

**BRUNSWICK TOWN COUNCIL**

**Agenda**

**June 6, 2011**

**Executive Session: 6:45 P.M.**

**Regular Meeting: 7:00 P.M.**

**Municipal Meeting Room**

**Maine Street Station**

**16 Station Avenue**

**Executive Session: Labor Negotiations per 1 M.R.S.A. §405(6)(D)**

Roll Call

Pledge of Allegiance

Public Comment:

Correspondence:

Adjustments to the Agenda:

**MANAGER'S REPORT:**

- (a) Council Committee Updates
- (b) BDA use of parking lot for Outdoor Arts Festival
- (c) Election reminder
- (d) Discussion of CIP schedule
- (e) Authorization to apply for a technical assistance grant through the Rivers, Trails and Conservation Assistance program (*Action Required*)

**PUBLIC HEARINGS**

50. The Town Council will hear public comments on the following Special Amusement Licenses, and will take any appropriate action. (Manager)

**Special Amusement**

American Restaurant Association, LLC

D/B/A: O'Shea's Irish Restaurant & Cantina

94 Maine Street

Joseph Cyr

Clare's Dolphin Restaurant, Inc.

D/B/A: Joshua's Restaurant & Tavern

123 Maine Street

T.J. Siatras

Giri Brunswick LLC  
D/B/A: Parkwood Inn  
71 Gurnet Road

Sagar Malavia

Verreault Tourism Properties  
D/B/A: Captain Daniel Stone Inn  
10 Water Street

John Verreault

**HEARING/ACTION**

51. The Town Council will hear public comments on the following Alcohol License, and will take any appropriate action. (Manager)

**Full-Time Spirituous, Vinous & Malt**

Maine & Noble, LLC  
D/B/A: Inn at Brunswick  
4 Noble Street

J. Hilary Rockett, Jr.

**HEARING/ACTION**

52. The Town Council will hear public comments on a Zoning Ordinance amendment to add the use “parking facility” to the MU2, MU3, MU4, and MU6 districts, and will take any appropriate action. (Manager)

**HEARING/ACTION**

**TABLED ITEMS**

43. The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating and alcohol sales within the seating area for O’Shea’s Irish Restaurant & Cantina at 94 Maine Street, and will take any appropriate action. (Manager)

**ACTION**

**NEW BUSINESS**

53. The Town Council will consider setting a public hearing for June 20, 2011, to amend the Code of Ordinances to prohibit parking on sections of Old Bath Road and Bath Road near the New Meadows Lake, and will take any appropriate action. (Manager)

**ACTION**

54. The Town Council will consider setting a public hearing for June 20, 2011, to amend the Code of Ordinances to prohibit boat storage overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so, and will take any appropriate action. (Manager)

**ACTION**

55. The Town Council will consider adopting a Resolution authoring the submission of an application and acceptance of the award for Kestrel’s \$300,000 CDBG Development Fund in order to complete the Phase II package, and will take any appropriate action. (Manager)

**ACTION**

56. The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating for Polar Bear Express at 206 Maine Street, and will take any appropriate action. (Manager) **ACTION**
57. The Town Council will consider adopting the 2011 Cumberland County Hazard Mitigation Plan, and will take any appropriate action. (Manager) **ACTION**
58. The Town Council will consider appointments to the Midcoast Economic Development District General Assembly, and will take any appropriate action. (Manager) **ACTION**
59. The Town Council will consider adopting the “Resolution Authorizing the Expenditure of up to \$160,000 from Unexpended Funds to Fund the Reconstruction of Lincoln Street,” and will take any appropriate action. (Manager) **ACTION**
60. The Town Council will consider adopting the “Resolution Authorizing an Emergency Appropriation of up to \$459,000 From Landfill Impact Fees for the Purpose of Funding the Cover of Phase 3-A of the Graham Road Landfill,” and will take any appropriate action. (Manager) **ACTION**
61. The Town Council will consider setting a public hearing on June 20, 2011, for an “Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances,” and will take any appropriate action. (Manager) **ACTION**
62. The Town Council will consider not exercising their repurchase authority on Lot 6 in the Brunswick Industrial Park, and will take any appropriate action. (Manager) **ACTION**
63. The Town Council will consider approving the Teamster Local 340 (Public Works) Union Contract for 2010-13, and will take any appropriate action. (Manager) **ACTION**

### **CONSENT AGENDA**

- (a) Approval of the Minutes of May 16, 2011
- (b) Approval of the Minutes of May 26, 2011
- (c) Approval of Games of Chance, Card Games, and Bingo License for the Brunswick Lodge of Elks, B.P.O. Elks #2043, 179 Park Row

- (d) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Bath and Bridle Road
- (e) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Union and Page Streets
- (f) Approval of Quit Claim Deed for properties located at Map 048 Lot 010 Sub 000 Typ 000

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE  
COMMUNICATION SHOULD CONTACT THE TOWN MANAGER'S  
OFFICE AT 725-6659  
(TDD 725-5521)**

**Brunswick Town Council**  
**Agenda**  
**June 6, 2011**  
**Council Notes and Suggested Motions**

**Executive Session: Labor Negotiations per 1 M.R.S.A. §405(6)(D)**

Motion to go into executive session per 1 M.R.S.A. §405(6)(D) to discuss Labor Negotiations

**MANAGER'S REPORT:**

- (a) Council Committee Updates: Councilors with information on the Committees they are involved with will share information with the Council and public.

Suggested Motion: No motion is required.

- (b) BDA use of parking lot for Outdoor Arts Festival: The BDA is requesting to use the parking lot near Bull Moose when they have the Outdoor Arts Festival on Saturday, August 20<sup>th</sup>. They did this last year and it does not require Council action since staff can approve this use. This item simply serves as information for you and the public. A copy of the BDA's letter is included in your packet.

Suggested Motion: No motion is required.

- (c) Election Reminder: This is a reminder that the School Budget Validation Referendum will be held on Tuesday, June 7, 2011, at the Brunswick Junior High School, 65 Columbia Avenue. The polls are open from 7:00 a.m. to 8:00 p.m.

Suggested Motion: No motion is required.

- (d) Discussion of CIP schedule: Manager Brown's memo includes a tentative schedule of the CIP discussion and approval. The memo is included in your packet.

Suggested Motion: No motion is required.

- (e) Authorization to apply for a technical assistance grant through the Rivers, Trails and Conservation Assistance program (Action Required): This item is to authorize the Town to apply for a second year of the National Park Service technical assistance grant, through its Rivers, Trails and Conservation Assistance program. The assistance will be given to develop a Recreation, Trails and Open Space Management Plan and trail network for open space the Town receives on the Naval Air Station property. A copy of a memo from Denise Clavette is included in your packet.

Suggested Motion:

Motion to authorize the Town to apply for a technical assistance grant through the Rivers, Trails and Conservation Assistance program to assist in the development of a management plan for open space on property the Town receives from the Naval Air Station.

## **PUBLIC HEARINGS**

50. This item is the required public hearing for special amusement licenses for Joshua's Restaurant & Tavern (for live bands on Friday and Saturday nights), Captain Daniel Stone Inn (D.J.'s and live bands for wedding events), Parkwood Inn (music for weddings) and O'Shea's (variety of live music on the ground and basement levels). All are renewals except for Parkwood Inn, which is under new ownership.

With recent concerns from the public, the Police Department has included a memo on recent calls for service near O'Shea's. In addition, Deputy Fire Chief Emerson has prepared a memo recommending that their special amusement license be approved with the condition that it is contingent upon the completion of correction plans as agreed upon by the Fire Department and State Fire Marshall. The Council can enact further restrictions, including requiring O'Shea's to hire a police officer for nights of special amusement events. Copies of the applications and memos are included in your packet.

### Suggested Motions:

#### Motion 1:

Motion to approve special amusement licenses for Joshua's Restaurant & Tavern, Captain Daniel Stone Inn, and Parkwood Inn.

#### Motion 2

Motion to approve a special amusement license for O'Shea's Irish Restaurant & Cantina under the following conditions: nights of special amusement events they need to hire a police detail, and, further, the license will be approved conditionally, contingent upon the completion of the correction plans as agreed upon between the restaurant and the Fire Department and State Fire Marshall's Office.

51. This is the required public hearing and approval of a new alcohol license for Maine & Noble, LLC, D/B/A: Inn at Brunswick located at 4 Noble Street. A copy of the public hearing notice and application are included in your packet.

### Suggested Motion:

Motion to approve new alcohol license for Maine & Noble, LLC, D/B/A: Inn at Brunswick located at 4 Noble Street.

52. This item is the required public hearing on Zoning Ordinance amendments to add the use "parking facility" to the MU2, MU3, MU4, and MU6 districts. The Planning Board voted unanimously to recommend this change to the Mixed Use areas by adding "parking facility" to the Use Table. This use was omitted when the ordinance was rewritten in 1997. Since "parking facility" is included within all other Use Tables, it would appear that the use was unintentionally omitted in 1997. Copies of a memo from Kris Hultgren and supporting zone language are included in your packet.

Suggested Motion:

Motion to adopt Zoning Ordinance amendments to add the use “parking facility” to the MU2, MU3, MU4, and MU6 districts.

**TABLED ITEMS**

43. This item is a request from O’Shea’s Irish Restaurant & Cantina at 94 Maine Street to have a Sellers of Prepared Food on Public Ways license for outdoor seating and was tabled at your last meeting due to citizens’ concerns. Since the location is on Town property it requires Council approval. They are also requesting permission from the Town to allow them to have alcohol sales outside. This is a renewal of last year’s license. The Council has the option to approve the outdoor seating and then decide if you wish to have alcohol sales allowed if seating is approved. A copy of the application is included in your packet.

Suggested Motion:

Motion to approve a license for Sellers of Prepared Food on Public Ways on a Sidewalk, not to exceed six feet from the front of the building, for O’Shea’s Irish Restaurant & Cantina at 94 Maine Street, and to allow alcohol sales within this area.

Councilor Knight has requested further restrictions be included:

1. A cigarette disposal container shall be placed adjacent to the entrance to the facility.
2. Outdoor seating is limited to the patrons of the restaurant and shall not be used during hours when the restaurant is not serving food.

**NEW BUSINESS**

53. This item is to set a public hearing on ordinance amendments to Chapter 15 to prohibit parking on sections of Old Bath Road and Bath Road near the New Meadows Lake. This comes at the recommendation of Marine Resource Officer Dan Devereaux. Parking has been an issue with a growing number of quahog harvesters coming from areas well beyond Brunswick. At times over the summer of 2010 there were over thirty trucks with trailers parked along each side of Old Bath Road, with most of the problem in Bath and West Bath. They are working to restrict parking which will add to those parking in Brunswick. With these vehicles parked, it makes the road nearly one lane and raises public safety issues. This area is outside the Compact Limit so the road is under the maintenance jurisdiction of the MDOT. Emails are included discussing their role. They are still requesting the Town pass an ordinance prior to posting the road. Copies of the memo from Officer Devereaux (which also explains the next item), draft ordinance language, a map of the area, and the emails are included in your packet.

Suggested Motion:

Motion to set a public hearing for June 20, 2011, to amend the Code of Ordinances Chapter 15 to prohibit parking on sections of Old Bath Road and Bath Road near the New Meadows Lake.

54. This item is for the Town Council to set a public hearing for June 20, 2011, to amend Chapter 11 to add language to prohibit boat storage overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. This comes, again, as a result of issues around the New Meadows Lake area. Over the course of the winter, as ice began to settle on the lake, fisherman accessed it through private property on the Bath Road, near the New Meadows Marina. Brunswick also experienced problems with harvesters leaving dilapidated boats along the shoreline of the property the resident was allowing harvesters access through. These actions generated many complaints from local residents and businesses. The proposed ordinance would prohibit boat storage overnight and intends to eliminate concerns of residents and business owners. A copy of the draft language is included in your packet.

Suggested Motion:

Motion to set a public hearing for June 20, 2011, to amend the Code of Ordinances Chapter 11 to prohibit boat storage overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so.

55. This item is for the Town Council to consider adopting a Resolution authoring the submission of the application and acceptance of the award for Kestrel's \$300,000 CDBG Development Fund award in order to complete the Phase II package. Brian Dancause has prepared a detailed memo that provides background information on why this resolution is necessary. He will also be at the meeting to answer any questions you may have. Copies of the memo and resolution are included in your packet.

Suggested Motion:

Motion to adopt a Resolution authoring the submission of the application and acceptance of the award for Kestrel's \$300,000 CDBG Development Fund award in order to complete the Phase II package.

56. This item is a new request for Sellers of Prepared Food on Public Ways for outdoor seating for Polar Bear Express located at 206 Maine Street. The Council has allowed this use at this location under Wheelhouse Café and 206 Maine Street, which both had outdoor seating. Polar Bear Express is requesting the same area as the previous businesses did. A copy of the application is included in your packet.

Suggested Motion:

Motion to approve a request for Sellers of Prepared Food on Public Ways for outdoor seating for Polar Bear Express located at 206 Maine Street.

57. This item is for the Town Council to consider adopting the 2011 Cumberland County Hazard Mitigation Plan. This county-wide plan has been in place for a several and it needs to be updated every few years. Under the plan the Town will focus on problem areas from recent storms, including storm drains and culvert washouts, as well as some road wash outs. The approval of the plans by the 28 communities allows us to compete for valuable mitigation grant funding, when available, to assist in fixing these problems. Copies of memos from the County and our Fire Chief are included in your packet.

Suggested Motion:

Motion to adopt a Resolution of Adoption for the 2011 Cumberland County Hazard Mitigation Plan.

58. This item is for the Council to appoint members to the Midcoast Economic Development District General Assembly. This organization has been in existence since 2002, but was not recognized by the EDA until several years later. Over the course of the past three years, the organization has been the focus of some disagreements between the member communities of MCCOG and Lincoln County. The issues of disagreement have been resolved and one of the outcomes of the resolution is revised by-laws. MCEDD now includes Lincoln County, Sagadahoc County, and Knox County, several towns in Waldo County, Brunswick and Harpswell. In the past, Brunswick has been represented by staff (the Town Manager and Director of Economic Development.) The designation of staff to the General Assembly has not been done by Council in the past, but rather by assumption. The revised by-laws specify appointment by majority vote of the municipal officers. Also, as a result of the revised by-laws, Brunswick has three positions to fill. Manager Brown is recommending Denise Clavette, himself and a representative from MRRA. Copies of Manager Brown's memo and the by-laws are included in your packet.

Suggested Motion:

Motion to appoint to the Midcoast Economic Development District General Assembly Denise Clavette, Gary Brown, and to allow MRRA to fill the third slot.

59. This item is to adopt a Resolution to fund the reconstruction of Lincoln Street. The amount would total up to \$160,000 from unexpended funds. The reconstruction includes improvements to the street, sidewalks and drainage. This project was included in the current CIP for this year, but the funding needs to be authorized. A copy of the resolution is included in your packet.

Suggested Motion: .

Motion to adopt the "Resolution Authorizing the Expenditure of up to \$160,000 from Unexpended Funds to Fund the Reconstruction of Lincoln Street."

60. This item is to adopt a Resolution authorizing up to \$459,000 from landfill impact fees to cover the cost of cover under Phase 3-A of the Graham Road Landfill. The Town has collected fees through the subdivision and site development review process. The Town Manager and Public Works Director support the use of these fees to fund Phase 3-A of the landfill, as it has reached its designed capacity and we are required to cover it. A copy of the resolution is included in your packet.

Suggested Motion:

Motion to adopt the “Resolution Authorizing an Emergency Appropriation of up to \$459,000 From Landfill Impact Fees for the Purpose of Funding the Cover of Phase 3-A of the Graham Road Landfill.”

61. This item is to set a public hearing on June 20, 2011, on an “Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances.” Over the course of several years, beginning in 2004, the Town adopted several bond ordinances that authorized the Town to issue bonds and notes to finance a variety of projects. At this point the Town has issued all of the bonds it intends to issue under the ordinances’ authority so the Council needs to amend the ordinances to reduce the amount of notes or bonds authorized to the amount actually issued. The draft ordinance is being reviewed by the bond attorney and you may receive a revised one at your meeting. The various bond reductions are explained in the ordinance. A copy of the draft ordinance and public hearing notice are included in your packet.

Suggested Motion:

Motion to set a public hearing on June 20, 2011, on an “Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances.”

62. This item is to consider action relative to Lot 6 in the Brunswick Industrial Park. This lot was first sold in 1988 to John Bouchard and has changed ownership a couple of times, ending with Thibeault Energy, which is now out of business. When it was sold to Mr. Bouchard there were deed covenants, including the requirement that the property be developed within two years or the Town has the right to purchase the property back for the same price as it was sold. Over the course of the past 23 years, the Town has not exercised its right to repurchase the property, and previous Councils have taken specific action not to exercise the repurchase option. Currently the bank that holds the mortgage on the lot is not interested in selling it to the Town for the original purchase price, since the mortgage is twice that amount. The abutting property owner has expressed an interest in the lot. The Manager is recommending that the Council vote not to exercise the repurchase option language in the deed covenant and to communicate this to Savings Bank of Maine. Copies of Manager Brown’s memo and minutes from past meetings are included in your packet.

Suggested Motion:

Motion to not exercise the Town of Brunswick’s repurchase authority on Lot 6 in the Brunswick Industrial Park.

63. This item is to approve the proposed Teamster Local 340 (Public Works) Union Contract for 2010-13.

Suggested Motion:

Motion to approve the Union Contract for 2010-2013 between the Town of Brunswick and the Teamsters Local 340 Union (Public Works).

