

BRUNSWICK TOWN COUNCIL
MINUTES
SEPTEMBER 21, 1998
MUNICIPAL MEETING FACILITY
McKEEN STREET

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

COUNCILORS ABSENT: Faith Moll, Eleanor Swanson

OTHERS PRESENT: Donald Gerrish, Town Manager; Bonnie Gardner, Admin. Assistant; Theo Holtwijk, Dir. of Planning & Dev.; Bill Smith, ZODTF; several citizens and members of the press.

Correspondence: None

Minutes of Previous Meetings: June 8, 1998 Minutes - Correction

A typographical error was found in the Minutes of June 8, 1998 in the Budget Resolution for the 1998-99 Fiscal Year. Under Personal Property due dates, the due date is written October 15, 1997 and should read October 15, 1998.

Moved by Councilor Gleason, seconded by Councilor Snyder, to correct the minutes of June 8, 1998 by changing the due date for personal property taxes to October 15, 1998. Motion carried with seven (7) yeas. (Unanimous of Councilors present).

Manager=s Report: None

Adjustments to the Agenda:

Manager Gerrish requested that the agenda be adjusted by adding two items:

181: To consider approval of a request from the Brunswick-Topsham Water District for a utility location permit to place a water main in a portion of Maine Street.

182: To enter Executive Session to discuss its legal rights, remedies and possible litigation with the Town Attorney. No action will be taken following the Executive Session. There was no objection to adding these items to the agenda.

172. The Town Council will hear public comments on the request for new Victualer licenses for:

Dina Marlene Kays &

Stuart Troy Kays d/b/a

Country Cabin Coffee Espresso Diana Marlene Kays

125 Bath Road (beside Dana=s Bait & Tackle) Stuart Troy Kays

Papa Gino=s, Inc. d/b/a

Papa Gino=s

147 Bath Road, Merrymeeting Plaza Christine E. McCarthy

Kim Enterprises d/b/a

Spring Creek Bar-B-Q

Brunswick Mall Kimberly Groat

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The public hearing opened at 7:33 p.m.

Michael Payne, Area Manager for Papa Gino=s Restaurants in Maine, addressed the Council and public. Papa Gino=s is a Boston-based company. The opening date is October 5th and they will be located at Merrymeeting Plaza. This is primarily a pizza restaurant, but they also offer pasta and subs.

The public hearing closed at 7:35 p.m.

Councilor Gleason moved, Councilor Wilson seconded, to approve the Victualer licenses for Country Cabin Coffee Espresso, Papa Gino=s and Spring Creek Bar-B-Q. The motion carried with seven (7) yeas.

173. The Town Council will hear public comments on the following request for renewal of an Alcoholic Beverage license for:

Alisa Baker Coffin d/b/a

The Great Impasta

42 Maine Street Alisa Baker Coffin

The public hearing opened at 7:36 p.m. The hearing closed at 7:36 p.m.

Councilor Wilson moved, Councilor Dotts seconded, to approve the Alcoholic Beverage license for The Great Impasta. The motion carried with seven (7) yeas.

174. The Town Council will hear public comments on the proposed amendment to the Aquifer Protection Zone Chapter relative to permitting natural gas and propane storage and transmission facilities, and take any appropriate action.

Mr. Gerrish noted that Theo Holtwijk, Director of Planning and Development, and Bill Smith, Vice Chair of the Zoning Ordinance Development Task Force, are present this evening.

Theo Holtwijk stated that a few months ago the Council reviewed and approved a revision to the chapter on the Aquifer Protection Zoning. One issue was left out that pertained to gas lines. This required further research by staff with assistance from the Brunswick and Topsham Water District. The research involved looking into whether underground gas storage or gas lines would have an adverse impact on the Town=s aquifers. It was determined that there is no impact. Therefore, the proposed amendment is to allow natural gas lines and propane transmission facilities and storage facilities in Aquifer Zones 1 and 2. There is one additional amendment being proposed by Councilor Galloupe that will provide the following wording to Zone 1, Section 210.8.A. Use Provisions as follows: #6. Natural gas or propane transmission facilities and storage facilities for on-site use by that property owner or designee. Under Zone 2, Section 210.8.C. Prohibited uses #11. Pipelines for transmission of petroleum products or hazardous materials, except natural gas or propane transmission facilities and storage facilities for on-site use by that property owner or designee. This will clarify language to indicate large-scale gas storage facilities are allowed. If and when Central Maine Power or Northern Utilities come with a gas pipe line, it could be constructed. If someone has a propane gas tank, it may be put either above or below ground.

The public hearing opened at 7:42 p.m. The hearing closed at 7:42 p.m.

Councilor Wilson moved, Councilor Gleason seconded, to approve the amendments to the Aquifer Protection

Zone as proposed.

Councilor Galloupe moved, Councilor Snyder seconded to amend the motion by adding #6 in Zone 1 and exception #11 on Zone 2 to read: natural gas or propane transmission facilities and storage facilities for on-site use by that property owner or designee. The vote to amend the motion carried with seven (7) yeas.

