

BRUNSWICK TOWN COUNCIL

MINUTES

JUNE 15, 1998

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, Eleanor Swanson, Timothy Dotts, Clement Wilson, Faith Moll, Ervin Snyder, and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Thomas Davidson, State Representative; Philip Harriman, State Senator; John Eldridge, Finance Director; John Foster, Town Engineer; Commander Annese, P.D.; Theo Holtwijk, Director of Planning and Development; several citizens, members of the press and Casco Cable TV.

Correspondence: NONE

Minutes of Previous Meetings:

Councilor Snyder moved, Councilor Gleason seconded, to approve the June 8, 1998 Town Council minutes as presented. The motion carried with eight (8) yeas.

Manager=s Report:

1) Recycling Contest Awards Presentation. The Solid Waste Management Advisory Committee recently held a contest for grades 1-5 to come up with a mascot for the committee. Hannah Weddle, age 10 of Longfellow School (winner) , Jonathan Simpson, age 9, of Hawthorne School and Laura Ingraham, age 7, of Jordan Acres School (runners up) were the winners and each received a Savings Bond.

2) State of the Brunswick-Topsham Land Trust Address. Tom Settlemire, President of the Land Trust, gave a brief

presentation to the Council regarding the status of the fund-raising efforts to purchase Crystal Spring Farm. The organization received the "Land Heritage Award" last year. A copy of the 1997 Annual Report will be attached to the official minutes. Mr. Settlemire hoped to complete the project this summer. He closed with the challenge that for each dollar donated, a matching grant is available, up to \$40,000 (a possible total of \$80,000).

3) Brunswick Housing Authority Update. John Hodge, Director of the Brunswick Housing Authority, gave a presentation to the Council. Some of the Housing Authority's goals identified were to maintain current development as well as explore new development opportunities. He indicated that a lot of attention had been focused at the Perryman Drive location.

4) Acceptance of \$9,800 Grant from Gardiner Savings. The Town submitted an Economic Development Grant application and received grant funds in the amount of \$9,800 to be used for studies investigating expansion of the industrial land base in Brunswick. **Councilor Wilson moved, Councilor Feldman seconded, to accept the \$9,800 from Gardiner Savings. The motion carried with eight (8) yeas.**

5) 1998 O.U.I. Grant from the Bureau of Highway and Traffic Safety of \$5,000. The Town has been granted this money which will help pay for overtime hours in setting up road blocks. The Council had no objection to accepting this grant.

Town Council Minutes

June 15, 1998

Page 2

6) The Merrymeeting Council of Governments Multi-modal Transportation Committee meeting. A public meeting will be held June 18, 1998, at the Municipal Meeting Facility. The purpose of the meeting is to review and gain input on a draft plan being presented to the Merrymeeting Council of Governments Board of Directors for improvements to pedestrian, bicycle, rideshare and transit services and facilities in the Bath-Brunswick-Topsham area.

7) Request from Bowdoin Summer Music Festival to place a banner over Maine Street. The Bowdoin Summer Music Festival is requesting permission from the Town to display a banner across Maine Street July 7 through July 21, publicizing the Music Festival's concert series. The Council approved this request with no objection.

Adjustments to the Agenda: NONE

110. The Town Council will hear public comments on the following requests for new Victualer licenses for:

Peter M. Robbins d/b/a Bohemian Coffee House

111 Maine Street Peter M. Robbins

Gerald L. Bernier d/b/a Jenney Station (Mobile Cart)

105 Maine Street Gerald L. Bernier

The public hearing opened at 8:03 p.m. The public hearing closed at 8:03 p.m.

Councilor Moll moved, Councilor Dotts seconded, to approve the new Victualer=s licenses for Bohemian Coffee House and Jenney Station (mobile cart). The motion carried with eight (8) yeas.

111. The Town Council will hear public comments on the following request for a new Alcoholic Beverage license for:

Full-Time Malt, Spirituous and Vinous:

Star Fish Enterprises, LLC d/b/a Star Fish Grill

100 Pleasant Street Alyson Cummings

The public hearing opened at 8:04 p.m. The public hearing closed at 8:04 p.m.

