

BRUNSWICK TOWN COUNCIL

MINUTES

JULY 20, 1998

MUNICIPAL MEETING FACILITY

7:00 P.M. Councilor Swanson moved, Councilor Moll seconded, to enter Executive Session to discuss the acquisition and use of the Maine Street Station Property. The motion carried with nine (9) yeas.

Premature disclosure of the discussions would prejudice the competitive or bargaining position of the Town because the discussions will focus on the potential terms of participation in the project by an interested party.

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, Robert Galloupe, Timothy Dotts, Clement Wilson, Faith Moll, Ervin Snyder, and David Gleason.

Others Present: Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; John Eldridge, Finance Director; Pamela Fogg, Assistant to the Town Manager/Personnel Director; Theo Holtwijk, Director of Planning and Development; Thomas Farrell, Parks and Recreation Director; Geoffrey Hole, Town Attorney; Philip Harriman, State Senator; several citizens, members of the press and Casco Cable TV.

Correspondence: A letter from the Brunswick Intown Group has been received, supporting the purchase of Maine Street Station and the partnership with Bowdoin College.

Minutes of Previous Meetings:

Councilor Wilson requested that a sentence be added to the minutes under item #135 which states "Councilor Wilson felt we have to consider the School Board's recommendation." **Councilor Wilson moved, Councilor Dotts seconded, to approve the July 6, 1998 Town Council minutes as amended. The motion carried with seven (7) yeas and two abstentions - Councilors Snyder and Gleason were absent from the July 6, 1998 meeting.**

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Manager=s Report:

1) **Introduction of Michael Dugay, Director of MCB.** Manager Gerrish introduced Michael Dugay, the new Director of the Mid Coast Council for Business Development (replacing Greg Mitchell). Mr. Dugay gave a brief update to the Council on the Consolidated Business Assistant Center of Brunswick, Bath, and Topsham. This provides one stop shopping services for small, medium, and large businesses.

2) **Zoning Designation change referral to Planning Board.** A request for zoning designation change had been received from William Watterson of Bath Road. The Council referred this item to the Planning Board for their review and recommendation.

3) **Update on request from Bath-Brunswick Child Care Services.** Manager Gerrish updated the Council on information he had received concerning the property at 44 Water Street. Mr. Gerrish recommended that this item be placed on the Council's next agenda, August 3rd, for deliberation and a decision.

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4) **Update on Bay Bridge Landing Opening.** Tom Farrell, Director of Parks and Recreation, informed the Council about the July 14, 1998, Grand Opening of the Bay Bridge Landing Interpretive Wetland Park. About 500 members of the general public turned out for the dedication, including 200 children representing the Brunswick playgrounds. The day's festivities were wrapped up with a musical performance by Mike Novell. The dedication will be aired this coming weekend over our local cable television station. Mr. Farrell gave instructions to the Council and public to access the Bay Bridge Landing area.

Adjustments to the Agenda: Manager Gerrish requested that item #148 be added to the agenda - The Town Council will consider a request from the Brunswick Sewer District to relocate 300 feet of their facilities on Bath Road between Finestkind Car Wash and #24 Bath Road. There was no objection adding this item to the agenda.

139. The Town Council will hear public comments on the following request for a renewal Victualer=s license for:

Downeast Pharmacy of Brunswick, Inc.

d/b/a Downeast Guardian Healthcare

60 Maine Street David Jones

The Public Hearing opened at 7:52 p.m. The Public Hearing closed at 7:52 p.m.

Councilor Moll moved, Councilor Wilson seconded, to approve the Victualer=s license for Downeast Pharmacy of Brunswick, Inc. The motion carried with nine (9) yeas.

140. The Town Council will hear public comments on the following request for a renewal Special Amusement license for:

The President & Trustees of

Bowdoin College d/b/a

Jack Magee=s Pub

6200 College Station Burgwell J. Howard

The Public Hearing opened at 7:53 p.m. The Public Hearing closed at 7:53 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the Special Amusement license for Jack Magee=s Pub. The motion carried with nine (9) yeas.

141. The Town Council will hear public comments on the following requests for renewal Alcoholic Beverage licenses:

Full-time Malt, Spirituous and Vinous

Applebee=s Northeast, Inc. d/b/a

Gourmet Systems of Maine, Inc. d/b/a

Applebee=s Neighborhood Grill & Bar

11 Gurnet Road Barry Gerstein

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Bowl New England, Inc. d/b/a

Yankee Lanes

276 Bath Road J. Richard Corley

Full-time Malt and Vinous

The President & Trustees of Bowdoin College

d/b/a Magee=s Pub & Grill

6200 College Street Mary M. Kennedy

Full-time Malt

Columbus Club of Brunswick d/b/a

Columbus Club Bowling Bowl

7 Dunlap Street Douglas A. Rice

The Public Hearing opened at 7:54 p.m. The Public Hearing closed at 7:54 p.m.

Councilor Dotts moved, Councilor Gleason seconded, to approve the Alcoholic Beverage license for Applebee=s Neighborhood Bar & Grill, Yankee Lanes, Magee=s Pub and Grill, and Columbus Club Bowling Bowl. The motion carried with nine (9) yeas.

