer district. They managed both of the projects with a high standard to protect the path, using rubber tired vehicles and allowing certain weights only. They had flaggers for the entire duration of the project. If the Council decided to allow the proposal to occur, the bike path could probably remain open as long as safety measures were put into place.

Councilor Dotts said the gas company has come back with an alternative to their February proposal. All they are asking for is to use a little bit of the town's land to accomplish their goals. He felt the Council should support the plan.

**Mr. Kenney** said the disruption to the general public would be greater when they are working in a public highway right-of-way.

**Mr. Rice**, Maine Natural Gas, said originally they were proposing putting the gas line ten (10) to twelve (12) feet off the edge of the bike path. Now the closest point would be about one hundred thirty two (132) feet back from the edge of the bike path.

**Mr. Ted Crooker** said he supported having natural gas in the Brunswick since it would be good for both his and other businesses. He supports the proposed plan.

**Bill Brown**, Rossmore Road, said as a citizen of this town he supports this project. Having another energy source is a huge competitive advantage to Brunswick businesses.

**Albert Hanson**, 748 River Road, said he supported natural gas in Brunswick.

**Frank McVey**, General Manager of Brunswick Sewer District, said the Board of Trustees is considering a request to give a location easement to the gas company. The

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Board is deliberating that question, and is waiting to see what position the town takes before they make a decision.

**Tom Crimmins**, Jordan Ave, said, regarding coming up Jordan Ave, the gas line would be going into an area where large plane fly over daily. If there were a crash, it would be very dangerous. This issue is being rushed too quickly.

**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 and restoration of the bike path to its original condition.**

**Councilor Priest moved, Councilor Moll seconded, to table this item until next week. The motion carried with six (6) yeas. Opposed Councilors Galloupe, Dotts, and Gleason.**

**Councilor Priest** said Mr. Crimmins has expressed a concern about Jordan Ave. Since the Navy and the gas company are here, he asked permission to ask the Navy about the safety concerns. It is his understanding that the 1977 federal study deliberately cleared an area in case there would be an impact by a plane crash. In addition many homes on Jordan Ave were almost removed but were allowed to stay there under very limited conditions. The Navy obviously has a great concern about the possibility of an impact. If there is an airplane crash with a main feeder line there, the gas line would be gone, plus there would be damage to the area. Is the navy concerned about this?

**Lt. Com. Vern Turner**, public works officer and the officer in charge of the construction at the Naval Air Station, gave background information on the 1977 study. Back in the 1970s the Department of Defense established what they call Air Installation Compatible Use Zones (AICUZ). The goal of the AICUZ program was to protect the health, safety, and welfare of those living near a Navy or military airport while still preserving the defense flying mission of the federal government. When the Navy develops an AICUZ, there are some areas that are defined called accident potential zones or "APZs." The closest one to the end of the runway is a "clear zone". Compatible uses within the area of the clear zone at the immediate ends of the runway include utilities, which is currently being proposed. If a plane crash occurs, he does not have the expertise to say how deep below the ground the pipeline needs to be installed to prevent a safety hazard.

Chair McCausland asked what is the Brunswick Naval Air Station's position on a gas line in this location?

**Lt. Com. Turner** said, speaking on behalf of the Commanding Officer, the Brunswick Naval Air Station position is natural gas is something that they have a contract with Maine Natural Gas to provide them. The Navy looks forward to them providing that service to the Naval Air Station since it will save the station a great deal of money and provides a second source of cleaner fuel. Based on the AICUZ and compatible uses within the clear zones, the Naval Air Station has no problem with them running down Jordan Ave, bringing the line in the right- of-way and keeping it below ground in the clear zone.

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Councilor Priest asked if there were another route to supply the Naval Air Station that did not go through this high impact zone, would this be equally acceptable to the Navy?

**Lt. Com. Turner** responded as long as the station gets gas in the contracted timeframe, absolutely.

Councilor Feldman said if the gas company has to deviate from their proposed location, it is going to cost their company more. Having attended a meeting in 1981, he listened to the Navy tell people that they could not live there on parts of Jordan Ave since it was very dangerous. It seems to him that it would be the Navy's responsibility to have someone at the next Council meeting to discuss the safety issues.