Councilor Moll moved, Councilor Wilson seconded, to approve the Alcoholic Beverage license for Star Fish Grill. The motion carried with eight (8) yeas.

112. The Town Council will hear public comments on An Ordinance Authorizing an Additional

\$400,000 Appropriation for the Renovation and Expansion of the Curtis Memorial Library in Brunswick, Maine, and take any appropriate action.

The public hearing opened at 8:06 p.m.

Town Council Minutes

June 15, 1998

Page 3

Manager Gerrish explained that this item is to adopt the Ordinance for the additional \$400,000 Appropriation for the renovation and expansion of the Curtis Library. When the Bond Ordinance was passed for the Curtis Library it authorized the Town to borrow up to \$5 million dollars and to expend \$5.5 million dollars. This approval was based on the Library having \$500,000 of their \$1.5 million available and that was to be used to fund the initial cost of the project. The Library has raised \$1 million dollars to date. Therefore, the Town will not have to borrow the full \$5 million dollars for the project.

The funds in the project for furnishings (\$275,000) were eliminated when the project came in over budget. The Trustees of the Library have committed to raising an additional \$400,000 to pay for the furnishings but will not have the funds available in time to purchase the furnishings. The Trustees are requesting the Town to borrow the \$400,000 and then have the Library pay the Town back.

Mr. Gerrish proposed to borrow the funds in two different methods. We would borrow the Town=s \$4 million dollar share some time in July or August through the Bond Market. The remaining \$900,000 (\$500,000 remaining in the initial \$1.5 million pledge and the additional \$400,000 for the furnishings) would be borrowed in April or May of 1999. This would be a 5-year note. The Library would be responsible to pay the principal on this amount and the interest on the \$400,000. The Town had already agreed to pay the interest on the \$500,000. The reason we need to amend the Ordinance is to authorize the expenditure of the additional \$400,000 to bring the total to \$5.9 million. We already have the authority to borrow the \$4.9 million.

The Public Hearing closed at 8:07 p.m.

Councilor Moll moved, Councilor Snyder seconded, to adopt An Ordinance Authorizing an Additional \$400,000 Appropriation for the Renovation and Expansion of the Curtis Memorial Library. The motion carried with eight (8) yeas.

113. The Town Council will hear public comments on An Ordinance Authorizing the Expenditure of up to \$700,000 for the Acquisition of Real Property Known as the Maine Street Station Property, and take any appropriate action.

The public hearing opened at 8:09 p.m.

Manager Gerrish explained that this item is to consider adopting an Ordinance to authorize the expenditure of up to \$700,000 toward the purchase of the Maine Street Station property should the Council make the decision to purchase this property. The Town Charter requires that the borrowing of money, or capital expenditures over \$500,000, must be done by Ordinance. If the Ordinance is passed, it goes into effect 30 days later. This process will allow the Council to purchase the property if they choose to. The passing of the Ordinance does not obligate the Council to purchase the property but merely gives them the opportunity to do so if they so choose.

Theo Holtwijk gave a chronological presentation on the Maine Street Station Property. He noted that we need to consider the cost of acquisition as well as the cost of development. He felt it was prudent to minimize the risks, but from the staff's point of view, thought the property was worth developing.

Robert Coffin - felt the area was a "problem location" and questioned how far we should extend ourselves on "adventurous things."

Town Council Minutes

June 15, 1998

Page 4

George Glover - expressed discomfort with the process and criticized that the public had not been involved in the process thus far. He suggested that the Council review the Freedom of Access law because, in his opinion, meetings had been planned and citizens were not given the opportunity to be in the process. Mr. Glover was disappointed in the Council for creating a "behind the scenes" atmosphere. He asked that, from this point, the Town Council allow the public to be part of the process in some way and attend the planning meetings.