The vote on the amended motion carried with seven (7) yeas.

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175. The Town Council will set a public hearing for October 5, 1998 to consider adopting, on both a regular and emergency basis, the new Appendixes for the General Assistance Ordinance. (Manager)

Manager Gerrish stated that the Council has adopted the General Assistance Ordinance as prepared by the Maine Municipal Association. The appendixes adjust the maximum allowances for housing, food and total maximum for assistance. A public hearing is needed and recommended for October 5, 1998. The adoption needs to be passed on both a regular and emergency basis as the new allowances go into effect on October 1, 1998.

Councilor Dotts moved, Councilor Feldman seconded, to schedule a public hearing for October 5, 1998 to consider adopting on both a regular and emergency basis, the Appendixes for the General Assistance Ordinance. The motion carried with seven (7) yeas.

176. The Town Council will consider approval of the Purchase and Sale Agreement between the Town and Bowdoin College on the Maine Street Station property. (Manager)

Manager Gerrish explained that there is a proposed Purchase and Sale Agreement between the Town and Bowdoin College for a parcel of the Maine Street Station property at the corner of Union Street and Noble Street. The Purchase and Sale Agreement follows the proposal we received from Bowdoin College on July 20th when the Council made the decision to buy the property. At that time Bowdoin had presented to the Town a letter outlining how they would like to go forward with the purchase of a site at this location. The Agreement puts together information we will go forward with in working with Bowdoin to purchase the site.

Manager Gerrish reviewed the Agreement. He stated that the Agreement is to sell Bowdoin College a portion of the property located between Union Street and Maine Street. Bowdoin College will pay the Town \$2.50 per square foot for the lot they buy. They will buy a maximum of 95,000 square feet and a minimum of 85,000 square feet. Bowdoin College has a plan they will be presenting to the Planning Board that will define exactly how much property they will be purchasing. The Agreement has until January 31, 1999 to be executed. It may be extended by the Purchaser if everything has not been finalized by that date. Bowdoin College will pay the Town a \$10,000 deposit on the property and pay the balance at the closing.

Manager Gerrish made note of certain conditions that must be met for Bowdoin to purchase the property:

The Town has to work with Bowdoin College and the Maine DEP to be able to get approval for development because of the coal ash on the site. This is something we have been aware of from the beginning.

Bowdoin has agreed to pay taxes on the site. They have asked the Town for assistance, similar to a TIF. Placed in the Purchase and Sale Agreement are two possible scenarios that would happen as we proceed forward. If the property is taxable, we will work on a TIF that would indicate Bowdoin would not have to pay us taxes on the value of about \$550,000 over ten years on the property, but that we would get a minimum of \$25,000 each year in taxes. This would be pro-rated. If it is not taxable, Bowdoin has agreed to pay us in lieu of taxes the same formula (minimum of \$25,000 for the first ten years until they get the value of the \$550,000 that they are asking for). This is contingent upon Bowdoin getting all of their approvals from DEP, local Planning Board, etc.

It is agreed that the limitations of development of the rest of the site is based on the current Zoning Ordinance. The Town has agreed to do a perimeter survey of the property.

Bowdoin will be able to construct up to 125 parking spaces based upon any necessary approvals.

The Town will construct a roadway to allow entrance into the property from Union Street. This will be built to coincide with the College=s construction plans when the plans are approved. This road will be a Town Way by 9/1/99.

If necessary, the Town will help pay for the moving of a storm drain that goes through the property.

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Manager Gerrish stated he is very pleased to be able to bring this to the Council this evening. Bowdoin College has been very receptive to the Town in working on this Agreement. Mr. Gerrish made note of the fact that the Town originally had concerns about how wide the parcel would be (that Bowdoin was looking at) and Bowdoin has agreed to narrow the parcel down in order to give the Town more use of the property that abuts the railroad tracks. This is very positive for the Town.

Manager Gerrish thanked Bill Torrey of Bowdoin College for his hard work.

Councilor Gleason commended the Town Manager and Town Planner for their hard work on this partnering effort with the College.

Council Gleason moved, seconded by Councilor Wilson, to authorize the Town Manager to execute the Purchase and Sale Agreement with Bowdoin College regarding the Maine Street Station property.

Councilor Wilson questioned the 125 parking spaces and the fact that at one time there was consideration that this would be gated. It is his hope that this will not happen and that there will be some attempt to have a sharing of these parking spaces. When Bowdoin is not using the space, others may use the space.

Manager Gerrish stated that parking continues to be discussed and Bowdoin has been very receptive to working with the Town. The final details rest with the Planning Board and parking will be developed by the Planning Board.

Councilors Wilson and Feldman also expressed their thanks to the Town Manager and Director of Planning and Development.

Bill Bryant, resident. Mr. Bryant stated he has been against this deal from the beginning. Not because he does not like Bowdoin, but because he felt the property was too valuable as commercial property to be used for the college=s purpose. He asked the Council to appoint an ad hoc planning committee to handle the development of the rest of the project where a transportation center and commercial buildings can squeeze in the site. He suggested bringing in various parts of the public, representatives of the Chamber of Commerce, and in particular the Brunswick Intown Group, transportation interests (rail and bus), perhaps the Village Review Board, to see that the area is compatible with the rest of downtown.