142. The Town Council will hear public comments on the proposed amendments to the Personnel Policy relative to non-discrimination.

Manager Gerrish explained this amendment to the Town's Personnel Policy relative to non-discrimination. This addition confirms the Town's continued support of non-discrimination in hiring employees for the Town.

The Public Hearing opened at 7:55 p.m.

Fred Ecker, a sales representative in this area - questioned if this amendment was going against the spirit of the State of Maine voters. He asked about extended rights (i.e. medical or life insurance) to partners of homosexuals and requested that the Council reconsider this amendment.

Robert Greene - expressed concern of the erosion of the culture of our nation and was not in favor of this amendment.

Lee Kester, a retired clergyman - stated that discrimination is a historic phase of life. He agreed with the proposal against discrimination of those who might have a different life style.

Tina Philips - was in favor of the amendment. It was her opinion that the Council was reflecting the wishes of the voters of Brunswick who voted last February (2-1) in favor of this amendment.

Patricia Kester - spoke as a mother of a son who is gay and agreed with this amendment.

Ralph Brundage - concerned with the vagueness of the term sexual orientation and how it would be determined. He felt a definition was needed.

Attorney Geoff Hole - stated that municipalities in Maine enjoy broad home rule powers. The words "sexual orientation" is a term of art which is well understood. The point to focus on, with this document, is that the Town of Brunswick will not inquire about a person's sexual orientation.

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James Storer - is very pleased that the Council adopted the resolution at their previous meeting and hoped they would adopt the proposed amendment to the Personnel Policy.

Walter Lonsdale - was not aware of a single case of discrimination since he has been living in Brunswick (1958).

The Public Hearing closed at 8:23 p.m.

Councilor Swanson moved, Councilor Galloupe seconded, to approve the amendment to the Personnel Policy as proposed. The motion carried with nine (9) yeas.

143. The Town Council will discuss the purchase of the Maine Street Station property and take any appropriate action. (Manager)

This item pertains to the Council making a decision on whether or not to exercise the Town's option on the Maine Street Station property. Manager Gerrish read the attached letter of intent from Bowdoin College. A copy of a letter from James G. McLoughlin will be attached to the official minutes as well.

Councilor Snyder moved, Councilor Wilson seconded, that the Town Council exercise the option to purchase the "Maine Street Station" property and to direct the Town Manager to take the necessary steps to bring about the conveyance of that land to the Town of Brunswick under the terms of that option.

Councilor Gleason will be supporting the motion, as he felt this option was the "best of all worlds." He was pleased to enter into a partnership with Bowdoin College, pleased with the possibility of a public transportation module, and pleased that interested citizens will have an opportunity to participate in the future development of the remaining three acres.

Councilor Wilson echoed Councilor Gleason's comments. This was a progressive step as he felt the Town's taxpayers would be pleased. It was his opinion that the partnership with Bowdoin was a good situation for the Town, because a great deal of consideration has been given to ensure that very few tax dollars will be needed to accomplish the development of Maine Street Station.

Bill Bryant - urged the Town Council to buy this property now. He felt we would never have another opportunity such

as this to influence the future development of the downtown area of Brunswick. However, Mr. Bryant did not feel it was appropriate to use any of this site for the college purpose.

Councilor Feldman read a paragraph of a letter from the Brunswick Intown Group, which was encouraged with the Bowdoin College interest. Councilor Feldman would be supporting this motion.

Councilor Galloupe shared that he was not initially in favor of buying this property when the Town obtained the option, unless there was an "anchor" to buy a good piece of it. However, he felt having a partnership with Bowdoin College was a key piece to successfully developing this site and not putting too much of a burden on the Town.

Walter Lonsdale - was opposed to Bowdoin College being part of this project.

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George Glover - wanted to know if the Council would be conducting a public hearing with respect to the sale of the property to Bowdoin College and "their laundry list of conditions." He had two concerns with the letter of intent by Bowdoin College. The first concern was in paragraph five which would give Bowdoin participation in the development of the remaining parcel. This, in his opinion, was a dangerous kind of control for a private entity to have for a condition of the property. The second concern was that he felt Bowdoin was referring to their proposed lot as an insignificant portion of the property, when in fact, it could be the most desirable part of the parcel. He encouraged the Town, before entering into a contract with Bowdoin College, to review the overall plan. Mr. Glover asked if other developers who were interested in submitting a proposal for the entire parcel would be considered. He questioned if RFP's (Request For Proposal) were sent to any other developers.

Chair McCausland stated that the public will have the same public input they have been given right along.

Manager Gerrish answered Mr. Glover in that if other developers were interested in submitting a proposal for the parcel, they would be considered. Responding to Mr. Glover's question regarding RFP's, Mr. Gerrish stated RFP's and/or letters of interest were discussed, however, it was decided there was not adequate time to do either.

Chuck Moll of the **Brunswick Intown Group** - felt this proposal was consistent with the downtown master plan and the **BIG** supports this project.