Manager Gerrish did not believe that the public was invited to attend meetings of two or more staff who meet with developers. If there is a committee made up of the Council and staff, then the public would be informed of the meetings and invited to attend. However, the Council can go into executive session to discuss potential development of

the property.

Michael Longley of 26 Longfellow Ave. - expressed his enthusiasm that Bowdoin College would possibly expand on this site and hoped it might relieve some development pressure for the residential neighborhood of the college. He encouraged the Council to proceed and invite public comment when possible.

Michael Murray, Executive Director of Northern New England Passenger Rail Authority - supported the passenger rail service. He felt that the Town Manager and Town Planner had done the homework that they are paid to do so that they can represent to the Council the most accurate information possible. It was his opinion that the Town of Brunswick is in a unique position and felt there is only one location that can be responsive to the extension of service proposed. This site is the Maine Street Station property. He suggested that the best location for the train station on the proposed property will be as close to the middle as possible. Mr. Murray stated that there is a commitment from the State for \$150,000 to acquire the property, and in addition to that, the Northern New England Passenger Rail Authority has committed another \$90,000 to \$150,000 for the creation of the platform and canopy system.

Walter Lonsdale - felt the Town should buy the land and plan what to build afterwards. He did not think, however, that Bowdoin College should be part of this development.

Wayne Davis, Chairman of the Train Riders of Northeast - suggested a presentation by the "Great American Railroad Station Foundation" which talks of economic development and what stations can do for a community. It has been his experience that this presentation will make it easier to envision this proposal and will create great excitement among the general public.

Melinda Gale - worked on Comprehensive Plan for the Town of Brunswick. The Maine Street Station property was discussed at that time. She was attracted to Bowdoin College using the property because she felt they will build a high quality building and she knows they need the space. She suggested a concert hall be located on the property. She thinks this is going to be the most exciting new thing happening to Brunswick now that the new high school has been built.

Marybeth Burbank of 11 Cumberland Street - reiterated some of her comments from the May 14th meeting. She suggested that the Ordinance be passed with the following conditions:

1. Sufficient land within the site is reserved for a multi-modal transportation facility which meets MDOT standards and which includes a passenger rail station and associated parking.
2. Design guidelines for the full site assures uses which are compatible with the downtown and which complement a transportation center.
3. A defined pedestrian/bicycle easement across the property from Maine to Union Street is secure.

Town Council Minutes

June 15, 1998

Page 5

4. The MDOT offer of \$150,000 is accepted and the requirements of the offer are addressed in the site plan.

5. A public hearing/discussion on the proposed site plan is held prior to final action to acquire the property by the Town Council.

James Burbank of 11 Cumberland Street - encouraged public involvement in the process.

Bill Bryant - felt that a very narrow minded view of this parcel was taken, and that "vision" is missing. Furthermore, he did not feel it was appropriate for Bowdoin to be at this location at all.

Eddie Palmer - asked what Bowdoin College's vision was for the property.

Elizabeth Glover of 19 High Street - was concerned that the public has not had access to information about the planning process thus far. She was troubled that expert resources such as Mr. Murray was not called upon when drafting possible designs of the property. She hoped that a structure would be provided which would look at the most creative ways to view this site.

Mr. Holtwijk commented that he had been in contact with Mr. Murray about the train station three or four times. It was from Mr. Murray that he became aware of the required length and platform space for the station. It was not discussed at that time whether or not the station should be located in the middle of the site. There will be plenty of opportunity to centrally locate the station if that needs to be done.

The Public Hearing closed at 9:30 p.m.

Councilor Moll moved, Councilor Feldman seconded, to adopt An Ordinance Authorizing the Expenditure of up to \$700,000 for the Acquisition of Real Property Known as the Maine Street Station Property.

-

Councilor Gleason commented that this property had been on the market for some time for anybody to develop. It was the Brunswick Intown Group that actually put the mechanisms into place for the Town to have the option on the property. All along, Councilor Gleason wanted to run this proposal like a business. His concern, however, has been on the behalf of the taxpayers, as he is not comfortable spending the public dollars for a "vision." He would prefer to see the functions of a free market work.