**CONSENT AGENDA**

- (a) Approval of the Minutes of May 16, 2011: A copy of the minutes is included in your packet.
- (b) Approval of the Minutes of May 26, 2011: A copy of the minutes is included in your packet.
- (c) Approval of Games of Chance, Card Games, and Bingo License for the Brunswick Lodge of Elks, B.P.O. Elks #2043, 179 Park Row: This item is the semi-annual approval of games for the Elks. A copy of their letter of request is included in your packet.
- (d) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Bath and Bridle Roads: This item is to authorize this permit to install a gas main from the existing gas main at Bridle Road to the previously authorized/permitted location just west of Sawyer Road. Copies of a memo from John Foster and the permit are included in your packet.
- (e) Approval of Utility Location Permit from Maine Natural Gas for installation of gas main on sections of Union and Page Streets: This item is to authorize this permit to install a gas main from the existing gas main under the sidewalk on the west side of Union Street, across Union Street to the sidewalk on the north side of Page Street; then on the east side on Page Street, under the sidewalk, to a point just west of Maine Street. Copies of a memo from John Foster and the permit are included in your packet.
- (f) Approval of Quit Claim Deed for properties located at Map 048 Lot 010 Sub 000 Typ 000: This item will deed property back to the owner. They will be paying owed taxes so they can sell the property, which is expected to happen prior to the next Council meeting. Once taxes are paid, the Town will issue the deed. A copy of the Quit Claim Deed is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

# MANAGER'S REPORT - A NO BACK UP MATERIALS

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# MANAGER'S REPORT - B BACK UP MATERIALS



May 6, 2011

Mr. Gary Brown  
Town Manager  
Town of Brunswick  
28 Federal St.  
Brunswick, ME 04011

Re: Brunswick Downtown Association's (BDA) use of the Municipal Parking Lot in front of the Building Occupied by Bull Moose Music for the Brunswick Outdoor Arts Festival, Saturday, August 20, 2011

Dear Gary,

Thank you for your, the employees and Municipal departments of the Town of Brunswick and Town Council's support of the Brunswick Downtown Association's Brunswick Outdoor Arts Festival. The Brunswick Outdoor Arts Festival will be celebrating its 5<sup>th</sup> anniversary on August 20, 2011. The festival would not be as successful as it has become without the help and support we have received!

In 2009, the Brunswick Outdoor Arts Festival was granted the use of the parking lot in front of the building owned by Dan Catlin and occupied by Bull Moose Music for youth theater performances. We would like to once again request the use of this parking lot on Saturday, August, 20, 2011 the date of the festival from 5am to 6pm which will require the closure of this parking lot to the general public. The parking lot will be used either as a stage area for performances or for additional spaces for exhibiting artists during the Brunswick Outdoor Arts Festival.

Thank you for your consideration of this request Gary. If you have any questions or need any additional information regarding the Brunswick Outdoor Arts Festival or this request, please do not hesitate to contact us!

Best Regards,



Dave Nadeau

Event Co-Chair, Brunswick Outdoor Arts Festival  
Events Co-Chair, Brunswick Downtown Association

**MANAGER'S REPORT - C  
NO BACK UP MATERIALS**

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# MANAGER'S REPORT - D BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: June 1, 2011

RE: CIP schedule

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Below is a suggested schedule for the review and adoption of the CIP

June 16      CIP Workshop

June 20      Council Meeting to set Public Hearing on CIP

July 11      Public Hearing/Adoption of CIP.

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# MANAGER'S REPORT - E BACK UP MATERIALS



## TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, ME 04011

**TO:** Gary L. Brown, Town Manager  
Brunswick Town Council

**FROM:** Denise M. Clavette, Special Projects Assistant

**DATE:** June 2, 2011

**RE:** Recreation, Trails and Open Space Management Plan  
Technical Assistance Grant Application to the National Park Service from the  
Rivers, Trails and Conservation Assistance Program (RTCA)

### Background

- ❑ The National Park Service awarded the Town of Brunswick a technical assistance grant, through its Rivers, Trails and Conservation Assistance (RTCA) program for a six-month commitment for free technical assistance, renewable for an additional year upon request and approval, beginning April 1, 2011 to develop a Recreation, Trails and Open Space Management Plan for the public benefit conveyance (PBC) of the open space at Brunswick Naval Air Station.
- ❑ The RTCA program grant will be guided by Julie Isbill, Project Manager for the National Park Service and Denise Clavette, Special Projects Assistant / MRRRA Liaison along with Anna Breinich, Director of Planning and Development and Tom Farrell, Director of Parks and Recreation. RTCA program will assist in developing a Recreation, Trails and Open Space Management Plan and trail network for the soon to be acquired open space from the Naval Air Station, creating connectivity to Brunswick.

### Project Goal

- ❑ Our project goal is to create and begin implementing a Recreation, Trails and Open Space Management Plan that will serve as a guide to the management of Town public benefit conveyances (PBC), the development of an interconnected trail network system with other landowners and the protection of its natural and cultural resources. Plan development and implementation will encourage a collaborative approach among stakeholders, be comprehensive, increase community visibility, incorporate health and wellness, and connect the acquired BNAS property to the community and newly named Brunswick Landing.
- ❑ Project will ensure ongoing protection in perpetuity of significant natural and cultural resources, and provide appropriately sited public access and trail corridors to the land. For the first time, the public will have access to Brunswick's unfragmented coastal habitat, including 100 acres of high quality salt marsh and more than 450 acres of unfragmented coastal forest, and the longest stretch of undeveloped shoreline in Brunswick.

### Request for Approval

- ❑ Due to the delay and timing of the property in the PBC being conveyed to the Town of Brunswick, the 2011 RTCA grant award was used primarily as consultant services. This allows the Town of Brunswick to re-apply to the RTCA grant program for its first year of technical assistance, which would cover the project from October 2011 through September 2012. In addition, this would open up the opportunity for the Town to apply for its second year of assistance for the 2012-2013.
- ❑ At this time, we are requesting approval to apply to the RTCA grant program for the first year program. Deadline for application is August 1, 2011.

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**ITEM 50**

**BACK UP MATERIALS**



Town Clerk's Office  
28 Federal Street  
Brunswick, ME 04011

## PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 6/6/2011 on the following Special Amusement license applications:

### Special Amusement

AMERICAN RESTAURANT ASSOCIATION, LLC  
D/B/A: O'Shea's Irish Restaurant & Cantina  
94 Maine ST

JOSEPH CYR

Clare's Dolphin Restaurant, Inc.  
D/B/A: Joshua's Restaurant & Tavern  
123 Maine Street

Mr. T.J. Siatras

Giri Brunswick LLC  
D/B/A: Parkwood Inn  
71 Gurnet Rd.

Sagar Malavia

Verreault Tourism Properties  
D/B/A: Captain Daniel Stone Inn  
10 WATER ST

Verreault Tourism Properties

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION  
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).

Fran Smith  
Town Clerk

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: American Restaurant Association, LLC

Incorporation Date: 4/10 Incorporation State: Maine

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: 5-17-11

Business Name: O'Shea's Irish Restaurant & Cantina E-Mail: \_\_\_\_\_

Business Address: 94 Maine St. Business Phone Number: 207-632-8664

Name of Contact Person: Joseph Cyr Contact's Phone Number: 207-632-8664

Mailing Address for Correspondence: PO Box 4626, Portland, ME 04112

Signature of Applicant: Joseph Cyr, Manager Date: 4/15/11

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: <u>94 Maine St.</u>		Phone #: <u>207-632-8664</u>	
Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Joseph Cyr</u>	<u>Manager</u>	<u>PO Box 8472, Portland, ME</u>	<u>5</u>
<u>Foley Properties, LLC</u>	<u>—</u>	<u>236 Swamp Rd, Durham, ME</u>	<u>40</u>
<u>Thomas Manning</u>	<u>—</u>	<u>PO Box 7212, Portland, ME</u>	<u>55</u>

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

Codes Officer Signature \_\_\_\_\_

Health Officer Signature \_\_\_\_\_

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Sp Am Paid Fee: \$ 100 Cash /  Check Date: 4/28/11

Advertising Fee: \$ \_\_\_\_\_  Paid

Σ mailed Jeff 4-28-11 for inspection

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_  
\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**  
\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**  
 FSE with Malt, Vinous & Spirituous Liquor (\$250)  
 FSE with Malt and Vinous (\$200)  
 FSE with Malt or Vinous (\$175)  
 FSE with Sit Down, no Alcohol (\$100)  
 FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: *Description of Food to be sold:* \_\_\_\_\_

**Going Out of Business (\$50)**  
60 Day License (*Must also Complete an Application for Going out of Business Sale, and include a list of inventory*)

**Innkeeper-Exp. May 31<sup>st</sup>**     1-15 Rooms (\$100)     16+ Rooms (\$175)

**Junkyard**     **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)     **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_  
 **Pawnbroker** (\$75) Exp. June 30<sup>th</sup>

**Peddler:**  
\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices** (\$35/each) Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Machines/Devices

**Second Hand Dealer** (\$75)-Exp. June 30<sup>th</sup>

**Sellers of Prepared Food on Public Way** (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)  
Location: \_\_\_\_\_ *Exp. 1<sup>st</sup> PH in March.*  
As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick.  
\_\_\_\_\_  
(Signature of owner, officer, partner or agent)  
(New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusement** (\$100)-Exp. w/Alcohol License  
Describe in detail kind and nature of entertainment- Acoustical, Jazz, pianists, bagpipers and live performances.  
Describe in detail room or rooms to be used under this permit- About 6,000 sq ft of ground level and basement level space.  
Signature of Owner, officer, partner or agent: Janet Coy, Manager

**Tattooing Establishment** (\$75)-Exp. June 30<sup>th</sup>

**Theater** (\$150 per screen)-Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Screens

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: Clare's Dolphin Restaurant Inc.

Incorporation Date: 1992 Incorporation State: ME

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: 5-16-11

Business Name: Joshua's Restaurant & Tavern E-Mail: sburnturs@prxar.com

Business Address: 123 Main St Business Phone Number: 207-725-7881

Name of Contact Person: T.J. Siatras Contact's Phone Number: 207-798-1401

Mailing Address for Correspondence: 123 Main St, Brunswick ME 04011

Signature of Applicant: [Signature] Date: 4-20-11

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: <u>123 Main Street</u>		Phone #: <u>707-798-1401</u>	
Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>John Siatras</u>	<u>Pres.</u>	<u>313 Main St, Brunswick</u>	<u>98%</u>
<u>Suzanne Siatras</u>	<u>Stewardess</u>	<u>same</u>	<u>1%</u>
<u>Thomas J. Siatras</u>	<u>Stewardess</u>	<u>185 Indian Rest Rd Harpswell</u>	<u>1%</u>

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

OK per Jeff 5-12-11

Codes Officer Signature

Health Officer Signature

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Special Amusement Paid Fee: \$ 100- Cash / Check Date: 4/20/11

Advertising Fee: \$ \_\_\_\_\_  Paid

Emailed Jeff E. 4-20-11 for an in operation  
License Fees & Schedule: Please check the type of license you are applying for. App/businessLicAppNov06

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_  
\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**  
\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

- FSE with Malt, Vinous & Spirituous Liquor (\$250)
- FSE with Malt and Vinous (\$200)
- FSE with Malt or Vinous (\$175)
- FSE with Sit Down, no Alcohol (\$100)
- FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: Description of Food to be sold: American - lunch & dinner

**Going Out of Business (\$50)**

60 Day License (Must also Complete an Application for Going out of Business Sale, and include a list of inventory)

**Innkeeper-Exp. May 31<sup>st</sup>**     1-15 Rooms (\$100)     16+ Rooms (\$175)

**Junkyard**     **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)     **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

**Pawnbroker (\$75) Exp. June 30<sup>th</sup>**

**Peddler:**

\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices (\$35/each) Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Machines/Devices

**Second Hand Dealer (\$75)-Exp. June 30<sup>th</sup>**

**Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)**

Location: \_\_\_\_\_ Exp. 1<sup>st</sup> PH in March

As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_

(Signature of owner, officer, partner or agent)

(New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusement (\$100)-Exp. w/Alcohol License**

Describe in detail kind and nature of entertainment- Circ E-7, bands, Fri & Sat 9-12:30 am

Describe in detail room or rooms to be used under this permit- Plot # four of Tavern

Signature of Owner, officer, partner or agent: \_\_\_\_\_

**Tattooing Establishment (\$75)-Exp. June 30<sup>th</sup>**

**Theater (\$150 per screen)-Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Screens

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: Verreault Tourism Properties Inc

Incorporation Date: April 10 2009 Incorporation State: Maine

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: 4-15-11

Business Name: Captain Daniel Stone Inn E-Mail: john@captaindanielstone.com

Business Address: 10 Water St, Brunswick, ME 04011 Business Phone Number: 207 373 1824

Name of Contact Person: John Verreault Contact's Phone Number: 207 373 1824 x404

Mailing Address for Correspondence: P.O. Box 37, Brunswick, ME 04011

Signature of Applicant: [Signature] Date: 3/5/2011

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: 1 Seafields Lane, Saco, ME 04072 Phone #: 207 283 9720

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

John Verreault President 1 Seafields Lane Saco ME 04072 50%

Kimberly Verreault Vice President 1 Seafields Lane Saco ME 04072 50%

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

OK per Jeff E 5-12-11

Codes Officer Signature

Health Officer Signature

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Special Amusement Paid Fee: \$ 100- Cash  Check Date: 3/9/11

Advertising Fee: \$ \_\_\_\_\_  Paid

E-mailed Jeff 3-9-11 for an inspection

License Fees & Schedule: Please check the type of license you are applying for.

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_

\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**

\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

FSE with Malt, Vinous & Spirituous Liquor (\$250)

FSE with Malt and Vinous (\$200)

FSE with Malt or Vinous (\$175)

FSE with Sit Down, no Alcohol (\$100)

FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering,  
B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: *Description of Food to be sold:* \_\_\_\_\_

**Going Out of Business (\$50)**

60 Day License (*Must also Complete an Application for Going out of Business Sale, and include a list of inventory*)

**Innkeeper-Exp. May 31<sup>st</sup>**     1-15 Rooms (\$100)     16+ Rooms (\$175)

**Junkyard**     **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)     **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

**Pawnbroker** (\$75) Exp. June 30<sup>th</sup>

**Peddler:**

\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices** (\$35/each) Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Machines/Devices

**Second Hand Dealer** (\$75)-Exp. June 30<sup>th</sup>

**Sellers of Prepared Food on Public Way** (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)

Location: \_\_\_\_\_ *Exp. 1<sup>st</sup> PH in March*

As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_

(Signature of owner, officer, partner or agent)

(New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusement** (\$100)-Exp. w/Alcohol License

Describe in detail kind and nature of entertainment- \_\_\_\_\_

Describe in detail room or rooms to be used under this permit- \_\_\_\_\_

Signature of Owner, officer, partner or agent: \_\_\_\_\_

**Tattooing Establishment** (\$75)-Exp. June 30<sup>th</sup>

**Theater** (\$150 per screen)-Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Screens

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: ASHISH SANGHVI, SOBAL SANGHVI, TEREYU BASAJ, UMESH PROPA

Corporation-Corporation Name: \_\_\_\_\_

Incorporation Date: \_\_\_\_\_ Incorporation State: \_\_\_\_\_

New License: Opening Date 5/20/2011  Renewal License: Expiration Date: \_\_\_\_\_

Business Name: PARKWOOD INN (FIRI ~~WATER~~ BRUNSWICK LLC) E-Mail: smalavia@jwi-hotels.com

Business Address: 71 Turner Rd, Brunswick Me Business Phone Number: \_\_\_\_\_

Name of Contact Person: SAGAR MALAVIA Contact's Phone Number: 617 835 7172

Mailing Address for Correspondence: 39 Lovere Road Quincy Ma 02169

Signature of Applicant: [Signature] Date: 4/12/2011

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: \_\_\_\_\_ Phone #: \_\_\_\_\_

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

OK per Jeff E. on 5-12-11

Codes Officer Signature: \_\_\_\_\_ Health Officer Signature: \_\_\_\_\_

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Special Amusement Paid Fee: \$ 100- Cash /  Check Date: 4/12/11

Advertising Fee: \$ \_\_\_\_\_  Paid

License Fees & Schedule: Please check the type of license you are applying for. App/BusinessLicAppNov06

E mailed Jeff 4-12-11 for an inspection

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_  
\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**

\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles - one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

FSE with Malt, Vinous & Spirituous Liquor (\$250)

FSE with Malt and Vinous (\$200)

FSE with Malt or Vinous (\$175)

FSE with Sit Down, no Alcohol (\$100)

FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering,  
B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: Description of Food to be sold: \_\_\_\_\_

**Going Out of Business (\$50)**

60 Day License (Must also Complete an Application for Going out of Business Sale, and include a list of inventory)

**Innkeeper-Exp. May 31<sup>st</sup>**  1-15 Rooms (\$100)  16+ Rooms (\$175)

**Junkyard**  **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)  **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

**Pawnbroker (\$75) Exp. June 30<sup>th</sup>**

**Peddler:**

\_\_\_\_\_ #Weeks/\$25/week \_\_\_\_\_ #Months (up to-3 mnths-\$50/up to-6 mnths \$75) \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices (\$35/each) Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Machines/Devices

**Second Hand Dealer (\$75)-Exp. June 30<sup>th</sup>**

**Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)**

Location: \_\_\_\_\_ Exp. 1<sup>st</sup> PH in March

As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_

(Signature of owner, officer, partner or agent)

(New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusement (\$100)-Exp. w/Alcohol License**

Describe in detail kind and nature of entertainment- weddings

Describe in detail room or rooms to be used under this permit- Banquet Rooms

Signature of Owner, officer, partner or agent: \_\_\_\_\_

**Tattooing Establishment (\$75)-Exp. June 30<sup>th</sup>**

**Theater (\$150 per screen)-Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Screens

# Memo

**To: Fran Smith**

**From: Marc Hagan**

**Date: 06/01/2011**

**Re: O'Sheas Calls for Service**

---

Fran, below are a list of calls for service at 94 Maine St. (O'Sheas) from April 30 of 2010 to June 1 of 2011.

**38 Liquor Enforcement Checks:** These are proactive stops by our officers ensuring that liquor enforcement laws/regulations are being followed in the establishment. It is also used as an opportunity to show patrons that our officers are in the area and monitoring the business. These "bar checks" are conducted at all Brunswick bars.

In addition to the proactive stops, our officers responded to **19 requests for service** at 94 Maine St. during the previously stated time period.

**5** loud band complaints

**2** complaints of noise from cars outside of the establishment

**2** complaints of physical fights

**2** complaints of verbal arguments

**2** miscellaneous calls where we were flagged down for unknown reasons

**6** calls where our officers were conducting proactive checks on suspicious persons

Please let me know if you would like any further information.