Councilor Moll - in the past had introduced the idea of the outright purchase of this property, because she firmly

believed the Town should own the property. Early in the negotiating, it became clear that fellow Councilors would not be interested in this project unless there was a partnership with a private entity. If a partnership was necessary, then she wanted it to be with an entity of long term. Bowdoin College has been in Brunswick longer (approx. 70 years) than the railroad. She therefore, has no problem welcoming Bowdoin into this site, rather than into the neighborhoods. This will expend the least amount of taxpayer's money. She encouraged those with a plan on how to develop the remaining property, to draw it up and submit it.

Chair McCausland summarized that this whole project started ten months ago, September 1997. He thanked Manager Gerrish and Theo Holtwijk for their efforts in bringing this to a head tonight. The entity he felt which needed to be thanked the most, was Bowdoin College. It was Chair McCausland's opinion that the collegiate/town partnership made this project possible. Bowdoin's participation was essential to bringing this concept to a successful conclusion. The college has been an excellent neighbor to Brunswick for many years, which is significant of Bowdoin's commitment to this town and this community. He felt Bowdoin, given that they may invest as much as \$4,000,000, should have a say as to what else happens on this site.

The motion was voted on and carried with nine (9) yeas.

Councilor Snyder moved, Councilor Moll seconded, to adopt the resolution for an emergency appropriation of \$700,000 from unappropriated available general fund revenues to fund the acquisition of real property known as Maine Street Station. The motion carried with nine (9) yeas.

144. The Town Council will set the date for a Special Election to fill the School Board vacancy caused by the resignation of Sharon Miller in District 3. (Manager)

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This item is to discuss the need for a Special Election to fill the School Board vacancy caused by the resignation of Sharon Miller in District 3. The Council has two options: 1) set a special election for the earliest date possible after meeting necessary deadlines; or 2) set the special election for November 3, 1998 (next election date) and have two elections for District 3, one election on the ballot to complete the remainder of this calendar year and one election for the term to begin in January of 1999.

Councilor Wilson moved, Councilor Swanson seconded, to set the date of the Special Election for November 3, 1998. The motion carried with nine (9) yeas.

145. The Town Council will discuss approving the 1998-1999 Local Road Assistance Program from the Maine Department of Transportation. (Manager)

This is the annual approval for Local Road Assistance Program funds from the Maine Department of Transportation. The Council must sign the certification form that indicates what percentage of the funding will be used for capital improvements and what percentage will be used, if any, for maintenance of public roads or bridges. The Town is expected to receive a total of \$159,780.00 for this fiscal year. The proposal is that it would be used for capital improvements.

Councilor Wilson moved, Councilor Feldman seconded, to approve the 1998-1999 Local Road Assistance Program in the amount of \$159,780.00 to be used for capital improvements. The motion carried with nine (9) yeas.

146. The Town Council will consider setting a public hearing for August 3, 1998 on the proposed amendments to the Sign Ordinance. (Manager)

Manager Gerrish explained that the Council did not receive all the proposed changes of the Sign Ordinance. Therefore, he suggested that this item be postponed until a later date, allowing for the Council to review the material more thoroughly.

Councilor Snyder moved, Councilor Wilson seconded, to table this item until August 3, 1998. The motion carried with nine (9) yeas.

147. The Town Council will consider adopting a Resolution Authorizing Issuance of \$1,125,000 in General Obligation Tax Increment Financing Bond Anticipation Notes, relative to providing a loan to the Brunswick Development Corp. for the expansion of the BTI manufacturing facility. (Manager)

This item is to adopt the Resolution associated with the Tax Increment Financing Bond Anticipation Notes for the

expansion of the BTI facility. The Resolution will be attached to the official minutes.

Councilor Gleason moved, Councilor Feldman seconded, to adopt the Resolution Authorizing Issuance of \$1,125,000 in General Obligation Tax Increment Financing Bond Anticipation Notes, relative to providing a loan to the BDC for the expansion of the BTI manufacturing facility. The motion carried with nine (9) yeas.

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148. The Town Council will consider a request from the Brunswick Sewer District to relocate 300 feet of their facilities on Bath Road between Finestkind Car Wash and #24 Bath Road.

Town Engineer John Foster recommended that the request be approved subject to the following conditions:

1. A Street Opening Permit from Public Works Department is required for this work.
2. The relocated line should be installed as close as possible to the mid-point of the north bound travel lane. This location will place the two proposed manholes outside the wheel path.
3. If the work results in significant traffic congestion as determined by the Chief of Police and Public Works Director, then the work shall be rescheduled to nighttime hours or deferred until after Labor Day.

Councilor Wilson was concerned about traffic congestion (and the possibility of road rage) on Bath Road.

Manager Gerrish stated that the paving should be finished on Route One before this project is started.

Councilor Wilson moved, Councilor Feldman seconded, to approve the request from the Brunswick Sewer District to relocate 300 feet of their facilities on Bath Road between Finestkind Car Wash and #245 Bath Road, subject to the conditions outlined by the Town Engineer. The motion carried with nine (9) yeas.

Chair McCausland adjourned the meeting at 9:15 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

July 22, 1998

Date of approval

Council Chair