Councilor Feldman agreed with Councilor Gleason. He pointed out, however, that there are a lot of people who do not want to spend the money at all. It was his opinion that the proposal was an opportunity that would cost a minor amount of public monies, which would settle some of Bowdoin's growing problems while, at the same time, obtaining a multi-modal transportation center.

Councilor Swanson moved, Councilor Dotts seconded, to amend the motion to add suggested items #1 and #2 of Marybeth Burbank.

Councilor Wilson wanted to take care of the transportation needs of the town but was also concerned about the costs. There were a number of suggestions in his mind, but he did not want to limit the options at this point.

The amendment to the motion was voted on and failed with two (2) yeas - Councilors Swanson and Dotts and six (6) nays - Councilors Feldman, Wilson, Moll, Snyder, Gleason, and McCausland.

Council Minutes

June 15, 1998

Page 6

Councilor Snyder wanted the public to know that Councilors are just as concerned as they are, with compliance to the public's Right to Know Law. He believes that the requirements of the law have been complied with thus far. He commended the Council Chair for his leadership with this regard and further commended the Town Manager and the Town Planner for bringing a pool of information together for the Council's consideration. It was his opinion that the work on this project has been done appropriately and done well.

The motion was voted on and carried with eight (8) yeas.

114. The Town Council will consider approving the request of Peter Robbins, d/b/a Bohemian Coffee House for a Sellers of Prepared Food on Public Way license. (Manager)

Councilor Wilson moved, Councilor Dotts seconded, to approve the Sellers of Prepared Food on Public Way

license for Peter Robbins, d/b/a Bohemian Coffee House. The motion carried with eight (8) yeas.

115. The Town Council will consider authorizing Player=s Pub and Nightclub to sell liquor outdoors. (Manager)

Chris Cannon, Operations Manager of Player's Pub, represented the nightclub, and is requesting authorization for Player=s Pub and Nightclub to sell liquor outdoors. They are interested in setting up an outdoor patio/deck area for their clientele and would need the authorization from the Council to sell liquor outdoors. They will need to receive permission from the Village Review Board to construct their patio/deck, which they will proceed with if the Council gives approval to their request. Mr. Cannon stated that they would prefer a nine foot fence in order to maintain security. He thought the biggest issues would be meeting the public needs regarding noise levels and maintaining security.

Councilor Wilson referenced a letter from the Gordons who live across the street from the Player's Pub. The Gordons have already experienced disturbing noise from the area and are concerned it will increase if a deck is built to extend the use. A copy of their letter will be attached to the official minutes.

Councilor Gleason did not see this proposal any differently than the open deck at Joshua's. However, he would prefer a four foot fence to a nine foot fence.

Councilor Dotts agreed that noise control would be the biggest concern. He asked how Mr. Cannon planned to monitor the noise.

Mr. Cannon feels this would not create any more noise than what is already there. Customers are already waiting outside to get in. Some customers have gone elsewhere because they refuse to wait in line. This confined area would allow the customers and noise to be contained better. The Player's Pub hours of operation are noon to 12:30 a.m.

Chair McCausland was strongly opposed to this proposal and did not feel it was appropriate for the neighborhood.

Chair McCausland moved, Councilor Moll seconded, that Player's Pub's proposal to sell liquor outdoors be denied.

June 15, 1998

Page 7

Councilor Gleason suggested that if there were limiting time frames, this proposal might be more appropriate.

Councilor Moll stated that noise carries downtown. Nine foot fences are not allowed by the Village Review. This proposal, in her opinion, encourages liquor consumption in Brunswick. She was against this proposal as it would encourage other businesses to make the same request.

Councilor Feldman thought the real issue that the Council is facing is a business versus the families right to peace in their neighborhood.