# Town of Brunswick, Maine

Incorporated 1739

Brunswick Fire Department



"Working Today for a Safer Tomorrow"



KEN BRILLANT, CHIEF  
JEFF EMERSON, DEPUTY CHIEF  
DONALD KOSLOSKY, DEPUTY CHIEF

21 TOWN HALL PLACE  
BRUNSWICK, ME 04011  
TELEPHONE 207-725-5541  
FAX # 207-725-6638  
[WWW.BRUNSWICKME.ORG](http://WWW.BRUNSWICKME.ORG)

---

June 1, 2011

Fran Smith  
Town Clerk  
28 Federal Street  
Brunswick Maine, 04011

RE: O'Shea's Cantina

Fran Smith:

I recently have been working with Ryan Foley and Thomas Manning, two of the three owners listed for O'Shea's Cantina, in an effort to reach an acceptable level of compliance for special entertainment re-licensure. Ryan Foley acted as my main point of contact for the business, and took the lead on correcting the deficiencies that had been discovered during the primary inspection. At this time the business continues to be under an active plan of correction with this office as well as the office of the State Fire Marshal. The correction plan contains both significant and minor deficiencies; however, the majority of the issues were resolved prior to the follow up visit.

It is my recommendation at this time to support the conditional re-licensure of this establishment contingent upon the completion of the correction plans as agreed upon by this office, as well as the office of the State Fire Marshal. It should be stated that any further substantial compliance issues, as determined by this office, will be forwarded to your office for further review.

Please feel free to contact me with any questions regarding this matter.

Respectfully Submitted,

Jeff Emerson  
Deputy Chief, LHO  
Brunswick Fire Department

Cc: Mark Stevens, CFI – Maine State Fire Marshal's Office

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**ITEM 51**

**BACK UP MATERIALS**



**Town Clerk's Office  
28 Federal Street  
Brunswick, ME 04011**

**PUBLIC HEARING**

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 6/6/2011 on the following Alcoholic Beverage license applications:

**Full-Time Spirituous, Vinous & Malt**

MAINE & NOBLE, LLC  
D/B/A: INN AT BRUNSWICK  
4 NOBLE ST

J. HILARY ROCKETT, JR

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION  
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).**

Fran Smith  
Town Clerk

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<b>BUREAU USE ONLY</b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	<b>2. Business Name (D/B/A)</b>
DOB:	Inn at Brunswick
Maine; Noble, LLC DOB:	4 Noble Street.
DOB:	Location (Street Address)
Address	Brunswick ME 04011
40 South Street, Ste. 305	City/Town State Zip Code
Marblehead MA 01945	4 Noble Street
City/Town State Zip Code	Mailing Address
(781) 631-5015 (781) 631-5016	Brunswick ME 04011
Telephone Number Fax Number	City/Town State Zip Code
Federal I.D. #	Business Telephone Number Fax Number
26-3741450	Seller Certificate #

3. If premises are a hotel, indicate number of rooms available for transient guests: 52
4. State amount of gross income from period of last license: ROOMS \$ - FOOD \$ - LIQUOR \$ -
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Rick Martin
8. If business is NEW or under new ownership, indicate starting date: 06-24-2011  
Requested inspection date: 05-23-2011 Business hours: \_\_\_\_\_
9. Business records are located at: 4 Noble St. Brunswick, ME 04011
10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
J. Hilary Rockett, JR.	04/17/63	Salem, MA
Rick Martin	06/02/70	Augusta, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

J. Hilary Rockett, JR. — (Marblehead, MA)  
Rick Martin — (Augusta, ME & Readfield, ME)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/8 mile Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: Mortgage

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

J. Hilary Rockett, Jr.

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ITEM 52

BACK UP MATERIALS

# MEMO

**To:** Planning Board  
**From:** Kris Hultgren, Town Planner  
**Date:** April 29, 2011  
**Subject:** Planning Board Meeting: May 3, 2011

This memo provides information about the agenda in advance of the Board's May 3 meeting.

## **Public Hearing: MU2, MU3, MU4, MU6 Zoning District Amendment to Correct Omission of Parking Facility in the Table of Uses**

The land use "Parking Facility" was omitted from Table 206.1 Use Table for the Mixed Use zoning districts (MU2, MU3, MU4 and MU6) when the zoning ordinance was rewritten and adopted in 1997. In researching the adoption process, the draft zoning ordinance prepared and advertised for the February 13, 1997 Zoning Ordinance Task Force Public Hearing did include the use "Parking Facility," section attached. There is no indication in meeting minutes and memos summarizing proposed revisions that the use was removed only from the use table between the holding of Task Force Public Hearing and the adoption by Town Council on April 7, 1997. Furthermore, the draft ordinances that were advertised for both the Planning Board and Town Council Public Hearings held between February 13<sup>th</sup> and April 7<sup>th</sup>, have not been located. Considering Use Table listings are consistent throughout that ordinance, and "parking facility" is included within all other Use Tables, it would appear that the use was unintentionally omitted in the preparation of the final document. For this reason, staff asks the Planning Board to review the proposed ordinance amendment to correct this omission and make a recommendation to the Town Council after the public hearing. The amendment is adding a "Parking Facility" use to the Use Table for the MU2, MU3, MU4 and MU6 zoning districts and permit a parking facility in the MU2 and MU3 zones and require a Special Permit in zones MU4 and MU6.

## **Minutes**

There are no minutes to review.

Thank you and please contact the Planning & Development Department with questions.  
725-6660 x222 [khultgren@brunswickme.org](mailto:khultgren@brunswickme.org)



**TOWN OF BRUNSWICK  
PUBLIC HEARING**

**THE BRUNSWICK TOWN COUNCIL will hold a public hearing** at their regular meeting on Monday, June 6, 2011, 7:00 p.m. in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to receive public comment on the following amendments:

ITEM 1- Zoning Amendment - to add the use “parking facility” to the MU2, MU3, MU4, and MU6 districts

For more information contact the Town Manager’s office at 725-6659.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)

Fran Smith, Town Clerk  
Brunswick, Maine

Times Record – May 20, 2011



# TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT  
28 FEDERAL STREET  
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660  
FAX: 207-725-6663

May 10, 2011

Memo to: Town Council  
Gary Brown, Town Manager  
From: Kris Hultgren, Town Planner  
Subject: Mixed Use Zoning District Amendment

At the Planning Board meeting on May 3, 2011, the Board voted unanimously to recommend to the Town Council a Zoning Ordinance Amendment for the Mixed Use 2, Mixed Use 3, Mixed 4 and Mixed Use 6 (MU2, MU3, MU4, MU6) Zoning Districts. The amendment is adding a "Parking Facility" use to the Use Table for the MU2, MU3, MU4 and MU6 zoning districts and permit a parking facility in the MU2 and MU3 zones and require a Special Permit in zones MU4 and MU6.

The reason for the amendment is because the land use "Parking Facility" was omitted from Table 206.1 Use Table for the Mixed Use zoning districts when the zoning ordinance was rewritten and adopted in 1997. In researching the adoption process, the draft zoning ordinance prepared and advertised for the February 13, 1997 Zoning Ordinance Task Force Public Hearing did include the use "Parking Facility," section attached. There is no indication in meeting minutes and memos summarizing proposed revisions that the use was removed from the use table between the holding of Task Force Public Hearing and the adoption by Town Council on April 7, 1997. The draft ordinances that were advertised for both the Planning Board and Town Council Public Hearings held between February 13<sup>th</sup> and April 7<sup>th</sup>, have not been located. Considering Use Table listings are consistent throughout the ordinance, and "parking facility" is included within all other Use Tables, it would appear that the use was unintentionally omitted in the preparation of the final document.

Staff requests the Town Council move to set a public hearing for the final adoption of the zoning amendment.

Thank you for considering this request. I will be available at the Town Council meeting to answer any questions you may have.

cc: Anna Breinich, Director of Planning and Development  
Jeff Hutchinson, Codes Enforcement Officer

**DRAFT  
BRUNSWICK  
ZONING ORDINANCE**

prepared by the  
**Zoning Ordinance Development Task Force**

**PUBLIC HEARING:**

February 13, 1997  
7:00 PM  
Municipal Meeting Facility  
Spring Street School

written comments may be received prior to the public hearing:  
Brunswick Planning Department, 28 Federal Street, Brunswick, ME

REVIEW COMMENTS

S.S. Benedict, P.E.

11 Feb, 1997

206 GROWTH DISTRICTS/MIXED USE

District Name Geographic Reference

MU2 Intown Railroad Corridor  
 MU3 Upper Harpswell Road  
 MU4 Fox Run  
 MU6 Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	P
Bed and Breakfast	P	P	P	-
Boarding Care Facility	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Convenience Store	X	X	-	-
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive In Window	P	X	X	X
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Service Station	X	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry, I	P	X	-	-
Industry, II	-	X	X	X
kennel	-	X	X	X
Library or Museum	-	P	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	X	X	X	X
Motor Vehicle Repair	X	X	X	X
Neighborhood Store	P	P	-	-
Parking Facility	P	P	-	-
Photographers/Artists Studio	P	P	-	-
Private Indoor Recreation Facility	P	-	P	P
Professional Office	P	P	P	P
Residence Hall	X	X	X	X
Restaurant	P	P	-	-
Religious Institution	P	P	P	-
Retail	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

\* -

Key: P="permitted use"; X="prohibited use"; "-"=Special Permit required, see Section 701.

draft for public comment, January 1997

2-14

\* Parking Facility included in 1997 draft \*

- kmh

206 GROWTH DISTRICTS/MIXED USE

District Name	Geographic Reference
MU2	Intown Railroad Corridor
MU3	Upper Harpswell Road
MU4	Fox Run
MU6	Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	-
Bed and Breakfast	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	P	P	-	-(Amended 9/4/01 R)
Convenience Store	-	P	P	P (Amended 7/5/05 R)
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive-Through	P	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Sales	-	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry Class I	P	X	-	-
Industry Class II	-	X	X	-
kennel	-	X	X	X
Library or Museum	P	-	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	P	X	X	X
Motor Vehicle Repair/Service	P	X	X	X
Photographers/Artists Studio	P	P	-	-
Professional Office	P	P	P	P
Recreation Facility	P	-	P	P
Religious Institution	P	P	P	-
Residence Hall	X	X	X	X
Restaurant	P	P	-	-
Retail Class I	P	X	P	-
Retail Class II	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

Key: P="permitted use"; X="prohibited use"; "-"=Special Permit required, see Section 701.

See Section 306. Supplementary Use Regulations

24  
 Parking Facility excluded from Final document.

-Karl

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ITEM 43

BACK UP MATERIALS

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: American Restaurant Association, LLC

Incorporation Date: 4/10 Incorporation State: Maine

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: \_\_\_\_\_

Business Name: O'shea's Irish Restaurant & Cantina E-Mail: \_\_\_\_\_

Business Address: 94 Maine St. Business Phone Number: 207-632-8664

Name of Contact Person: Joseph Cyr Contact's Phone Number: 207-632-8664

Mailing Address for Correspondence: PO Box 4626, Portland, ME 04112

Signature of Applicant: Joseph Cyr, Manager Date: 4/15/11

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: 94 Maine St. Phone #: 207-632-8664

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Joseph Cyr Manager PO Box 8472, Portland, ME 5

Foley Properties, LLC — 230 Swamp Rd, Durham, ME 40

Thomas Manning — PO Box 7212, Portland, ME 55

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

Codes Officer Signature \_\_\_\_\_

Health Officer Signature \_\_\_\_\_

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: n/a

Type of License: Public Way Paid Fee: \$ 25 Cash  Check  Date: 4/28/11

Council 5/16 Advertising Fee: \$ n/a  Paid

License Fees & Schedule: Please check the type of license you are applying for.

Bazaar or Flea Market-Exp. June 30<sup>th</sup>  
\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_  
\_\_\_\_\_ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>  
\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

Carnival or Circus  
\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

Commercial Vehicle-Exp. December 31<sup>st</sup> \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

- FSE with Malt, Vinous & Spirituous Liquor (\$250)
- FSE with Malt and Vinous (\$200)
- FSE with Malt or Vinous (\$175)
- FSE with Sit Down, no Alcohol (\$100)
- FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: Description of Food to be sold: \_\_\_\_\_

Going Out of Business (\$50)

60 Day License (Must also Complete an Application for Going out of Business Sale, and include a list of inventory)

Innkeeper-Exp. May 31<sup>st</sup>     1-15 Rooms (\$100)     16+ Rooms (\$175)

Junkyard     Automobile Graveyard (\$50 each, both Exp. Oct. 1<sup>st</sup>)     Auto Recycling (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

Pawnbroker (\$75) Exp. June 30<sup>th</sup>

Peddler:

\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

Pinball Mach. - Other Amuse Devices (\$35/each) Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Machines/Devices

Second Hand Dealer (\$75)-Exp. June 30<sup>th</sup>

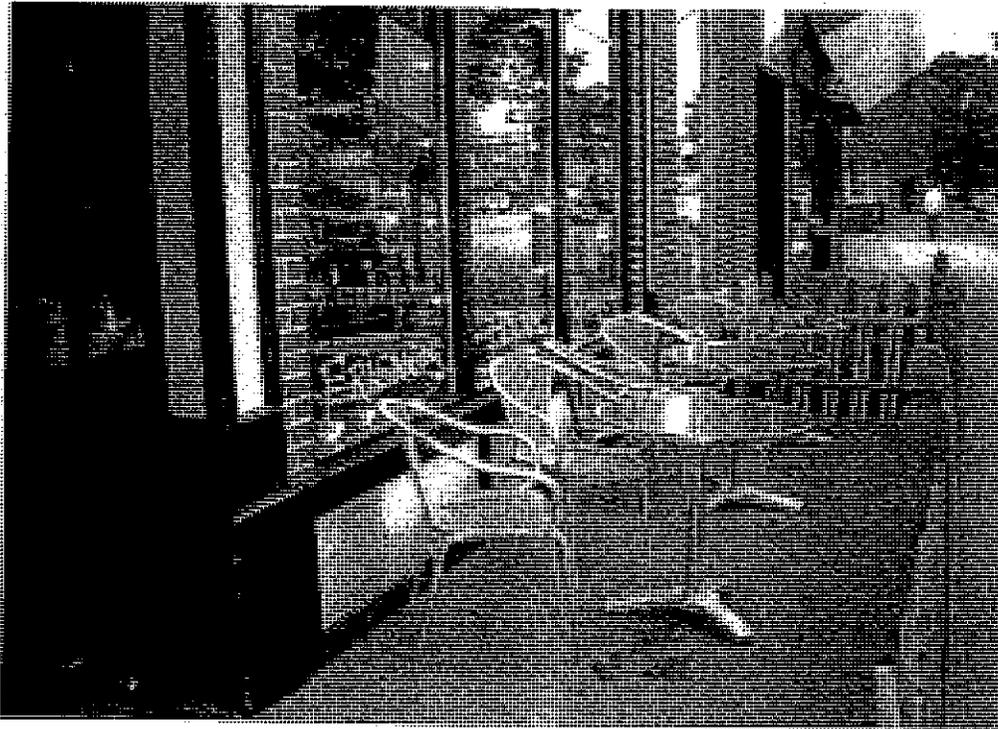
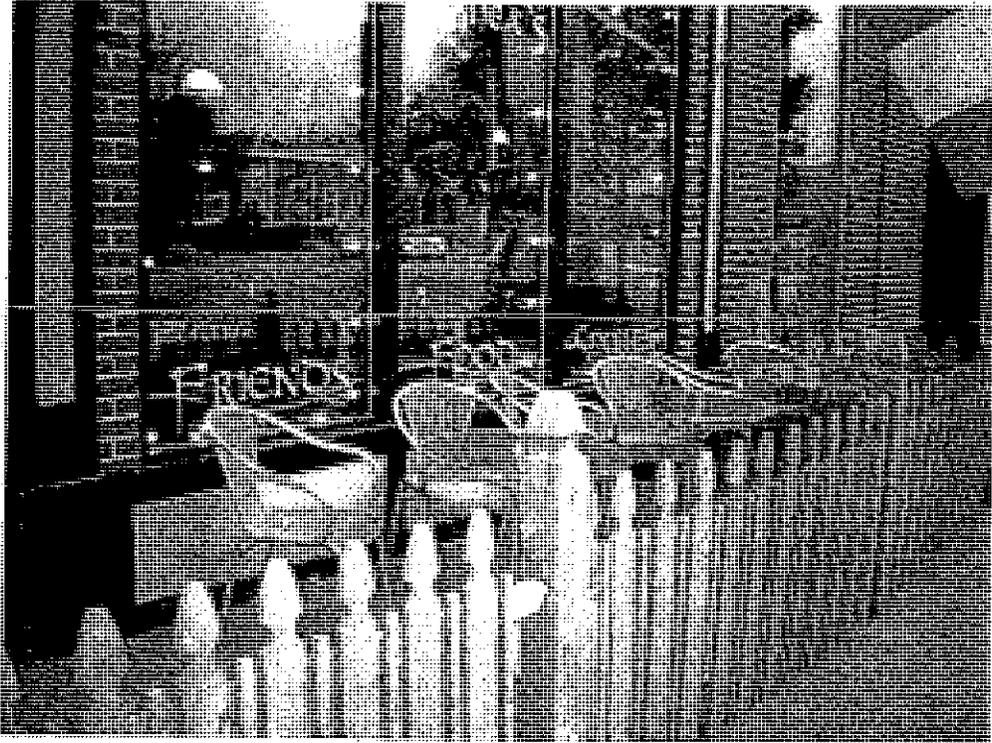
<p><input checked="" type="checkbox"/> Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market (\$25 other) Location: <u>94 Maine St.</u> <span style="float: right;">Exp. 1<sup>st</sup> PH in March</span> As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. <u>Jane A. Manager</u> (Signature of owner, officer, partner or agent) (New applicants must talk to Recreation Dept/There is no proration on new licenses)</p>
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<p><input type="checkbox"/> Special Amusement (\$100)-Exp. w/Alcohol License Describe in detail kind and nature of entertainment- _____ _____ Describe in detail room or rooms to be used under this permit- _____ _____ Signature of Owner, officer, partner or agent: _____</p>
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Tattooing Establishment (\$75)-Exp. June 30<sup>th</sup>

Theater (\$150 per screen)-Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Screens

Outside Seating for 94 Maine Street, Brunswick



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ITEM 53

BACK UP MATERIALS



From the Desk  
of  
BRUNSWICK MARINE RESOURCES  
OFFICER/HARBOR MASTER

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May 4<sup>th</sup>, 2011

**TO:** GARY BROWN, TOWN MANAGER  
**CC:** FRAN SMITH TOWN CLERK, CMDR. HAGAN BRUNSWICK POLICE DEPT. &  
BRUNSWICK TOWN COUNCIL MEMBERS  
**FROM:** DANIEL DEVEREAUX MRO/HM  
**SUBJECT:** REQUEST FOR ADDITIONAL NO PARKING AND NO NIGHT STORAGE OF BOATS  
ON THE NEW MEADOWS LAKES

Dear Mr. Brown,

I'm writing to inform you of a recent meeting Commander Marc Hagan and I attended in reference to the parking congestion on the Old Bath Rd. and Bath Rd. surrounding the commercial use of the New Meadows Lakes.