Chair McCausland said the town would get someone here, possibly the Fire Chief and some state officials with expertise in these areas. The Navy would also have input.

Councilor Moll said the Navy must have extensive protocol on what happens if a plane does go down or if they hit something hazardous like a gas line. She hopes that they would bring someone who can also address that issue. She wants specifics as to access and if the gas company would be using Water Street. If so, the Water Street neighbor's must be notified.

Councilor Lowe said he would like the gas company to bring a simple black and white map that shows what would be where throughout the whole route.

**Mr. Burne** said MDOT would prefer not to have access from Route One, as it is more of a safety concern. If there are no other options, they would consider a proposal in that regard.

Councilor Sartoris said this is not about thinking natural gas is a bad product or being anti-business; it is about the bike path. She is not sure how many ways this needs to be established before Maine Natural Gas discusses something other than the bike path. She needs more information before making a decision.

**27. (Tabled) The Town Council will discuss the formation of a committee to assist with planning a train station in Brunswick and take any appropriate action.**

Councilor Sartoris said with the train possibly coming, it is a good time to start planning a train station. There may be grants out there to assist in building it. The committee would only be advisory, bringing recommendations to the Council.

This item will be further discussed at the April 2 meeting when additional information has been gathered.



35. The Town Council will discuss a change to the Bus Stop Ordinance to designate a portion of Elm Street for a bus stop.

**Councilor Moll moved, Councilor Dotts seconded, to place the item to amend the Bus Stop Ordinance on the April 2 agenda for action by the Council. The motion carried with nine (9) yeas.**

36. The Town Council will hear a proposal to amend the Traffic Ordinance, Section 15-74 No Parking Areas, for Cumberland Street.

**Councilor Moll moved, Councilor Dotts seconded, to place the item to amend the Traffic Ordinance regarding parking on Cumberland Street on the April 2 agenda for action by the Council. The motion carried with nine (9) yeas.**

37. The Town Council will hear a proposal to amend the Traffic Ordinance, Section 15-74 No Parking Areas, for High Street.

**Councilor Moll moved, Councilor Dotts seconded, to place the item to amend the Traffic Ordinance regarding parking on High Street on the April 2 agenda for action by the Council. The motion carried with nine (9) yeas.**

38. The Town Council will consider making appointments to the following boards/committees:

**Planning Board**

2 Associate Members                      Three year terms, expiring 02/23/04

**Village Review Board**

1 Associate Member                      One year term, expiring 10/20/01  
1 Citizen Member                      Balance of three year term, expiring 10/20/02

**Welfare Appeals Board**

1 Associate Member                      Balance of two year term, expiring 01/28/02  
1 Associate Member                      Two year term, expiring 01/28/03

Councilor Feldman nominated Charles Frizzle and George Hunter as associate members to the Planning Board.

**Councilor Feldman moved, Councilor Dotts seconded, that nomination cease and that the chair cast one vote each for Charles Frizzle and George Hunter as associate members to the Planning Board. The motion carried with nine (9) yeas.**

Councilor Moll nominated Una Connors as an associate member and Christine Rosen as a citizen member of the Village Review Board.

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**Councilor Moll moved, Councilor Lowe seconded, that nomination cease and that the chair cast one vote each for Una Connors as an associate member and Christine Rosen as a citizen member to the Village Review Board. The motion carried with nine (9) yeas.**

Councilor Feldman nominated Katherine Irish Collins as an associate member of the Welfare Appeals Board for the balance of a term to expire January 28, 2002.

**Councilor Feldman moved, Councilor Sartoris seconded, that nomination cease and that the chair cast one vote for Katherine Irish Collins as an associate member to the Welfare Appeals Board for the balance of a term to expire January 28, 2002. The motion carried with nine (9) yeas.**

The meeting adjourned at 10:07 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 15, 2001

*March 19, 2001*

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Date of Approval

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Council Chair