Commander Annese felt it was not the Police Department's role to speak for or against a business. He had suggested the higher fence because he felt it would contain noise more than the smaller fence would. He reviewed the police calls for service to the location from last July 1, 1997 to date. Ultimately, there were three calls he could attribute to the Player's Pub and maybe six to eight more miscellaneous calls for the area.

-

Councilor Snyder moved, Councilor Moll seconded, to move the question. The motion failed with four (4) yeas - Councilors Snyder, Moll, Wilson, and McCausland and four (4) nays - Councilors Feldman, Swanson, Dotts, and Gleason opposed.

George Glover owns the Tondreau Building which is near the proposed property. He has 17 apartments on the second floor of this building. He has had numerous complaints from the parking lot area. He has lost tenants because of the noise and felt outdoor liquor sales was an inappropriate use for this area.

Marilyn Gordon lives at 14 Center Street - granddaughter's bedroom is on the front of the house and they have experienced noise in the parking lot which keeps them from being able to sleep.

Melinda Gale used to live on Federal Street - stated the noise kept her from sleeping well and ultimately drove her out of the neighborhood.

Chris Cannon said this is a way of life and how it is controlled is important. He was concerned about the noise level and is trying to control it by offering a way to manage and monitor what is already out there. He pointed out that there is a business adjacent to him that is currently doing what he is proposing.

The motion was voted on and carried with eight (8) yeas.

116. The Town Council will consider setting a public hearing to adopt a Bond Ordinance for Capital Improvement Projects. (Manager)

This is the Bond Ordinance to appropriate funds for the capital acquisitions and improvements the Council approved during the recent budget process. A few of the acquisitions and improvements are: a new fire pumper/rescue vehicle, and road reconstruction work on certain streets and roads. The Ordinance will also authorize the Town to issue bonds and notes to finance the costs of the vehicle and road reconstruction.

Councilor Wilson moved, Councilor Snyder seconded, to set a public hearing for June 29, 1998 to consider adopting a Bond Ordinance for Capital Improvement Projects. The motion carried with eight (8) yeas.

Council Minutes

June 15, 1998

Page 8

117. The Town Council will receive a recommendation from the Planning Board concerning a request for an amendment to the Zoning Map, and take any appropriate action. (Manager)

The Council has two options on this issue. The first is to accept the recommendation from the Planning Board and take no further action. The second option is to set a public hearing for July 6, 1998 on the request and then make a decision.

Roger Deveau, Planning Board Vice-Chair, explained that after deliberation the Planning Board voted unanimously to recommend that the Council leave the subject property in the R7 zone and not adopt the zoning map amendment proposed by the College. While being cognizant of the apparent intention of the Zoning Town Ordinance Task Force to include the subject parcel in the CU3, Board members cited a number of reasons for their decision to recommend against the change: 1. The failure of draft and final zoning maps to show the previously proposed extension of the CU3 zone over the subject parcel, 2. The lack of input from abutting property owners resulting from apparent zoning map errors noted in #1, and 3. The incompatibility of CU3 uses with the historic and residential character of the Harpswell

Place neighborhood. A copy of Mr. Deveau's memo to the Council will be attached to the official minutes.

Bill Gardner, Director of Facilities Management of Bowdoin College, gave a presentation to the Council. He asked that the Council set a public hearing to change the ordinance or correct the mistake. A copy of the letter outlining his comments will be attached to the official minutes.

Councilor Feldman moved, Councilor Dotts seconded, to support the Planning Board's recommendation.

Councilor Gleason wanted to provide the public hearing.

Councilor Moll did not wish to bring up a painful and discordant episode.

The motion was voted on and carried with seven (7) yeas, and one (1) nay - Councilor Gleason opposed.

**118. The Town Council will discuss a final authorization to purchase property on Greenwood Road.
(Manager)**

This item would authorize the Town to purchase property on 41 Greenwood Road, Map 17, Lot 17A. This property abuts a parcel that the Town owns on Greenwood Road. The parcel also abuts the Town's existing Industrial Park. Manager Gerrish believes that the Town should own this lot to give the opportunity, if needed, for future development activities. The price of the property is \$50,000 for the 2 acre parcel. There is an old structure on the property that we believe will need to be demolished. Funding to purchase the property would come from our Industrial Park Funds which has over \$300,000 available.