This meeting was called by staff of the surrounding municipalities (City of Bath, Town of West Bath, and Brunswick) that have been affected by the parking of commercial fisherman's trucks and rigs alongside the Old Bath Rd. and on the Bath Rd. near the New Meadows Marina.

As you are aware, a few years ago the New Meadows Lakes opened to shellfish harvesting after being closed for many years. The quahog resource in this particular area is in quite abundance and drew many fishermen from up and down the coast to this area. The most practical way to access the New Meadows Lakes lake is through the West Bath boat launch situated off the Old Bath Rd. At many times over the summer of 2010 there were 30 + truck with trailers parked along each side of the Old Bath Rd. This area is not within Brunswick jurisdiction, however it has been noted by the Brunswick Marine Officers that the road was nearly impassable at certain times during the summer, as it was essentially turned into a one lane road. There were many concerns from residents in this area, as well as public safety officials, surrounding in ability for large public safety vehicles (FIRE TRUCKS) to pass through the narrow opening left by the parked trucks and rigs on both sides of the road.

Over the course of the winter, as ice began to settle on the lake, fisherman moved to access through private property on the Bath Rd. near the New Meadows Marina. In the course of doing this Brunswick residents and business owners began to experience numerous parking problems along the Bath Rd. near New Meadows Marina. Brunswick also experienced problems with harvesters leaving dilapidated boats along the shoreline of the resident that was allowing harvesters to access. These actions generated many complaints from local residents and businesses. For a few short months (January and February) fisherman were not able to access the lakes and most of the parking issues went away. It was as the ice began to move out and fisherman moved back in that the parking problems once again occurred. This is what spurred the above mentioned meeting.

During the meeting we discussed several possible solutions to the reoccurring problem, from building up the shoulders of the road to requesting parking access at Bisson's on the New Meadows Rd. It was recognized by the towns that this area has very little appropriate parking, however it was mentioned that there are two public access

point just above the Bath Rd. being Sawyer Park boat launch and Bullrock boat launch, however it was determined that these areas were not feasible due to inability of boat passage through the sluice way under the Bath Rd. However this does not limit fisherman's options of parking their rigs in these designated public facilities.

At the conclusion of the meeting representative from each town agreed to pursue the following ordinance changes with their elected officials.

- Town of West Bath - Since a majority of the parking problem, including destruction of fringing salt marsh around the landing, and road shoulder erosion on the Old Bath Rd. West Bath will pursue building up eastbound shoulder of the Old Bath Rd. and limit parking by ordinance to daylight hours only. West Bath has also agreed to place large boulders on each side of the landing to prohibit fisherman from parking in the fringing salt marsh area. West Bath will also seek avenues to prohibit overnight boat storage on their side of the lake.
- City of Bath – Since the westbound side of the Old Bath Rd. is in the jurisdiction of the City of Bath and there is very limited shoulder they will seeking an ordinance that prohibits any parking along the westbound lanes.
  - Town of Brunswick – West Bath limiting parking on the Old Bath Rd. would obviously cause more parking congestion on Brunswick's side of the Old Bath Rd. and along the Bath Rd. near the New Meadows Marina. With this said, Police Department Staff recommends two parking prohibitions. The first being a prohibition on both sides of the Old Bath Rd. from Bridge Rd. to the Brunswick/Bath Boundary Line and as well as on either side of the Bath Rd. from the West Bath/Brunswick Town line to 1000 feet past Sawyer Park Boat Launch. These parking prohibition are supported by the fact that parked traffic in the defined areas present a vehicular safety risk as both areas are on sloping roads with limited visibility. In addition the Harbor Masters office would ask that the town prohibit anyone from storing their vessels or barges overnight without a mooring permit and/or without the direct consent of the Harbor Master.

The changes we are requesting are in the following sections of the Brunswick Municipal Code.

**Chapter 15 Traffic and Vehicles, Article IV, Section 15-74 No parking Areas. 1) Commencing from the Brunswick/West Bath Boundary easterly on both sides of the Bath Rd to a point 1000 feet past Sawyer Park Boat Launch. 2) Commencing from the Bridge Rd. westerly on both sides of the Old Bath Rd. to the Brunswick/Bath Boundary.**

**Chapter 11 Marine Activities Structures and Ways, Article 1 Harbor, Coastal, Tidal and Navigable Fresh Waters. Add Section 11-13 Boat Storage. No boat, vessel, raft, barge shall be stored overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, barge and be fined \$150.00.**

We request that you seriously consider the following additions to the Brunswick Town Ordinances and look forward to hearing from you.

Respectfully,

Dan Devereaux MRO/HM  
Brunswick Police Marine Resources



**Proposed Ordinance Amendments  
No Parking Sections of Old Bath Road and Bath Road  
Drafted – 05/31/2011  
Public Hearing –  
Adopted –  
Effective –**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 15, Articles IIV, the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended by removing the struck-out language as follows:

**CHAPTER 15  
TRAFFIC AND VEHICLE  
ARTICLE IV.  
STOPPING, STANDING, PARKING**

**Sec. 15-74. No-parking areas.**

The following areas are designated as no-parking areas:

Bath Road, both sides, commencing from the Brunswick/West Bath Boundary westerly to a point 1,000 feet past Sawyer Road.

Old Bath Road, both sides, commencing from Bridge Road easterly to the Brunswick/Bath Boundary.

Adopted by the Brunswick Town Council at their Regular Meeting held on \_\_\_\_\_.  
It will become effective thirty days after adoption.

Attest: \_\_\_\_\_  
Town Clerk



**Old Bath Rd**

**Bridge Rd**

**Proposed Old Bath Rd  
No Parking Area**

**Peterson Lane**

**New Meadows  
River**

**Route 1**

**Proposed Bath Rd  
No Parking Area**

**Harding Rd**

**Bath Rd**

**Brunswick Marine Resources  
Proposed No Parking Areas  
Near New Meadows River**  
- Bath Rd  
- Old Bath Rd

June 1, 2011  
JAF/BPWD

**Sawyer Rd**

## Emails on the Road as MDOT jurisdiction

### **From John Foster**

The section of Old Bath Road where you want to establish a no parking zone is outside the Compact Limit so that road is under the maintenance jurisdiction of the MaineDOT out of Scarborough. You should probably contact them as regards establishing a no parking zone on that section of the road. I am copying this email to Brian Keezer who is the Scarborough Division Traffic Engineer. We would expect them to sign the road for no parking if they concur with your plan to establish that zone on Old Bath Road. FYI, thanks, John

John A. Foster, Town Engineer/Public Works Director  
Brunswick Public Works  
207.725.6654

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### **From Brian Keezer - MDOT**

**From:** "Keezer, Brian" <[Brian.Keezer@maine.gov](mailto:Brian.Keezer@maine.gov)>  
**Date:** Tue, 31 May 2011 14:52:58 -0400  
**To:** John Foster<[jfoster@brunswickme.org](mailto:jfoster@brunswickme.org)>; Fran Smith<[smithfm@brunswickme.org](mailto:smithfm@brunswickme.org)>  
**Cc:** Dan Devereau<[ddeverea@brunswickpd.org](mailto:ddeverea@brunswickpd.org)>; Marc Hagan<[mhagan@brunswickpd.org](mailto:mhagan@brunswickpd.org)>; Jim Higgins<[jhiggins@brunswickme.org](mailto:jhiggins@brunswickme.org)>  
**Subject:** RE: See if got language right

John and Fran,

My first question is whether both roads are state or state aid roads. If they are and both sections are outside the compact, then we would be involved. We absolutely want a local ordinance passed and we'll actually need a copy of it before we can move ahead on our end. So I would definitely go ahead with the public hearing. Once I get a copy of the signed ordinance, I have to type a Commission Record Item that gets signed by the Commissioner of MaineDOT. Once I get this back from the Augusta Office, assuming the roads are state or state aid roads, we will install the "No Parking" signs initially. Once they are installed, it is up to the town to maintain them.

Please let me know if you have any additional questions.  
Thanks - Brian

Brian Keezer, P.E.  
MaineDOT Region 1 Traffic Engineer  
P.O. Box 358  
Scarborough, ME 04070  
Tel.: (207) 885-7000  
Fax: (207) 885-3806

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**From Dan Devereau**

John,

Thanks for sending this to Brian. I hope it pulls your support. There have been many issues that have arose since we opened the New Meadows Lakes for harvesting, two majors issues are roadside parking and the deterioration of the shoulders of the roads. More of a problem in Bath and West Bath, however it very well could be our problem when West Bath and Bath prohibit parking on their side of the boundary.

Once again I appreciate your help in direction and hope that once MDOT signs off your department will maintain the signs. We will be strictly enforcing this once and if it is enacted by the Council.

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ITEM 54

BACK UP MATERIALS



**Proposed Ordinance Amendments  
No Overnight Boat Storage  
Drafted – 05/31/2011  
Public Hearing –  
Adopted –  
Effective –**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 11, Article I, the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended by removing the struck-out language as follows:

**ARTICLE I.  
HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS**

**Secs. 11-13--11-25. ~~Reserved.~~—Boat Storage.**

No boat, vessel, raft, barge shall be stored overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, barge and be fined \$150.00.

Adopted by the Brunswick Town Council at their Regular Meeting held on \_\_\_\_\_.  
It will become effective thirty days after adoption.

Attest: \_\_\_\_\_  
Town Clerk

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ITEM 55

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE  
INCORPORATED 1739  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
28 FEDERAL STREET  
BRUNSWICK, ME 04011

**MEMORANDUM**

TO: Town Council  
Gary Brown

FROM: Brian K. Dancause *Brian*

DATE: June 1, 2011

SUBJ: Council Resolution re. \$300,000 CDBG Development Fund Award for Kestrel Aircraft Company

Attached is a Council resolution authorizing the submission of a Town of Brunswick CDBG application and acceptance of a CDBG award on behalf of Kestrel Aircraft Company, as well as acknowledging CDBG requirements governing the award. This resolution is required, in order to complete the project development phase (Phase II) of the CDBG Economic Development Program, which will result in the execution of a grant agreement between the Maine Department of Economic and Community Development and the Town.

**BACKGROUND:**

In a letter dated January 26, 2011, DECD invited the Town into Phase II of the CDBG Economic Development Program. Following a February 28 public hearing and Council action accepting the CDBG award on behalf of Kestrel Aircraft Company, Town staff submitted a Phase II package to DECD on April 25.

Upon submitting the Phase II package for a \$300,000 CDBG Development Fund award on behalf of Kestrel Aircraft Company, Town staff were informed by DECD that our package was missing a Council resolution authorizing the submission of our application and acceptance of our award, as well as acknowledging CDBG requirements governing the award. (For recent CDBG awards, including Maine Tool & Machine, attested minutes of Council meetings, including Council action authorizing application submission and award acceptance have satisfied the CDBG requirement for governing body approval. However, for this project, DECD is insisting that we include a Council resolution in our Phase II package.)

Note: In response to our Phase II submission, the Town did receive Environmental Review clearance from DECD for the Kestrel Aircraft Company project. DECD's Environmental Review clearance date of April 28, 2011 is the effective date for removal of environmental conditions for obligation of CDBG funds.

# COUNCIL RESOLUTION

## STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**WHEREAS**, the **Town of Brunswick** wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

**WHEREAS**, the Town of Brunswick is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

**NOW THEREFORE**, be it resolved by the Council of the Town of Brunswick that the Town Manager (or other local government official or officer):

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Economic Development Program-Development Fund Amount: \$300,000

To the Department of Economic and Community Development on behalf of the Town of Brunswick, substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the Town of Brunswick required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the Town of Brunswick and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

**DATE ENACTED:** \_\_\_\_\_

**Municipal Seal**

### AUTHORIZED SIGNATURES

<b>Name</b>	<b>Date</b>

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ITEM 56

BACK UP MATERIALS

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

**Please complete:**

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: Dominic D'Alessio / Rita Costa

Corporation-Corporation Name: \_\_\_\_\_

Incorporation Date: \_\_\_\_\_ Incorporation State: \_\_\_\_\_

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: \_\_\_\_\_

Business Name: Polar Bear Express E-Mail: ddaleessiojr@outmail

Business Address: 206 Maine St Business Phone Number: 721-8440

Name of Contact Person: Dom Contact's Phone Number: 841-9170

Mailing Address for Correspondence: SAME AS ABOVE

Signature of Applicant: [Signature] Date: MAY 11/11

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: \_\_\_\_\_ Phone #: \_\_\_\_\_

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

[Signature] 5/18/2011 #  
Codes Officer Signature

\_\_\_\_\_  
Health Officer Signature

\* limit of two chairs / table

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: IAS Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Public Way Paid Fee: \$ 25 Cash  Date: 5/12/11

Comil 6/16 Advertising Fee: \$ 11.00  Paid

**License Fees & Schedule: Please check the type of license you are applying for.**

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_

\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**

\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**

\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

FSE with Malt, Vinous & Spirituous Liquor (\$250)

FSE with Malt and Vinous (\$200)

FSE with Malt or Vinous (\$175)

FSE with Sit Down, no Alcohol (\$100)

FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: *Description of Food to be sold:* \_\_\_\_\_

**Going Out of Business (\$50)**

60 Day License (*Must also Complete an Application for Going out of Business Sale, and include a list of inventory*)

**Innkeeper-Exp. May 31<sup>st</sup>**     1-15 Rooms (\$100)     16+ Rooms (\$175)

**Junkyard**     **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)     **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

**Pawnbroker** (\$75) Exp. June 30<sup>th</sup>

**Peddler:**

\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices** (\$35/each) Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Machines/Devices

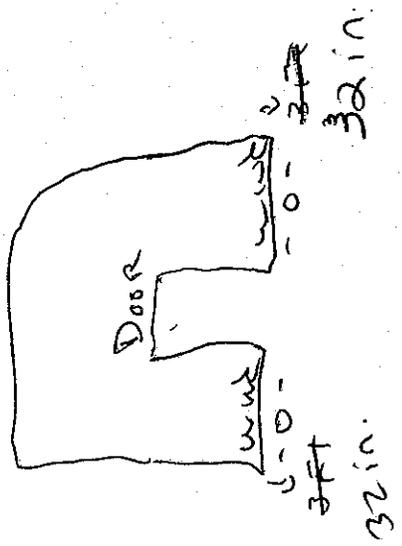
**Second Hand Dealer** (\$75)-Exp. June 30<sup>th</sup>

**Sellers of Prepared Food on Public Way** (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)  
 Location: 206 MAINE ST *Exp. 1<sup>st</sup> PH in March*  
 As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_  
 \_\_\_\_\_ (Signature of owner, officer, partner or agent)  
 (New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusements** (\$100)-Exp. w/Alcohol License  
 Describe in detail kind and nature of entertainment- \_\_\_\_\_  
 Describe in detail room or rooms to be used under this permit- \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Owner, officer, partner or agent: \_\_\_\_\_

**Tattooing Establishment** (\$75)-Exp. June 30<sup>th</sup>

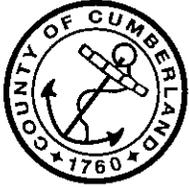
**Theater** (\$150 per screen)-Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Screens



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ITEM 57

BACK UP MATERIALS



# County of Cumberland

## EMERGENCY MANAGEMENT AGENCY

22 HIGH STREET UNIT 1  
WINDHAM, MAINE 04062



Telephone  
(207) 892-6785

Fax  
(207) 892-8617

May 17, 2011

From: James Budway  
To: Municipal Officials

Subj: 2011 CUMBERLAND COUNTY HAZARD MITIGATION PLAN  
ADOPTION

The Cumberland County Emergency Management Agency (CCEMA) has received conditional approval of the 2011 Cumberland County Hazard Mitigation Plan (HMP) update from the Federal Emergency Management Agency (FEMA). In Maine, HMPs are maintained at the County level and incorporate all municipal mitigation considerations.

Each municipality in Cumberland County has participated in the update process and "conditional approval" means that the plan meets all FEMA requirements for incorporation into our County emergency management program. The next step in the process is to have all 28 communities review and sign (adopt) the enclosed document. Once that is complete, CCEMA will present the plan to the County Commissioners for signature/adoption. With the final approval comes renewed eligibility for all municipalities to compete for valuable mitigation grant funding.

A summary of mitigation projects that may qualify for funding either derived from or further refined in the updating process are included in the 2011 HMP update.

As previously noted, completion of this effort requires "adoption by the local governing body." Therefore, the Cumberland County Commissioners and the Boards of Selectmen and the Councils of the 28 Incorporated Cities and Towns are requested to adopt the 2011 Cumberland County Hazard Mitigation Plan as soon as possible. Adoption acknowledges that natural hazards create a risk of harm to persons and damage to property and that implementing certain measures may reduce the risk of harm to persons and damage to property resulting from these natural hazards.

The disc accompanying this letter contains a copy of the 2011 Hazard Mitigation Plan. The plan may be also viewed at the Cumberland County Website <http://www.cumberlandcounty.org/EMA/hazard.htm> The adoption signature pages will be added to the plan once the adoption process is complete.