Dave Miller, of the Brunswick Intown Group. The BIG group has worked on looking at the Maine St. Station property for a number of years and he is excited about Bowdoin College being involved.

Scott Hood, Dir. of Public Affairs at Bowdoin College. Speaking on behalf of the College, everyone is very pleased to be able to follow through with this arrangement and feels it is good for the Town and the College. They applaud the efforts that everyone has put forth.

Melinda Gale, citizen. Thanked everyone for their work on this venture, feels it is great for Brunswick. She agrees with appointing a committee to look at the use for the rest of the site.

Chair McCausland echoed several of the thoughts mentioned. He thinks this is an excellent Town/Collegiate partnership and is good for both the Town and College which means it is good for everyone.

Vote on motion: The motion carried with seven (7) yeas.

177. The Town Council will consider executing the Municipal/State Agreement on the proposed widening and intersection improvements at Bath Road/Route 24, Sills Drive/Route 123 and Federal Street. (Manager)

Manager Gerrish stated that the Council authorized this project to go forward back in 1990. He is hopeful that we are finally at the point where the project will happen. Interestingly enough, this is another partnership with Bowdoin as they have agreed to pay approximately \$22,000 of the cost of the project and will also donate land necessary to widen the road. The project calls for new

lights and alignments which will improve the intersection. The Agreement is with the State to do the work. It is a federal project with an estimated cost of \$500,000. The Town's share is 15% and the Council approved money in this budget to cover the project.

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Councilor Wilson moved, Councilor Dotts seconded, to authorize the Town Manager to execute the Municipal/State Agreement on the proposed widening and intersection improvements at Bath Road/Route 24, Sils Drive/Route 123 and Federal Street. The motion carried with seven (7) yeas.

178. The Town Council will consider approving Republican and Democratic members to serve on the Voter Registration Appeals Board. (Manager)

Councilor Feldman moved, Councilor Galloupe seconded, to appoint Carole Graves as the Republican member, and Lars Rydell as the Democratic member, to serve on the Voter Registration Appeals Board. The motion carried with seven (7) yeas.

179. The Town Council will vote for 1998-99 Slate of Officers for the MMA Executive Committee and Advisory Committee, and voting delegates for the annual Business Meeting. (Manager)

The Council has the list of officers that have been nominated. Manager Gerrish noted that he would not be able to attend the Convention on Wednesday so would not be able to serve as a voting delegate. If a Councilor is attending, he or she could be the voting delegate at the Annual Meeting.

Councilor Wilson indicated he would be attending and would be willing to serve.

Councilor Galloupe moved, Councilor Feldman seconded, to endorse the Slate of Officers for the MMA Executive Committee and Advisory Committee and to authorize Councilor Clem Wilson to be the voting delegate. The motion carried with seven (7) yeas.

180. The Town Council will consider the request of the United Way of Mid Coast Maine to hang a banner over Maine Street from October 19, 1998 to November 2, 1998 to promote this year's campaign. (Manager)

Councilor Snyder moved, Councilor Feldman seconded, to approve the request of the United Way of Mid Coast Maine to hang a banner over Maine Street from October 19-November 2, 1998. The motion carried with seven (7) yeas.

181. To consider approval of a request from the Brunswick-Topsham Water District for a utility location permit to place a water main in a portion of Maine Street.

Manager Gerrish explained that this is a request for authorization from the Council to have the Water District be able to put in approximately 560 linear feet of 12 inch pipe on Maine Street and approximately 1,420 feet of 8 " main on South Street. This is to help with some piping in these locations that is old and needs to be replaced. He asks that the Council authorize the permit to put the new piping in the ground in the two locations and authorize the Town Manager to work with the Water District on the exact time and how this work will be done. The replacement of the water main on Maine Street has raised questions on how to do this with the least amount of inconvenience and disruption and without having to close the road.

The Water District is holding a meeting with the residents tomorrow night to talk about alternatives of how this work can be done and the impact the work will have on them. One of the solutions under consideration is night work from 6:00 p.m. to 6:00 a.m. This is very good for traffic congestion problems but bad in that it would cause noise for the neighbors. If the work is done during the day, a lot of traffic on Maine Street would need to be diverted. We will continue to work with the Water District to get the work done with the least amount of interruption possible.

Councilor Feldman moved, Councilor Snyder seconded, to approve the utility location permit for the Water District and to authorize the Town Manager to work with the Water District to make final decisions. The motion carried with seven (7) yeas.

182. To enter Executive Session to discuss its legal rights, remedies and possible litigation with the Town Attorney. No action will be taken following the Executive Session.

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Councilor Dotts moved, Councilor Wilson seconded, to adjourn to Executive Session to discuss a legal matter. The motion carried with seven (7) yeas.

Adjourned to Executive Session at 8:10 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.

Bonnie L. Gardner

Administrative Assistant

September 23, 1998

Date of Approval

Council Chair

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