Councilor Dotts moved, Councilor Wilson seconded to purchase a 2 acre parcel on Greenwood Road for the price of \$50,000. Funding to purchase this property would come from the Town's Industrial Park Funds. The motion carried with eight (8) yeas.

June 15, 1998

Page 9

119. The Town Council will discuss a request from the Bath-Brunswick Child Care Services to donate the property at 44 Water Street or negotiate a long term lease with the BBCCS, and take any appropriate action. (Manager)

Lee Parker, Executive Director of the Bath-Brunswick Child Care Services, requested that the Town either donate the property the Center is on to them, or agree to negotiate a long-term lease with them. The BBCCS has received approval for a \$1,172,000 low-interest loan from Rural Economic Development to build a child care facility and related support services. In order for the loan to be approved, the Center must either own

the property or have a lease longer than the term of the loan. She needs a decision from the Town within sixty days. A copy of a letter outlining her comments will be attached to the official minutes.

Councilor Wilson suggested leasing the property to the Bath-Brunswick Child Care Services for a long-term.

McCausland commented that the building "has had it" and the Town has received their money out of it. He suggested putting the property out to bid and see if there is any interest in it.

Councilor Swanson stated that a recycling area is desperately needed in Town, although, she was not sure that this location would be appropriate.

Councilor Feldman said a daycare is appropriate almost anywhere in Town.

Councilor Moll wanted to look at the bidding process.

Ms. Parker stated that the child care need is compelling and deserves some kind of support from the Town in a visible way.

Councilor Snyder has serious reservations about the forty (40) year lease that would be necessary. He would rather see the Child Care Services have the property outright. He suggested receiving recommendations from municipal departments regarding any potential use they may have, and that the Manager provide a process for sending this property to bid. He requested that this item be considered again by the Council at their second meeting in July. The Town Council was in agreement to this recommendation.

120. The Town Council will consider the approval of the 6-month beano license renewals. (Manager)

This is the 6-month renewal for Beano and games of chance for 55 Plus Center, Knights of Columbus, Evergreen Senior Citizens and the Elks. State law has changed so that the approvals can be for a 12-month time frame if the Council so chooses.

Councilor Gleason moved, Councilor Wilson seconded, to approve the 6 month Beano licenses for 55 Plus Center, Knights of Columbus, Evergreen Senior Citizens and Elks Club. The motion carried with eight (8) yeas.

121. The Town Council will consider the approval of the International Association of Machinists, Local S/6 to operate games of chance at their one-day annual picnic to be held on July 25th at Thomas Point Beach. (Manager)

Town Council Minutes

June 15, 1998

Page 10

This is a request from Local S/6 Industrial Union of Marine & Shipbuilding Workers of America (from BIW) to run a game of chance at their annual picnic to be held on July 25th at Thomas Point Beach. They have obtained the necessary State licensing form.

Councilor Feldman moved, Councilor Swanson seconded, to approve the request of Local S/6 to operate games of chance at their annual picnic on July 25th at Thomas Point Beach. The motion carried with eight (8) yeas.

122. The Town Council will consider authorizing salary adjustments for the Town Manager, Department Heads and non-union employees. (Manager)

This item approves the cost-of-living increases for the Town Manager, Department Heads, and non-union employees. A 3% COLA was approved in the 1998-99 Budget. This is the same amount that the union employees will receive. The increases would go into effect July 1, 1998.

Councilor Snyder moved, Councilor Wilson seconded, to approve the salary adjustments for the Town Manager, Department Heads, and non-union employees. The motion carried with eight (8) yeas.

Chair McCausland adjourned the meeting 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.

Deborah S. Cabana

Town Clerk

June 18, 1998

Date of approval

Council Chair