# MEMO

To: Gary Brown, Manager

From: Ken Brilliant, Fire Chief/ EMA Director

Ref: Hazard Mitigation Plan

Date: May 31, 2011

This is a follow up to our discussion about the letter the Town received from Cumberland County EMA regarding the adoption of the County Hazard Mitigation Plan.

This is a County wide plan that has been in place for a few years and is has to be updated every few years. It was already in the update/ review process when I started last April. I met with John Foster and a representative from CCEMA on the plan when the Town was having their projects reviewed for consideration as part of the Hazard Mitigation plan. Our plans focus mostly on problem areas from recent storms and include storm drains/ culvert washouts as well as some road wash outs. The need for the Towns approval is to keep us as part of a working/ approved plan and eligible to compete for grant funds when they become available to hopefully fix some of these problem areas. CCEMA in their letter has requested all towns to review and approve the plan as soon as possible so that it can be sent on to the State and Federal levels.

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ITEM 58

BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: Mid Coast Economic Development District General Assembly

RE: June 1, 2011

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Attached please find a copy of the recently adopted by-laws of the Mid-Coast Economic Development District (MCEDD). This is the organization that has been in existence since 2002, but was not recognized by the EDA until several years later. Over the course of the past three years, the organization has been the focus of some disagreements between the member communities of MCCOG and Lincoln County. The issues of disagreement have been resolved and one of the outcomes of the resolution is revised by-laws. MCEDD now includes Lincoln County, Sagadahoc County, and Knox County, several towns in Waldo County, Brunswick and Harpswell.

In the past, Brunswick has been represented by staff (Don Gerrish and Mat Eddy) and subsequently David Markovchick and I. The designation of staff to the General Assembly has not been by Council in the past but rather by assumption. The revised by-laws specify appointment by majority vote of the municipal officers. Also, as a result of the revised by-laws, Brunswick has three positions to be filled.

The General Assembly will appoint the Board of Directors. The General Assembly typically meets twice a year. The Board of Directors will meet more frequently. The Board of Directors shall also appoint an Executive Committee.

In order for Brunswick (and MRRA) to be eligible to receive Federal EDA funds, we are required to belong to an economic development district. We have included in this year's request for funding

The recommendation to the Council is to appoint Denise Clavette and myself, and designate the third position to be filled by MRRA.

## BY-LAWS

### MIDCOAST ECONOMIC DEVELOPMENT DISTRICT

#### Article I: Name and Location.

The name of this corporation shall be the MIDCOAST ECONOMIC DEVELOPMENT DISTRICT. Its initial location shall be in the Town of Brunswick, Maine.

#### Article II: Office - Registered Office - Registered Agent.

Section 1. Office. The corporation shall initially maintain an operations office within the District specified in Article III at a location convenient to carrying out the affairs and fulfilling the purposes of the organization. The location of this office, and additional offices, may be established at such other places within the State of Maine, as the Board of Directors may from time to time determine to be in the interests of the organization.

Section 2. Registered Office. The registered office of the corporation shall be at: 48 Front Street, Bath, Maine, 04530.

Section 3. Registered Agent. The Registered Agent of the corporation shall be: Roger R. Therriault, Esq.

#### Article III: Purpose.

This corporation is organized as a non-profit corporation under applicable provisions of Maine non-profit corporate Statutes, and is intended to operate and be construed as a regional planning commission under the provisions of Title 30-A, Section 2321, and shall be for the purpose of developing and delivering a Comprehensive Economic Development Strategy (CEDs), which incorporates the economic, community and workforce development, education, transportation and environmental efforts and initiatives of the Midcoast region; and to partner with communities, businesses, non-profits and other regional development organizations to support the delivery of those economic and community development programs and services that will further the goals and objectives in

the CEDS, encompassing the jurisdictional area established by the Federal Economic Development Agency as the Midcoast Economic Development District, and subsequent revisions. This area includes but is not limited to, the municipalities of Lincoln County, the municipalities of Knox County, the municipalities of Sagadahoc County, the municipalities of Brunswick and Harpswell of Cumberland County, and the municipalities of Northport, Lincolnville, Islesboro, Belmont and Searsmont of Waldo County.

**Article IV. Powers – Guiding Principals.**

**Section 1. Powers.** By way of illustration, and not by way of limitation, this corporation is formed for the specific purpose of carrying out the following:

1. to serve as the official Economic Development District for the region for purposes of the U.S. Economic Development Administration (EDA) and other federal programs;
2. to annually appoint a Comprehensive Economic Development Strategy Committee (CEDS) in accordance with EDA requirements;
3. to annually update and approve a Comprehensive Economic Development Strategy for the region in coordination with local and county government, and local and regional economic and community development organizations;
4. to implement the CEDS in coordination with local and county governments, and local and regional economic and community development organizations;
5. to carry out other activities that are necessary to meet EDA requirements for the Economic Development District;
6. to provide information to the public and regional businesses about economic development programs and activities in the region in coordination with local and county governments, and other local and regional economic and community development organizations;

7. to contract, where deemed appropriate, with existing governmental, community and economic development organizations, for the delivery of economic development, grant preparation and administration, and business assistance services;
8. to enhance the ability of municipalities and economic development organizations in the region to obtain funding directly from outside agencies such as EDA;
9. to apply for and accept, and to assist governmental and public entities to apply for and accept, grants from the federal government, the state government, counties, local governments, foundations, or other funding agencies, in accordance with the guiding principles of operation described below in Article V.

In these bylaws the terms "members" and "representatives" are used as defined below:

Members are defined as appointing authorities, i.e. municipalities or counties appoint representatives to the MCEDD, as provided by Article VIII, Sections 2 and 3.

Representatives are defined as those appointed, i.e. general assembly representatives appointed by respective municipalities or counties as provided by Article VIII, Sections 2 and 3.

#### **Article V. Guiding Principles of Operation.**

In carrying out activities or expending funds to plan or carry out any programs, the corporation shall consider the following principles of operation:

1. Existing Resources - Where it is deemed in the best interest of the corporation, and not in conflict with Federal Economic Development Administration, the corporation will utilize existing resources in order to coordinate regional efforts, focus on identified proprieties, and improve access to Federal and State funding to benefit municipalities within the District.

2. Collaboration – The Corporation shall administer its plans and programs with the explicit goal of coordinating, streamlining, and enhancing the effectiveness of economic development program delivery throughout the entire planning District.
3. Scope – The Corporation shall follow the scope of work as contained within the Partnership Planning Grant Agreement currently in effect between the corporation and the Economic Development Administration, or as specified in the EDA approved CEDS currently in effect.
4. Mutual support – The Corporation shall support the efforts of qualified organizations within the region to directly obtain funds from outside sources that enhance their economic development services, to the extent that such efforts do not conflict with the activities of the corporation.
5. Administrative Contracts – Grant Match – In exercising its authority to accept services from outside agencies, and where that administrative service is intended to provide an in kind match for any EDA Planning Grant or other Grant, then the scope of services and value of those services for determining the amount of the in kind match shall be provided in writing in advance of any service being provided, and subject to Board of Directors' approval.

#### **Article VI. Nondiscrimination Policy.**

The MIDCOAST ECONOMIC DEVELOPMENT DISTRICT honors all appropriate laws relating to discrimination. It values individual differences and seeks to avoid discrimination as to sex, race, color, creed, financial status, physical appearance, age, or any other form of discrimination.

#### **Article VII. Membership.**

There shall be no members of this corporation initially. Should circumstances require changes in district boundaries or the institution of membership by municipal and county governments, the General Assembly shall adopt reasonable regulations regarding membership consistent with the provisions

contained in governing federal regulations, including the authority to establish conditions of entrance or resignation of members.

## Article VIII. General Assembly.

### Section 1. General Powers.

The overall business and affairs of this corporation shall be managed by the General Assembly. The members of the General Assembly shall in all cases act as a single entity, and they may adopt such rules and regulations for the conduct of their meetings and the management of the corporation, as they may deem proper, not inconsistent with these By-laws and the laws of the State of Maine. The General Assembly shall have general charge of management and control of the affairs, finances, and property of the corporation. The General Assembly shall have exclusive authority to adopt the Corporate Budget and Work Plan, adopt the Corporate Strategic Plan and Comprehensive Economic Development Strategy (CEDS), appoint the Board of Directors, amend these By-Laws and any other actions that are exclusively allocated to the General Assembly by Law or these By-Laws. The General Assembly shall have the further authority to make rules and regulations for the management of the corporation and use of the corporate property. Subject to the limitations of the corporate Articles of Incorporation, these By-Laws, and the Maine Revised Statutes, it is intended that all corporate powers shall be exercised by or under the authority of the General Assembly, and the management and affairs of the corporation shall be controlled by the General Assembly. This power shall specifically include the authority to appoint or change the Resident Agent or to designate or change the Registered Office and to delegate to the Board of Directors the management of the affairs of the corporation on a routine basis and in the absence of action by the General Assembly.

### Section 2. Membership

The municipal officers of each municipality within the jurisdictional area defined in Art. III shall appoint two Representatives to the General Assembly, plus one Representative for every 10,000 population or fraction thereof exceeding one-half of that number over 10,000 population, determined by the latest decennial census. Each member county shall be entitled to two representatives appointed by the county commissioners. At least one representative for each municipality regardless of size must be a municipal officer or a designee elected by a majority vote of the municipal officers. This designee serves at the will of the municipal

officers. Representatives shall not be remunerated for their services, but may be reimbursed upon approval of the Officers of the MCEDD for expenses incurred in the transaction of MCEDD activities or business.

### Section 3. Appointment and Terms

Each representative to the General Assembly must be appointed, by the municipal officers or county commissioners as appropriate, prior to the annual meeting of the General Assembly and serves for a term of one year and until replaced. There shall be no term limits. However, the term of any General Assembly member who is a municipal officer ends if that member is no longer a municipal officer. The municipality is then responsible for filling that vacancy.

#### 1. Initial Appointment - 2011

The General Assembly shall be initially constituted when a number equaling a majority of representatives as described in Section 2 of this Article have been appointed by their respective municipal officers, which is expected to occur by May 31, 2011. Concurrent with the initial constitution of this General Assembly, the sitting Board of Directors will be transitioned to membership in the CEDS Committee as defined in Article XII Section 1.

#### 2. Transitional Executive Committee

Upon adoption of these Bylaws a transitional Executive Committee of seven (7) members is created to serve until their successors are named as described in Articles IX and X of these By laws. The transitional Executive Committee shall receive the same delegation of authority from the General Assembly as described in Article IX and X. The composition of this transitional Executive Committee shall be:

1. The Officers of the Corporation prior to the adoption of these Bylaws and,
2. 3 at large representatives jointly appointed by Knox and Waldo Counties in any manner they so choose.

This transitional Executive Committee shall no longer exist upon appointment of their successors as described in Article IX.

#### Section 4. Compensation of General Assembly members

Members shall serve initially without compensation, however, the membership may vote at their annual meeting to provide compensation for the General Assembly. If there is to be compensation, then the rate of compensation and method of payment shall be determined at the annual meeting. Any award of compensation shall not be deemed a contract of employment or give rise to any other contractual relationship; nor shall an award of compensation at a particular annual meeting bind the members to continuing compensation at subsequent years.

#### Article IX. Board of Directors.

##### Section 1. Qualifications and Term

The Board of Directors must be of members of the General Assembly. There shall be no term limits with respect to members of the Board of Directors.

##### Section 2. Appointment

The General Assembly members of each of the five (5) Counties shall separately caucus and each caucus shall appoint five (5) members to the Board of Directors. In addition, each Board of County Commissioners shall appoint one (1) member to the Board of Directors. The Board of Directors shall constitute a total of not more than thirty (30) members.

##### Section 3. Functions and Powers

The Board of Directors has the following functions and powers;

1. Where authorized by the General Assembly or these By-Laws to act on behalf of the General Assembly in conducting the business of the MCEDD.
2. To appoint the Officers of the Corporation, plus three (3) at large representatives, who shall be known as the Executive Committee.
3. To appoint, fix the salary of, and remove for cause employees of the corporation.
4. To propose an annual work plan and budget to the General Assembly.
5. From time to time to consider and recommend action on regional policies, a strategic plan, and other studies or plans.

6. To oversee the receiving, holding, and disbursing of funds of MCEDD.
7. To provide for an annual audit.
8. To create committees from time to time as it deems appropriate.
9. To fill any vacancy on the Board of Directors and of any of the officers until the next annual meeting of the General Assembly
10. To perform such functions and engage in such activities as are directly delegated to the Board by the General Assembly.

#### Section 4. Removal of Directors

The Directors appointed by the County caucuses may be removed with or without cause by vote of the caucus. Directors appointed by the Board of County Commissioners may be removed with or without cause by vote of those Commissioners. In addition, the Board of Directors may adopt an attendance policy regarding its members and may remove members not meeting the attendance requirement.

#### Section 5. Resignation

A Director may resign at any time by giving written notice to the Board of Directors or the President of the corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Board or the President, and the acceptance of the resignation shall not be necessary to make it effective.

#### Section 6. Vacancies

In the event that a vacancy on the Board of Directors is created due to death, disability, resignation or removal, the appointment of a replacement shall be in accordance with the procedures outlined in Section 2.

### Article X. Officers and Executive Committee.

#### Section 1. Principal Officers

The principal officers shall be a president, a vice-president, treasurer and a secretary. The president, vice-president, treasurer and secretary shall be appointed annually by the Board of Directors and shall serve on the Executive Committee. Each must be a current member of the General Assembly in order to be eligible to serve as an officer. There shall be no term limits. The Executive

Committee shall include three (3) at large members elected by the Board of Directors in addition to the four (4) corporate officers.

The registered agent of the corporation shall be appointed by the Board of Directors and shall hold office until the corporation changes its registered agent in the manner prescribed by law. The registered agent shall be an individual resident of the State of Maine or a corporation authorized to transact business in Maine.

### Section 2. Duties

1. The President shall call meetings of the General Assembly/Board of Directors/Executive Committee, set agendas for those meetings, and preside at such meetings. The President shall sign contracts and documents on behalf of the General Assembly/Board of Directors at their direction (See Article XIV, Section 2). The President shall directly supervise staff or consultants engaged by the corporation.
2. The Vice President shall perform the duties of the President in the event that the President is absent, resigns, or is unable to perform his or her duties.
3. The Treasurer shall ensure that accurate and complete financial records of the corporation are maintained and distributed to the Board of Directors.
4. The Secretary shall ensure that accurate and complete nonfinancial records of the corporation are maintained and distributed to the Board of Directors.

### Section 3. Executive Committee

The Executive Committee shall consist of seven (7) members; the Officers as constituted in Section 1 above and three (3) at-large members elected by the Board of Directors. At large members shall be members of the General Assembly. There shall be no term limits. The Executive Committee has the following functions and powers;

To perform such functions and engage in such activities as are directly delegated to the Executive Committee by the Board of Directors, the General

Assembly, or as may be required under these By-Laws, and in such instances to act on behalf of the Board of Directors in conducting the business of MCEDD.

Section 4. Resignations and Vacancies. Any officer or Executive Committee member may resign his or her position by written notice to the Secretary. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Secretary. Any vacancy in any office may be filled by the Board of Directors.

#### Article XI Meetings

Section 1. Annual Meeting - General Assembly. The General Assembly shall hold an Annual Meeting. Notice of the Annual Meeting shall be accordance with Section 5 below, but shall be delivered at least Ten (10) days before the scheduled date of the meeting. At the Annual Meeting, the General Assembly shall elect the Board of Directors, adopt the budget and conduct such other organizational tasks as may be required for the operation of the corporation for the ensuing year, and set the schedule for the ensuing year.

#### Section 2. Public Meeting - General Assembly.

As is required under CFR Section 3.023(E), this organization, through its General Assembly, shall hold at least once a year, a public meeting open to the public, with notice of the date and agenda of the meeting being published in accordance with the requirements of this Corporation's Annual Meeting for the purpose of allowing the public reasonable time to prepare and effectively participate in the meeting. In addition to this public meeting requirement, where public decisions are required, information is required to be provided sufficiently in advance to give the public adequate opportunity to review and react to proposals.

#### Section 3. Regular Meetings.

Regular meetings of the General Assembly/Board of Directors/Executive Committee shall be held in such places and at such times as the General Assembly/Board of Directors/Executive Committee may determine with notice being provided as required in Section 5 of this Article.

#### Section 4. Notice of Regular Meetings/Waiver.

Notice of the regular meetings of the General Assembly/Board of Directors/Executive Committee shall be in writing and distributed to the Board at least Three (3) days in advance of the date of the meeting. In lieu of formal notice in writing, the General Assembly/Board of Directors/Executive Committee may schedule a specific date, time and place for their regular meetings, which shall occur on a recurring basis and obviate the necessity of written notice. Any Member or Director may waive notice of any meeting before, at or after such meeting by signing a waiver of notice. The attendance of a Member or Director at a meeting shall constitute a waiver of notice of such meeting and a waiver of any objections to the place of meeting or the manner in which it has been called or convened except where a Member or Director states at the beginning of the meeting any objection to the transaction of business conducted at that meeting due to the meeting having been unlawfully called or convened.

#### Section 5. Special and Emergency Meetings.

Special meetings of the Board of Directors or the Executive Committee may be called by the President or Three (3) members of the Board of Directors with Twenty-Four (24) hours notice in writing, by telephone, or in person. Emergency meetings may be called by the President or Three (3) members of the Board of Directors with Six (6) hours notice by word of mouth or telephone. Emergency meetings may be called as may be necessary to conduct the affairs of the corporation and to protect its interests by the President or Three (3) members of the Board of Directors with such notice as is deemed to be effective in advising as many Members or Directors of the meeting as possible.

#### Section 6. Action Without a Meeting.

Any action which may be taken at a meeting of the General Assembly/Board of Directors/Executive Committee may be taken without a meeting if consent in writing, which states in particularity the action taken, is signed by all of the Members or Directors and filed with the Minutes of the General Assembly/Board of Directors/Executive Committee. Such consent shall have the same effect as a unanimous vote, and shall be treated as a vote of the Assembly, Board of Directors, or Committee, for all purposes.

#### Section 7. Conduct of Meeting.

The President of the corporation shall preside over the meetings of the General Assembly/Board of Directors/Executive Committee, or in his absence the Vice

President, or in his absence a Chairman chosen by the members present. The Secretary, or in the absence of the Secretary, a person appointed by the President, Vice President or the Chairman of the meeting shall act as Secretary for the purpose of recording the minutes of said meeting.

#### Section 8. Quorum.

##### 1. General Assembly.

At any meeting of the General Assembly, a quorum will be 20% of those total seats as created by Article VIII, Section 2, irrespective of appointments of actual representatives by individual municipal or county governments. If less than said number is present at such meeting, a majority of the members present may recess the meeting from time to time without further notice. Vacant positions shall not be counted in determining the quorum number.

##### 2. Board of Directors/Executive Committee.

At any meeting of the Board of Directors/Executive Committee, a quorum will be a majority of those duly appointed members of the respective body. If less than said number is present at such meeting, a majority of the members present may recess the meeting from time to time without further notice.

#### Section 9. Voting.

All matters before the General Assembly/Board of Directors/Executive Committee shall be decided by a majority vote of the members present with each member having only One (1) vote, except as otherwise specified herein or provided by law. Approval of the annual CEDS and actions on policy, contractual and financial issues require the affirmative vote of a majority of the quorum present of the General Assembly/Board of Directors/Executive Committee members.

#### Section 10. Manner of Acting.

The act of the majority of the members or directors present at a meeting at which a quorum is present shall be the act of the members or directors, unless these By-Laws or a law requires the act to be by more than a majority of the members or directors.

#### Section 11. Irregularities and Presumption of Assent.

All informalities or irregularities in calls, notice of meetings, and in the manner of voting, credentials and methods of ascertaining those present, shall be deemed to have been waived if no objection is made at that meeting.

Section 12. Minutes.

Minutes of all regular and special meetings of the General Assembly/Board of Directors/Executive Committee shall be kept in a book provided for that purpose by the Secretary or designee or by person designated by the General Assembly/Board of Directors/Executive Committee for that purpose.

Article XII. Committees.

Section 1. - Comprehensive Economic Development Strategy (CEDS) Committee.

The Board of Directors shall appoint a CEDS Committee to prepare a draft of the annual comprehensive economic development strategy to be submitted to the U.S. Department of Commerce Economic Development Administration (EDA). The CEDS Committee shall submit the draft to the MCEDD Board of Directors. The Board of Directors may make any amendments that it feels needed, and then shall approve the CEDS by formal vote, and submit it to the Economic Development Administration. The CEDS Committee shall be constituted to be broadly representative of the economic interests of the District, and shall conform to the requirements of the Economic Development Administration for membership in such committees. The CEDS Committee may have non-General Assembly members and shall be designated under the following classifications:

1. Governmental - elected or appointed officials of local, county or state governmental units. These members shall comprise a majority of the committee.
2. Non-Governmental. Members who shall reflect the following interests:
  - Local and regional community development and economic development organizations
  - Lower Income Households
  - Organized Labor
  - The Region's Workers
  - Large Employers
  - Small Employers

- Entrepreneurial Businesses and Start-Ups
- Education and Training
- Marine and Other Natural Resource Interests
- Executive Director of a Chamber of Commerce
- Higher Education (Post Secondary)
- Work Place Representatives

These members shall comprise no less than 35% of the committee. A single member, regardless of class of membership, may represent multiple interests.

Section 2. Finance Committee. The Board of Directors shall appoint a Finance Committee which shall consist of the Treasurer and Four (4) other members of the Board of Directors. It shall be the duty of the Finance Committee to aid in the preparation of the annual budget of the organization and to provide budget recommendations to the Board of Directors, including any funds or services intended to meet match requirement, to review and oversee the financial operations of the organization, to bring to the Board of Directors' attention any financial issues that need to be addressed by the Board of Directors, and to oversee any other issues related to the financial management and record keeping of the organization.

Section 3. Ad Hoc Committees. There may be ad hoc committees, as from time to time the Board of Directors may determine to be beneficial to the functioning of the corporation. Such committees may consist of members and/or qualified persons, and are to perform such duties and make such investigations and reports as the Board of Directors shall be resolved to determine. Such committees shall determine their own organization and times of meeting and other committee rules and procedures.

### Article XIII. Books, Records and Reports.

#### Section 1. Minutes, Books and Records.

The Corporation shall keep correct and complete minutes of the proceedings of its General Assembly/Board of Directors/Executive Committee, and other Committees, and shall keep correct and complete books and records of accounts.

#### Section 2. Annual Report.

The Corporation shall present an annual report no later than Four (4) months after the close of each fiscal year of the Corporation. Such report shall include a balance sheet as of the close of the fiscal year of the Corporation and a revenue and disbursement statement for the year ending on such closing date. Such financial statements shall be prepared from and in accordance with the books of the Corporation, in conformity with generally accepted accounting principles applied on a consistent basis.

Section 3. Inspection of Corporate Records.

The corporate records shall be open for inspection for any proper purpose at any reasonable time, on written demand stating the purpose thereof, to examine and make copies from the relevant books and records of accounts, minutes, and records of the Corporation.

Article XIV. Borrowing, Contracts, Checks, Deposits, Investments and Gifts.

Section 1. Borrowing.

No officer, agent or employee of the corporation shall have any power or authority to borrow money on its behalf, to pledge its credit, or to mortgage or pledge its real or personal property, except within the scope and to the extent of the authority delegated by resolution of the General Assembly. Authority may be given by the General Assembly for any of the above purposes and may be general or limited to specified instances and may be in the nature of standing resolutions. This corporation shall not have the authority to bind any of its municipal or county governmental members with respect to any corporate obligation.

Section 2. Contracts.

No officer, agent or employee of the corporation shall have any power or authority to enter into a contract on behalf of said corporation except as within the scope and to the extent of the authority delegated by the resolution of the Board of Directors. Authority may be given by the Board of Directors for any of the above purposes and may be general or limited to specific instances and may be in the nature of standing resolutions.

Section 3. Checks and Deposits.

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed

by the Treasurer and other authorized Officers of the corporation. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as determined by the Treasurer, and all such funds may be withdrawn only upon checks signed by the Treasurer and other authorized Officers.

Section 4. Gifts.

The corporation shall have the power to accept contributions of cash or property from public bodies, corporations, individuals, foundations, trusts, and others for one or more of its purposes and limited in any manner consistent therewith provided by the donor.

Section 5. Investments.

All funds available for investment may be invested in such securities or other property as the Board of Directors, or its duly authorized officers, may direct.

Article XV. Nonprofit Operation.

This corporation will not have or issue shares of stock. No dividends will be paid. No part of the income or assets of the corporation will be distributed to anyone other than to promote the purposes of this corporation, as may be required by law or by agreement. No Officer, Director or member of the General Assembly has any right, title, interest or privilege in and to the assets, property, beneficial interests, functions or activities of this corporation.

Article XVI. Fiscal Year.

The fiscal year of the corporation shall be the 1<sup>st</sup> day of July of each year and shall end on the 30th day of June of each year.

Article XVII. Corporate Seal.

The corporate seal of the corporation shall be circular in shape and shall bear the inscription MIDCOAST ECONOMIC DEVELOPMENT DISTRICT and the date of incorporation.

Article XVIII. Indemnification.

The corporation shall indemnify any Member, Director or Officer or former Member, Director or Officer of the corporation, or any person who may have served at its request as a Director or Officer of another corporation, whether for profit or not for profit, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding, in which he is made a party by reason of being or having been such Director or Officer, except in relation to matters as to which he shall be adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of a duty. The indemnification provided by this Article shall not be deemed exclusive of any rights to which such Director or Officer may be entitled under any By-law, Agreement, Vote of the Board of Directors or otherwise. In no case, however, shall the corporation indemnify or reimburse any person for any federal excise taxes imposed on such individual under Chapter 42 of the Internal Revenue Code. Further, if at any time or times the corporation is a private foundation within the meaning of Section 509 of the Code, then, during such time or times, no payment shall be made under this Article if such payment would constitute an act of self-dealing (as defined in Section 4941 (d) of the Code), or a taxable expenditure (as defined in Section 4945 (d) of the Code). This indemnification is in accordance with the provisions of 13-B M.R.S.A. Section 714.

#### **Article XIX. Tax Provisions.**

At all times, and notwithstanding merger, consolidation, reorganization, termination, dissolution, or winding up of the corporation, voluntary or involuntary or by operation of law, or any other provisions hereof:

1. The Corporation shall not possess or exercise any power or authority, whether expressly, by interpretation, or by operation of law, that will or might prevent it at any time from qualifying and continuing to qualify as a corporation described in Section 501 (c) (3) or other appropriate Section of the Internal Revenue Code (hereinafter referred to as "the Code"), contributions to which are deductible for federal income tax purposes; nor shall the corporation engage directly or indirectly in any activity that might cause the loss of such qualification under Section 501 (c) (3) of the Code.

2. The corporation shall never be operated for the primary purpose of carrying on a trade or business for profit.
3. No substantial part, and during such time or times that the corporation is a private foundation within the meaning of Section 509 of the Code, no part of the activities of the corporation shall consist of attempting to influence legislation (including action by Congress, any State legislature, and Local Council or similar governing body, or the public in referendum, initiative, constitutional amendment, or similar procedure) through propaganda or otherwise (including contacting, or urging the public to contact, members of the legislative body for the purpose of proposing, supporting, or opposing legislation or advocating the adoption or rejection of legislation). Nor shall the corporation, directly or indirectly, participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.
4. At no time shall the corporation engage in any activities that are unlawful under the laws of the United States, or the State of Maine.
5. No solicitation of contributions to the corporation shall be made, and no gift, bequest, or devise to the corporation shall be accepted, upon any condition or limitation that in the opinion of the corporation may cause the corporation to lose its federal income tax exemption.
6. Pursuant to the prohibition contained in Section 501 (c) (14) of the Code, no part of the net earnings, current or accumulated, of the corporation shall ever inure to the benefit of any private individual.
7. Notwithstanding any other provision of these By-laws, if at any time or times the corporation is a private foundation within the meaning of Section 509 of the Code; then during such time or times
  - a) The corporation shall distribute its income for each taxable year at such time and in such manner as not to subject the corporation to tax under Section 4942 of the Code; and

- b) The corporation shall not engage in any acts of self-dealing, as defined in Section 4941 (d) of the Code; and
- c) The corporation shall not make any investments in such a manner as to subject the corporation to tax under Section 4944 of the Code; and,
- d) The corporation shall not retain any excess business holdings, as defined in Section 4943 (d) of the Code; and
- e) The corporation shall not make any taxable expenditures as defined in Section 4545 (d) of the Code.

**Article XX. Parliamentary Authority.**

Unless otherwise specified by the membership or the Board of Directors, as may be the case, the rules contained in the current edition of *Roberts Rules of Order* shall govern this corporation and the meetings of its membership, its General Assembly/Board of Directors/Executive Committee, and its Committees, in all cases to which they are applicable and in which they are not inconsistent with these By-Laws.

**Article XXI. Dissolution Clause.**

Upon the dissolution of this corporation, the termination of its activities, or the liquidation of its assets, all remaining assets of the corporation after payment of its liabilities and obligations, shall distributed exclusively to one or more organizations organized and operated exclusively for non-profit purposes and who shall then qualify as an exempt organization or organization under Section 501(c)(3) or other appropriate provision of the Internal Revenue Code as Amended and operates as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13-B of the Maine Revised Statutes Annotated, and/or to a municipal or county governmental entity within the service area of this corporation.

**Article XXII. Amendments.**

These By-Laws, and the organizational documents of this organization, may be amended by a majority vote of the members of the General Assembly at any annual or special meeting of the membership. Proposed amendments shall be

mailed to each member at least Seven (7) days before the meeting at which the amendment(s) is to be considered.

**MCEDD Executive Committee:**

**Date:**

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ITEM 59

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE  
TOWN COUNCIL**

**A Resolution Authorizing the Expenditure of up to \$160,000 from Unexpended Funds to  
Fund the Reconstruction of Lincoln Street**

**WHEREAS**, the Town of Brunswick (the "Town") through its Town Council on January 24, 2011 adopted the Master Plan for Downtown Brunswick & the Outer Pleasant Street Corridor (the "Master Plan"); and

**WHEREAS**, the Master Plan recommends that street and sidewalk improvements be made in several areas; and

**WHEREAS**, the Public Works Department has identified street, sidewalk, and drainage improvements for Lincoln Street (the Project") and recommended those improvements be included in the Town's capital improvement program (the "CIP"); and

**WHEREAS**, the Public Works Department estimates the cost of the Project, excluding the cost of Public Works Department labor and equipment, to be \$160,000; and

**WHEREAS**, the Town Manager has identified funds in the 2000 Projects Fund to finance the cost of the Project; and

**WHEREAS**, the Town Manager has indicated that the cost of Public Works labor and equipment be funded from the general fund budget appropriation(s) of the Public Works Department;

**NOW THEREFORE BE IT RESOLVED**, that the Town Manager is authorized to negotiate and execute any and all agreements determined, in the Town Manager's judgment, to be in the best interest of the Town of Brunswick in order to facilitate construction of the Project; and

**BE IT FURTHER RESOLVED**, that the sum of \$160,000 is appropriated from the 2000 Projects Fund, and is authorized to be expended to accomplish the Project;

**BE IT FURTHER RESOLVED**, that the cost of Public Works labor and equipment be funded through the Public Works Department general fund budget appropriation(s); and

**BE IT FURTHER RESOLVED**, that any actions taken to date by the Town Manager, or his designees, in connection with the development or implementation of the Project are hereby ratified, confirmed, and approved.

Proposed to Town Council – June 6, 2011  
Adopted by Town Council –

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ITEM 60

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE  
TOWN COUNCIL**

**A Resolution Authorizing an Emergency Appropriation of up to \$459,000 From Landfill Impact Fees for the Purpose of Funding the Cover of Phase 3-A of the Graham Road Landfill**

**WHEREAS**, the Town of Brunswick (the “Town”) operates a solid waste landfill on Graham Road in Brunswick, Maine (the “Graham Road Landfill” or “Landfill”);

**WHEREAS**, the operation of the Landfill is regulated by the Maine Department of Environmental Protection (the “DEP”) and the United States Environmental Protection Agency (the “EPA”); and

**WHEREAS**, the Landfill has been constructed and operated in phases; and

**WHEREAS**, the Phase 3-A of the Landfill has reached its design capacity; and

**WHEREAS**, the Town is required to cover Phase 3-A in accordance with an approved design (the “Project”); and

**WHEREAS**, the Town has accumulated Landfill Impact Fees collected through the subdivision and site development review process in accordance with the ordinances of the Town of Brunswick, and has earned interest on those fees to provide a total amount available for Landfill projects; and

**WHEREAS**, The Town Manager and Public Works Director have determined that the use of Landfill Impact Fees to fund up to \$459,000 of the Project is an appropriate use of those funds; and

**WHEREAS**; the Town needs to appropriate the Landfill Impact Fees for the Project; and

**WHEREAS**, the Town Manager considers the need to appropriate the impact fees to be an emergency within the meaning of Section 510 of the Charter of the Town of Brunswick (the “Charter”);

**WHEREAS**, the Town Council finds the need to appropriate funds to be an emergency within the meaning of Section 510 of the Charter;

**NOW THEREFORE BE IT RESOLVED**, that \$459,000 of Landfill Impact Fees are appropriated to the Solid Waste Facilities enterprise fund for the purpose of funding the Project; and

**BE IT FURTHER RESOLVED**, that the Town Manager, Public Works Director and Finance Director are authorized to define and determine those to be identified as Project costs or Project expenditures; and

**BE IT FURTHER RESOLVED**, that any actions taken to date by the Town Manager, or his designees, in connection with the planning or implementation of the Project, including the execution of contracts or the expenditure of funds, are hereby ratified, confirmed, and approved.

Proposed to Town Council – June 6, 2011

Adopted by Town Council –

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ITEM 61

BACK UP MATERIALS

## TOWN OF BRUNSWICK, MAINE

### ORDINANCE

An Ordinance Amending Several Prior Bond Ordinances to Reduce the Amount of Bonds Authorized by those Prior Ordinances, to Advance Funds to Several Projects, and, As Necessary, to Ratify Actions Already Taken Under the Ordinances being Amended

**WHEREAS**, over the course of several years beginning in 2004 the Town of Brunswick (the “Town”) adopted several bond ordinances that authorized the Town to issue bonds and notes to finance a variety of projects; and

**WHEREAS**, the Town has issued all of the bonds or notes it intends to issue under the authority of those ordinances; and

**WHEREAS**, the Town wants to amend those ordinances to reduce the amount of notes or bonds authorized to the amounts actually issued, and

**WHEREAS**, the Town wants to leave all of the remaining authority of those ordinances in effect including, but not limited to, the authority to expend funds; and

**WHEREAS**, the Town wants to advance funds to projects that were originally intended to be funded by bonds or notes;

#### **NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.**

**Section 1.** The ordinance “Authorizing the acquisition of land and the Brunswick Times-Record buildings (so-called) ( and other structures) located at 6 Industry Road in Brunswick, Maine from Brunswick Publishing Company, Inc., and the Issuance by the Town of its Bonds and Notes in an Amount not to Exceed \$1,500,000 therefore,” adopted by the Town Council on July 19, 2004, is amended as follows:

- a. In Section 1 the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$1,500,000 to an amount not to exceed \$0. Any notes previously issued under the authority of the Ordinance remain valid, and are confirmed and approved. Expenditures up to \$1,500,000, already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, and are ratified, confirmed, and approved.
- b. Section 1 is further amended to authorize an advance, from the Town’s general fund in an amount not to exceed \$1,500,000, to a capital projects fund, for the purpose of financing the Project as defined in Section 1 of the Ordinance. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 1 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance regardless of the source of funds are ratified, confirmed, and approved.
- e. In all other respects the Ordinance remains in full force and effect.

**Section 2.** The ordinance “Authorizing the execution of a Joint Development Agreement and authorizing Bonds and Notes in an amount not to exceed \$2,000,000 to perform hazardous waste remediation of the Maine Street Station Property and to design and construct infrastructure on and to said site and other properties, and authorizing the conveyance of property,” adopted by the Town Council on January 29, 2007, is amended as follows:

- a. In Section 3 the amount of general obligation bonds and notes in anticipation thereof, authorized in the aggregate principal amount is reduced from an amount not to exceed \$2,000,000 to an amount not to exceed \$0. Expenditures up to \$2,000,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, and are ratified, confirmed, and approved.
- b. Section 3 is further amended to authorize an advance, from the Town’s capital projects fund for road reconstruction projects, an amount not to exceed \$2,000,000, to the capital projects fund established for the Maine Street Station Project, for the purpose of financing the Project as defined in Section 3. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 3 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance, regardless of the source of funds, are ratified, confirmed, and approved.
- e. In all other respects, the Ordinance remains in full force and effect.

**Section 3.** The “Ordinance Authorizing the Issuance of Bonds and Notes in an Amount not to Exceed \$1,300,000 to Finance the Reconstruction of Mere Point Road,” adopted by the Town Council on June 16, 2008, is amended as follows:

- a. In Section 1 the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$1,300,000 to an amount not to exceed \$390,000. . Expenditures up to \$1,300,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, and are ratified, confirmed, and approved.
- b. Section 1 is further amended to specifically authorize expenditures on the Project, as defined in Section 1 of the Ordinance, of up to \$910,000 from the Town’s capital projects fund for road reconstruction projects.
- c. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- d. In all other respects, the Ordinance remains in full force and effect.

**Section 4.** “An Ordinance Amending Prior Bond Ordinance,” adopted by the Town Council on October 5, 2009, which itself amended “An Ordinance Authorizing the Issuance of Bonds and Notes Therefore in an Amount not to Exceed \$750,000 and Appropriating Additional Funds Constituting the Bath Road Corridor Impact Fees, to Finance the Reconstruction of Bath Road,” adopted by the Town Council on June 16, 2008, is amended as follows:

- a. In Section 1 of the October 5, 2009 ordinance titled, “An Ordinance Amending Prior Bond Ordinance,” the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$1,250,000 to an amount not to exceed \$0. Expenditures up to \$1,250,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes are ratified, confirmed, and approved.

- b. Section 1 is further amended to authorize an advance, from the Town's general fund in an amount not to exceed \$1,250,000 to a capital projects fund, for the purpose of financing the Project as defined in Section 1 of the Ordinance. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 1 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- e. In all other respects, the Ordinance remains in full force and effect.

**Section 5.** The Ordinance Authorizing the Issuance of Bonds and Notes in and Amount not to Exceed \$1,000,000 to Finance Storm Drain Improvements," adopted by the Town Council on June 16, 2008, is amended as follows:

- a. The amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from not to exceed \$1,000,000 to not to exceed \$770,000 in Section 1. Expenditures up to \$1,000,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved.
- b. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- c. In all other respects, the ordinance remains in full force and effect.

**Section 6.** An "Ordinance Authorizing the Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures," adopted by the Town Council on May 18, 2009, is amended as follows

- a. In Section 1, the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$1,000,000 to an amount not to exceed \$890,000. Expenditures up to \$1,000,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- b. Section 1 is further amended to authorize an advance, from the Town's general fund in an amount not to exceed \$110,000, to a capital projects fund, for the purpose of financing the Project as defined in Section 1 of the Ordinance. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 1 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- e. In all other respects, the ordinance remains in full force and effect.

**Section 7.** "An Ordinance Authorizing the Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related equipment at the Brunswick Junior High School," adopted by the Town Council on May 18, 2009, is amended as follows:

- a. In Section 1, the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from not to exceed \$410,000 to not to exceed \$390,000 . Expenditures up to \$410,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved.
- b. Section 1 is further amended to authorize an advance, from the Town’s general fund in an amount not to exceed \$20,000, to a capital projects fund, for the purpose of financing the Project as defined in Section 1 of the Ordinance. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 1 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance, regardless of the source of funds, remain valid, and are ratified, confirmed and approved.
- e. In all other respects, the ordinance remains in full force and effect.

**Section 8.** An “Ordinance Authorizing the Issuance of Bonds and Notes in and Amount not to Exceed \$375,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses,” adopted by the Town Council on May 18, 2009, is amended as follows:

- a. In Section 1, the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$375,000 to an amount not to exceed \$0.. Expenditures up to \$375,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved.
- b. Section 1 is further amended to authorize an advance, from the Town’s general fund in an amount not to exceed \$375,000, to a capital projects fund, for the purpose of financing the Project as defined in Section 1 of the Ordinance. Advances already made for this purpose are ratified, confirmed, and approved.
- c. Section 1 a is added as follows: The Town Treasurer is authorized to establish and amend all details of any advances including, but not limited to, the term, interest rates, and payment schedule.
- d. Expenditures already made under authority of this Ordinance regardless of the source of funds are ratified, confirmed, and approved.
- e. In all other respects, the ordinance remains in full force and effect.

**Section 9.** An “Ordinance Authorizing the Issuance of Bonds and Notes in and Amount not to Exceed \$750,000 to Finance Improvements at 35 Union Street,” adopted by the Town Council on December 7, 2009, is amended as follows:

- a. In Section 1, the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$750,000 to an amount not to exceed \$700,000. . Expenditures up to \$750,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved.
- b. Expenditures already made under authority of this Ordinance regardless of the source of funds are ratified, confirmed, and approved.
- c. In all other respects, the ordinance remains in full force and effect.

**Section 10.** “An Ordinance Authorizing the Acquisition of Three New Fire Command Vehicles at a Cost Not to Exceed \$105,000 (Plus the Cost of Issuance), as well as the Issuance of Bonds, Notes or Capital

Leases in order to Finance the Acquisition,” adopted by the Town Council on July 26, 2010, is amended as follows:

- a. In Section 1, the amount of general obligation bonds and notes in anticipation thereof authorized in the aggregate principal amount is reduced from an amount not to exceed \$105,000 to an amount not to exceed \$80,000. Expenditures up to \$105,000 already made under the authority of the Ordinance, in anticipation of funding in the form of bonds or notes remain valid, are ratified, confirmed, and approved.
- b. Expenditures already made under authority of this Ordinance regardless of the source of funds are ratified, confirmed, and approved.
- c. In all other respects, the ordinance remains in full force and effect.

Proposed to Town Council: June 6, 2011

Public Hearing:

**TOWN OF BRUNSWICK  
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, June 20, 2011, 7:00 p.m. at the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to consider the following:

An Ordinance Amending Several Prior Bond Ordinances to Reduce the  
Amount of Bonds Authorized by those Prior Ordinances, to Advance Funds to Several Projects, and, As  
Necessary, to Ratify Actions Already Taken Under the Ordinances being Amended

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION PLEASE  
CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)

Frances M. Smith  
Town Clerk of Brunswick, Maine

June 9, 2011

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ITEM 62

BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: June 1, 2011

RE: Thibeault lot Brunswick Business Park

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This memo is to provide the Council with historical information and a recommendation regarding a parcel in the Brunswick Industrial Park.

The Brunswick Business Park is a Town project that was developed in order to create a location where non-retail businesses could locate. The Town owns/owned properties in the Park and has sold lots to parties interested in developing businesses in Brunswick. Current businesses in the Park include LL Bean, Times-Record, Owens Corning, BEK, and others.

The Brunswick Business Park has several covenants that are in place in an effort to promote the development in the park. One of the covenants includes the requirement that the properties that are sold be developed within two years of the Town has the right to purchase the property back for the same price as sold. In 1988, the Town sold a lot in the Business Park to a Mr. John Bouchard for \$67,500. In 1989, Bouchard conveyed the property to Jeffrey Peavey and David Leonard. In 1998, they sold the lot to a Harry Davis. In 2003 Davis sold the lot to Thibeault Energy. Clearly over the course of the past 23 years, the Town failed to exercise its right to re-purchase the property. Previous Councils have taken specific action to not exercise the re-purchase option. Copies of minutes from previous meetings are attached.

As we are all aware, Thibeault Energy is out of business. Savings Bank of Maine holds the mortgage on the property and is interested in disposing of it. I have had some conversations with representatives of the Bank about the re-purchase covenant. The Bank has raised the issue of the Town's tacit refusal to exercise the re-purchase language for the past 23 years. The Bank is not interested in selling the parcel back to the Town for \$67,500 as the mortgage is close to twice that amount. In addition, there are other liens on the property.

The abutting property owner has expressed an interest in acquiring the Thibeault lot. The abutting property owner is listed as Brinks Allied Holdings, LLC. This is one of the businesses that are affiliated with Jim Howard.

My recommendation to the Council is that we communicated to Savings Bank of Maine that the Town of Brunswick has no intent to enforce the re-purchase language in the deed covenants. This recommendation is based on the following:

1. The fact that we have not exercised that language in 21 years. Although we may have the legal right to exercise that option, I feel that we lost our ethical authority a number of years ago.
2. The property is encumbered by other liens that would need to be dealt with in some fashion if we were to try to sell it in the future.
3. It would require the Town to spend funds on the property without knowing the likelihood that we would be able to sell it again in the foreseeable future. Brinks may remain an interested party, but nothing is certain.

I will be happy to answer any questions that the Council may have on this matter.

BRUNSWICK TOWN COUNCIL  
MINUTES, JUNE 18, 1990  
PAGE FOUR

Section 508.1 Site Plan Review Authority

The proposed amendment would clarify what makes a project eligible. It stipulates that changes of use that increases parking requirements, traffic, stormwater runoff, or generates an increase in wastewater must receive site plan approval.

Section 501 Site Plan and Subdivision Procedure

This amendment will bring the section into compliance with State Law. Recent legislation made the existing language out-of-date. It will also introduce the concept of a pre-application conference.

Public hearing closed at 8:45 p.m.

A MOTION WAS MADE BY COUNCILOR SHEPHERD, SECONDED BY COUNCILOR MORTON TO APPROVE THE AMENDMENTS AS PRESENTED. IN FAVOR: FRASER, GROSS, THACHER, PINKHAM, BURBANK, MORTON AND SHEPHERD. OPPOSED: LORD. MOTION PASSED 7-1.

A MOTION WAS MADE BY COUNCILOR BURBANK, SECONDED BY COUNCILOR SHEPHERD TO ENACT THE AMENDMENT TO SECTION 508.1 SITE PLAN REVIEW AUTHORITY, ON AN EMERGENCY BASIS. IN FAVOR: FRASER, THACHER, PINKHAM, BURBANK, MORTON AND SHEPHERD. OPPOSED: GROSS AND LORD. MOTION PASSED 6-2. (A COPY OF THE AMENDMENTS WILL BE ATTACHED TO THE ORIGINAL MINUTES).

137. THE COUNCIL WILL REVIEW THE PROPOSED REVENUE ORDINANCE.

Finance Director John Eldridge explained the proposed Revenue Ordinance, noting that it is in draft form only. He will have the Town Attorney review it before it is brought back to the Council for action. He noted that the ordinance will contain all the fees associated with our ordinances and that there are 20-30 pages of Code amendments as well.

148. THE COUNCIL WILL CONSIDER VOTING TO ACCEPT STATE FUNDS AS REQUIRED BY STATE LEGISLATION.

A letter was received from the State of Maine Commissioner of Finance H. Swain Millett, Jr. explaining the requirement that the Town must vote to accept State Funds.

A MOTION WAS MADE BY COUNCILOR MORTON, SECONDED BY COUNCILOR SHEPHERD AND UNANIMOUSLY VOTED TO ACCEPT STATE FUNDS. 8-0 (A COPY OF THE CERTIFICATION WILL BE ATTACHED TO THE ORIGINAL MINUTES).

149. THE COUNCIL WILL CONSIDER THE REQUEST OF OWNERS OF LOT #6 IN THE INDUSTRIAL PARK TO SELL THE PROPERTY.

Town Manager Gerrish explained that there is a clause in the Declaration of Covenants and Restrictions for the Industrial Park which gives the Town the right of first refusal to repurchase a lot at the original purchase price. The Brunswick Industrial Development Committee received a letter from The Kennebec Company Designers and Cabinetmakers announcing their intent to sell Lot #6. The BIDC met to consider the merits of repurchasing the lot versus not exercising the Town's right of first refusal and allowing The Kennebec Company to sell the lot on the open market. It was a unanimous vote by the

BRUNSWICK TOWN COUNCIL  
MINUTES, JUNE 18, 1990  
PAGE FIVE

BIDC to recommend to the Council to not repurchase Lot #6.

A MOTION WAS MADE BY COUNCILOR MORTON, SECONDED BY COUNCILOR BURBANK AND UNANIMOUSLY VOTED TO APPROVE THE RECOMMENDATION OF THE BRUNSWICK INDUSTRIAL DEVELOPMENT COMMITTEE TO NOT REPURCHASE LOT #6 IN THE INDUSTRIAL PARK. 8-0.

150. THE COUNCIL WILL CONSIDER AWARDING THE BID FOR A NEW STREET SWEEPER.

C. B. Osgood explained that he is recommending the purchase of the FMC 3000 Sweeper and trade the Town's 1984 Sweeper at a net price to the Town of \$64,700.00 (\$12,000 trade in). The Sweeper would be available immediately from the Howard P. Fairfield Company.

A MOTION WAS MADE BY COUNCILOR SHEPHERD, SECONDED BY COUNCILOR MORTON AND UNANIMOUSLY VOTED TO PURCHASE THE FMC 3000 SWEEPER AT A NET COST TO THE TOWN OF \$64,700. 8-0.

151. THE COUNCIL WILL CONSIDER SETTING THE 1990-91 INTEREST RATE FOR UNPAID TAXES.

Finance Director John Eldridge explained that this year, the maximum rate of interest on delinquent taxes is 12%. Mr. Eldridge is recommending the maximum rate. Also, in accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest. The rate of interest shall be not less than 8% nor more than 12%. Mr. Eldridge is recommending 8%.

A MOTION WAS MADE BY COUNCILOR BURBANK AND SECONDED BY COUNCILOR SHEPHERD TO SET THE INTEREST RATE ON DELINQUENT TAXES FOR 1990-91 AT 10% AND 8% FOR THE INTEREST RATE FOR OVER-PAYMENT OF TAXES. IN FAVOR: FRASER, GROSS, PINKHAM, BURBANK, MORTON, SHEPHERD AND LORD. OPPOSED: THACHER. MOTION PASSED 7-1.

152. THE COUNCIL WILL DISCUSS AND TAKE ANY APPROPRIATE ACTION CONCERNING TURNING OVER THE BATH ROAD SEWER AND PUMP STATION TO THE BRUNSWICK SEWER DISTRICT.

Town Manager Gerrish explained that the project is being finalized. Once the project is complete the Sewer District takes over the responsibility for maintenance and operation of the facility. Because there is a one-year warranty on the equipment and the sewer itself, it is being proposed that an agreement be made with the Sewer District that they will maintain and operate it but the Town will own it for one more year to cover the warranty. Mr. Gerrish has discussed this with Frank McVey, Superintendent of the Sewer District, and the Board of Trustees of the Sewer District has passed a resolution authorizing the Sewer District to maintain and operate the Sewer & Pump Station.

A MOTION WAS MADE BY COUNCILOR MORTON, SECONDED BY COUNCILOR SHEPHERD TO AUTHORIZE THE TOWN MANAGER AND TOWN ATTORNEY TO NEGOTIATE A LEASE WITH THE SEWER DISTRICT FOR THE DISTRICT TO MAINTAIN, OPERATE AND INSURE THE BATH ROAD SEWER AND PUMP STATION FOR ONE YEAR. UNANIMOUS VOTE 8-0.

Board for their review and recommendations. The motion carried with eight (8) yeas.

**62. The Town Council will consider setting a public hearing to amend the Coastal Protection Zone.**

Mr. Gerrish said the Planning Board has approved this item, with the marina issue removed.

Councilor Priest moved, Councilor Sartoris seconded, to set a public hearing for May 21, 2001, for the proposed amendments to the Coastal Protection Zone. The motion carried with seven (7) yeas. Opposed Chair McCausland.

**63. The Town Council will consider setting a public hearing to amend the Brunswick Zoning Ordinance to create a new College Use Zone (CU6) on the block bounded by Cleaveland Street, Federal Street, Bath Road and the so-called no-name street.**

Councilor Moll said the neighbors are aware of the proposed changes, and they and the college have been involved in the process.

Councilor Moll moved, Councilor Dotts seconded, to set a public hearing for May 21, 2001, to amend the Brunswick Zoning Ordinance for the purpose of creating a new College Use Zone. The motion carried with eight (8) yeas.

**64. The Town Council will consider authorizing the Town Manager to negotiate the sale of a lot in the industrial park.**



Mr. Gerrish said Thibeault Energy has approached the town to purchase this two and half (2.5) acre lot. The price being negotiated will be between twenty thousand dollars (\$20,000) and thirty thousand dollars (\$30,000). This is the last lot available.

*(A copy of Thibeault's letter will be attached to the official minutes.)*

Councilor Priest moved, Councilor Moll seconded, to authorize the Town Manager to negotiate the sale of a lot in the Industrial Park to Thibeault Energy. The motion carried with eight (8) yeas.

**65. The Town Council will consider a request for a poverty tax abatement and will take whatever action is necessary.**

Councilor Moll moved, Councilor Dotts seconded, to grant a poverty tax abatement with interest. The motion carried with seven (7) yeas. Opposed Chair McCausland.

**66. The Town Council will consider making appointments to the following Boards and Committees:**

**Davis Fund Committee**

Two Full Members

Three year terms to expire 6/30/04

**Housing Authority**

One Full Member

Five year term to expire 6/3/06

One Resident Member

Five year term to expire 6/3/06

additions in a different era can or should completely replicate the architectural style of the original building, but that it should have echoes of it, replicating themes or window patterns.

Manager Gerrish announced that there is a public participation guideline available to the public to assist with input from citizens at meetings.

#### 4 Report on Industrial Park – Lot 6

Manager Gerrish explained that the Town sold a vacant lot on the corner of Greenwood and Industrial Park Rd. in 1989, to a potential developer of the site. That developer was unable to build on it. As part of the covenants in the Industrial Park, a lot must be built on within two (2) years of purchase, and the Town has the option to buy the lot back if that does not occur. The Town decided not to buy back the parcel at that time. In 1998, it was sold for a manufacturing business. Again, the lot was not built on, and now is for sale. The Town, once again, has the opportunity to purchase the parcel. The Town has forty-five (45) days to respond, and the legal research is being done at this time. Manager Gerrish anticipates bringing a recommendation to the Council at a special Council meeting.

Councilor McCausland said that the reason for the covenant was so there would not be speculative purchases in the Industrial Park. The real estate market has changed significantly in the past five (5) years, and it may be in the town's best interest at this time to purchase back the parcel.

Manager Gerrish, responding to Councilor Sartoris' question, said that the reason stated by Councilor McCausland was not in writing anywhere, but he agreed that had been the intent, as well as to make sure something was built in order to get property taxes and to have some control over what was built in the Industrial Park.

#### 5. (ADDED) Regional Dispatch

Manager Gerrish said the Town has been asked if they are interested in being part of a study with the towns of Falmouth, Freeport, Yarmouth, North Yarmouth and Cumberland regarding regional dispatch. He said that Brunswick had been part of another study with Bath, Topsham, Sagadahoc County and the Navy base about five (5) years ago that did not go anywhere. Brunswick now has two (2) proposals to consider as Bath and Sagadahoc County have gone in together, Topsham has voted to join them, and they may be interested in going in with Brunswick again, as well. The cost to participate in the study with the southern neighbors is about five thousand dollars (\$5,000). The cost to participate in the Topsham/Sagadahoc study is unknown at this time. Manager Gerrish said he will come back to the Council with a recommendation.

Councilor McCausland said that Brunswick has nothing in common with its neighbors to the south, no

**APPROVED****BRUNSWICK TOWN COUNCIL MINUTES****SPECIAL MEETING****December 8, 2003****7:30 p.m.****Municipal Meeting Facility**

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

**Councilors Present:** Chair Charles R. Priest, W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Nancy E. Randolph, Forrest Lowe, Joanne T. King, and Stephen H. McCausland.

**Councilors Absent:** None.

**Others Present:** Donald H. Gerrish, Town Manager; Fran Smith, Town Clerk; Mathew Eddy, Economic Development Director; several citizens, members of the press, and TV video crew.

**204. The Town Council will discuss the possible repurchase of Lot 6 in the Brunswick Industrial Park and will take any appropriate action.**

Manager Gerrish gave a brief history of Lot 6 in the Industrial Park. There are covenants which allow the town to repurchase the lot if not built in two (2) years after its purchase. In 1990 the Council chose not to buy it back under the covenants. The lot was then sold to the Davis family in 1998 and now they wish to sell it to Thibeault Energy. The Council needs to decide if they wish to repurchase the lot back from the Davis family as allowed under the covenants since they did not build on it within two (2) years.

**Marty Wilk**, President of Brunswick Economic Development Corporation, presented the corporation's position on this issue. They recommend that the town not exercise its option to purchase back the property. It is not appropriate on the eve of a sale to come in and repurchase the lot. This would deprive the owners of the right of economic gain. He pointed out that the corporation was not part of this negotiation between the Davis family and Thibeault Energy.

*(A copy of the Brunswick Economic Development Corporation's letter on this item will be attached to the official minutes.)*

Councilor Sartoris asked if two (2) years from now there is no building on the lot, would the corporation's recommendation remain the same.

Mr. Wilk said that two (2) years would be a close proximity to the sale versus the fourteen (14) years currently facing the Council so this would be a different situation. It would be more in the spirit of the covenant, but it is speculative to answer.

Councilor Galloupe asked if the sale does not go through, could the town repurchase the lot.

Mr. Wilk said the town would have the legal right to do so, but it would still be unfair to the Davis family since the town has still "slept" on its rights for fourteen (14) years. He could not be supportive of taking the possibility of an economic gain away from the family. The action tonight does not bind Council under different circumstances.

Mathew Eddy, Director of Economic Development, said he is in support of the corporation's recommendation. There is a business that is eager to develop this property and to redevelop their property on Summer Street.

**Councilor Randolph moved, Councilor Watson seconded, to have the Town of Brunswick not exercise its rights to buy back Lot 6 in the Industrial Park and to allow the purchase agreement between the Davis family and Thibeault Energy to go through.**

Councilor Lowe said he supports the sale of the lot to Thibeault Energy by the Davis Family.

Councilor McCausland thanked the corporation for their work. He is not going to support the motion since Brunswick has a history of buying high and selling low. Thibeault Energy is a good business, but this is the first time he is aware of this pending sale. If there is a profit to be made, it should be made by the town and the town has the right to do so. If there is profit to be made, he feels a responsibility to represent the town residents' benefit.

Councilor Randolph is going to vote in support of the motion as a method to support business. There had been the opportunity to purchase the property back earlier and the Council chose not to do so. This is a good message to send to businesses in Brunswick, Maine and the country. The message is that the town will work with businesses.

Councilor Galloupe said the Council had three (3) years to repurchase the lot and did not. Now that there is a possible sale, there is discussion to purchase it. This is not morally correct to do. If the sale does not go through, the Council needs to take a closer look at this repurchasing.

Chair Priest said this was a close item. The reason the Council did not exercise its option before is due to an earlier recommendation of the Brunswick Development Corporation. He will vote in support of the motion since it is the first recommendation of the new corporation that the Council assisted in creating. The Council needs to be more aware in future of situations like this.

Councilor Sartoris said the real benefit to residents is having the property built on. In the future when a new industrial park is created, the Council needs to be more aware of lots being filled. She is a little disappointed in hearing about this issue so late.

Councilor Rice said the Davis family has paid taxes on the property and did some work to develop it so he will vote in favor of the motion.

Councilor King said it would be horrible to prevent the Davis family from making a profit and it is risky for the town to be in real estate management. Thibeault Energy is a sound business and she hopes the deal goes through.

Councilor Watson said this issue will not happen in the future with Mr. Eddy on board and the new committee. The town owes it to the people who purchased it not to buy it back.

**Councilor Randolph moved, Councilor Watson seconded, to have the Town of Brunswick not exercise its rights to buy back Lot 6 in the Industrial Park and to allow the purchase agreement between the Davis family and Thibeault Energy to go through. The motion carried with eight (8) yeas. Councilor McCausland was opposed.**

**Councilor Galloupe moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned 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.**

225. **The Town Council will consider authorizing application for a Brownfield grant through the EPA to help fund the building of private spaces and public pocket parks on Maine Street Station, and take any appropriate action.**

Mr. Eddy said the earlier grant had been used over the last year to develop a concept plan for the Maine Street Station and abutting locations. This project is coming to its final stages, with the plan being presented to the Council in January. At this time he wants to apply for more grants, one in the amount of \$1 million and three in the amount of \$200,000 each for clean-up. All of the grants are intended to be used in the redevelopment of the Maine Street Station site. There are no local matching funds required.

*(A copy of Mr. Eddy's memo will be attached to the official minutes.)*

**Councilor Desmarais moved, Councilor King seconded, to authorize Mr. Eddy to apply for four Brownfield grants through the EPA for use on the Maine Street Station site. The motion carried with nine (9) yeas.**

- ~~225.~~ **The Town Council will discuss not exercising its option to buy back Lot 6 in the Industrial Park for one year, and take any appropriate action.**

Mr. Eddy explained the history of the property and stated that Thibeault Energy has not started construction on the site yet. They expect to start construction in the spring of this coming year since they are about to sell their current site. Under the Declaration of Covenants and Restrictions, they needed to build within two years. This time is almost up, and Thibeault Energy is requesting a one-year extension. The town would have to not exercise its rights to buy back the lot in order to grant the extension.

Councilor Sartoris requested Mr. Eddy report back in six months as to the construction status.

**Councilor Desmarais moved, Councilor Sartoris seconded, to give Thibeault Energy a one-year extension to build in the Industrial Park by not exercising the town's option to buy back the lot for one year. The motion carried with nine (9) yeas.**

225. **The Town Council will discuss the paper street crossing the proposed Mere Point Boat Launch parking lot, and take any appropriate action.**

Geoffrey Hole, Town Attorney, defined a paper street as one that exists on "paper" but is not built on. In 1997, as required by state law, the town voted to preserve its interest in the 128 named paper streets for a twenty-year period. The paper street that crosses the boat launch site is on the list, and the question is does the town want to eliminate any public rights to this property. The town can pull a paper street off the list through an affidavit.

Steve Walker, Natural Resources Planner, said this paper street leads to nowhere, going from Birch Island Road to the Andrenyak's property. Those sites are served by existing roads. All of the paper street is located on the boat launch site, which is state-owned land, but it does touch those two private properties on the north and south. There is a lot of wetland in the street's path and it has been used for utility poles, but it has not been developed. This action has been discussed by staff for awhile.

**APPROVED  
BRUNSWICK TOWN COUNCIL MINUTES**

**Monday, June 19, 2006**

**6:30 p.m. - Executive Session**

**7:00 p.m. - Regular Meeting**

**Municipal Meeting Facility**

**6:30 P.M.** Chair King called the meeting to order.

**Councilors Present:** Chair Joanne T. King, W. David Watson, Hallie Daughtry, Jeffrey A. Schneider, Louise V. Ansari, Ryan E. Ewing, and Newell A. Augur.

**Councilors Absent:** Councilors Jacqueline A. Sartoris and Forrest Lowe.

**Town Staff Present:** Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Patricia Harrington, Assistant Town Manager; Steve Levesque, Executive Director of the LRA; John Foster, Public Works Director; Clark Labbe, Fire Chief; Kevin Schofield, Police Commander; Tom Farrell, Parks and Recreation Director; Peter Baecher, Facilities Manager for Parks and Recreation Department; and members of the TV video crew.

**Executive Session:** **Acquisition of Property per 1 MRSA § 405(6)(c)  
Union Negotiations per 1 MRSA § 405 (6)(d)**

**Councilor Ansari moved, Councilor Daughtry seconded, to go into executive session pursuant to 1 MRSA §405 (6)(c) to discuss acquisition of property and 1 MRSA §405(6)(d) to discuss union negotiations. The motion carried with six (6) yeas. Councilor Augur arrived after the vote.**

**MEETING CONTINUED: 7:00 P.M.**

Chair King called for the Pledge of Allegiance.

**Public Comments:** None.

**Correspondence:**

Councilor Daughtry noted the passing of Charlene Rydell, who was a great friend, and who will be remembered as a tireless advocate for health care and rights for those with disabilities. She will be missed.

**Manager's Report:**

**(a) Update on Thibeault purchase of Industrial Park Lot**

Manager Gerrish gave this update to the Council on Thibeault's building plans for their lot in the Industrial Park. They continue to want to build their office and garage facilities in the industrial park.

nothing further - no action



11/6/06

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

**Councilor Watson moved, Councilor Sartoris seconded, to approve a Junk Yard/Automobile Recycling and Automobile Graveyard permit for Edward Mackness & Shawn Letourneau at Brunswick Auto Recycling, LLC. The motion carried with (8) yeas.**

179. The Town Council will hear public comments on the winter closing of Sawyer Park, and will take any appropriate action.

Manager Gerrish advised that this is an annual closure and he recommends approval.

**Councilor Watson moved, Councilor Daughtry seconded, to approve the winter closure of Sawyer Park. The motion carried with (8) yeas.**

**TABLED ITEMS:**

**ACTION ITEMS:**

180. The Town Council will discuss extending the deadline on its option to buy back Lot 6 in the Industrial Park for another six months, and will take any appropriate action. (Manager)

Manager Gerrish called Mat Eddy, Director of Economic Development to the Podium. Mat referred to his letter enclosed. Mat pointed out that we are in our third year and he feels if we do extend it that we only go with a six month window. Chair King asked Charlie Wallace, representative for Thibeault Oil to speak about the amount of time we would be looking at. Mr. Wallace advised that they are committed to building this building but want to build it out in phases and he stated that the prior owner had the lot longer than Thibeault and did nothing with it but a little clearing. Councilor Sartoris-questioned Planning Board permits expiration and wanted to know when they plan to meet with the Planning Board? Mr. Wallace said that has not been decided at this time. Councilor Lowe asked Mat Eddy if there is an interim step of procedures that Council can follow up on. Chair King agreed.

**Councilor Sartoris moved, Councilor Lowe seconded, to table this item. The motion carried with (8) yeas.**

181. The Town Council will consider acceptance of a \$7,500.00 grant from the Land for Maine's Future Program, and will take any appropriate action.

Manager Gerrish highly recommends that we accept this grant and advised anyone that has not been out on this trail to do so. Councilor Sartoris spoke about the great job on the commons trail.

12/4/06

**Councilor Sartoris moved, Councilor Daughtry seconded, to adopt amendments to the town's definition of impervious area in Section 111 of the Zoning ordinance to include decks. The motion carried with nine (9) yeas.**

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

180. **(Tabled) The Town Council will discuss extending the deadline on its option to buy back Lot 6 in the Industrial Park for another six months, and will take any appropriate action.**

Manager Gerrish said Lot 6 was bought by Thibeault's Energy and they had two years to build on that lot. After that two-year period passed, the Council granted an extension for a year. They are now asking for a six-month extension; Mr. Eddy provided a memo outlining proposed conditions if the extension happens.

Chair King said she approves what has been outlined and asked if Mr. Thibeault was agreeable with the conditions. Mr. Eddy responded yes.

**Councilor Sartoris moved, Councilor Favreau seconded, to extend the deadline on its option to buy back Lot 6 in the Industrial Park for another six months with the conditions outlined in Mr. Eddy's memo. The motion carried with nine (9) yeas.**

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

187. **The Town Council will consider a Memorandum of Understanding with the State of Maine Inland Fisheries and Wildlife and the Town regarding the Mere Point Boat Launch, and will take any appropriate action.**

Steve Walker, Inland Fisheries and Wildlife, explained the changes that were made at the Council's request. The sections changed were section #10 regarding the consideration of user fees and sections #18 and #19 to include a "good faith effort" being made prior to ending the agreement.

Chair King asked for public comments, but no one came forward to comment.

Manager Gerrish said, responding to Councilor Ewing's question, the budget is just a reference, and is not included as part of the agreement.

**Councilor Sartoris moved, Councilor Watson seconded, to approve the Memorandum of Understanding with the State of Maine Inland Fisheries and Wildlife and the Town of Brunswick regarding the Mere Point Boat Launch. The motion carried with nine (9) yeas.**

*(A copy of the Memorandum of Understanding will attached to the official minutes.)*

Councilor Lowe thanked those who worked over the last five years to make this project happen. This is a very memorable time in Brunswick since it is providing public access

6/18/07

scope of work needed to study sites for industrial parks. By September 17, 2007, they hope to have their work completed. There will be an update at the July 9, 2007, Council meeting.

Councilor Watson said the Old High School Committee will be making a presentation to the Council at the second meeting in July.

Councilor Sartoris reported on the Maine Street Station Design Committee's activities and the site's clean-up.

Councilor Daughtry reported on the work of the Elementary School Design Committee. They have decided on the school configuration, with four equal size schools. Coffin and Jordan Acres will be kindergarten through second grade. The new school will be a double school, with grades three through five.

Councilor Webb said the grand opening of the Brunswick Advanced Technology Center will be on Wednesday, June 20, 2007.

**b) Thibeault Property in Industrial Park**

Manager Gerrish said that at their December 4, 2006, meeting the Council extended the deadline to buy back Industrial Park lot 8 for another six months. Since nothing has occurred, the town will be following up with Mr. Thibeault to buy back this lot.

**c) Cumberland County Redistricting**

Mr. Brown said the Cumberland County Commissioners held a forum in Brunswick on Monday, June 4, 2007, to present information on the consideration to increase the number of County Commissioner Districts in Cumberland County from the current number (three) to either five or seven. Commissioners will be holding public forums, and if the Council wants to take a position on what they want, he will draft a letter.

*(A copy of a memo from Gary Brown will be attached to the official minutes.)*

When asked his thoughts, Manager Gerrish recommended seven being the better size. The districts would be the same size as a State Senate district and more representation is better to discuss the issues. Responding to Chair King's question, Manager Gerrish said the Council does not have to take a position, but the county is looking for input from communities.

Councilor Augur arrived at 7:24 p.m.

Councilor Sartoris supports there being seven districts since she feels Brunswick has more in common with Freeport and Harpswell, as they are geographically better for the town.

ITEM 63

NO BACK UP MATERIALS

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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**May 16, 2011**  
**7:00 P.M.**  
**Municipal Meeting Room**  
**Maine Street Station**  
**16 Station Avenue**

**Councilors Present:** Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Suzan Wilson, John M. Perreault, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, and Deborah R. Atwood

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Paul Perzanoski, Superintendent of Schools; Jim Oikle, School Business Manager; John Eldridge, Finance Director; Tom Farrell, Director of Parks and Recreation; Marc Hagan, Police Commander; John Foster, Public Works Director; Ken Brilliant, Fire Chief; Jeffrey Emerson, Deputy Fire Chief; Don Koslosky, Deputy Fire Chief; Brian Dancause, Economic Development Specialist; Terry Goan, Police Officer; and TV video crew.

Chair King called the meeting to order and asked for the Pledge of Allegiance and roll call.

**Public Comment:**

**Marji Greenhut**, 10 Noble Street, said the new hotel is taller than is allowed and blocks part of her view.

**Peter Footer**, 261 Old Bath Road, said it is not the time to build a police station.

**Correspondence:**

Councilor Atwood spoke on the Destination Imagination Team and an upcoming fundraiser for them.

**Adjustments to the Agenda:** None

**MANAGER'S REPORT:**

**(a) Financial Update**

Manager Brown gave this update.

**(b) Council Committee Updates**

**Town Council Minutes**

**May 16, 2011**

**Page 2**

A report was given on the Elementary School Building Committee new school tour.

**(c) Recognition of Commander William Fitzgerald**

Councilor Tucker and Councilor Favreau presented a resolution and a sign that named the newly acquired conservation property off Old Bath Road after Captain Fitzgerald.

Captain Fitzgerald spoke, thanking the Council and the community.

**(d) Approval of Nathaniel Davis Fund Committee's recommendations (Action Required)**

**David Knight**, Chair of the Committee, spoke on this recommendation and on the committee.

**Councilor Tucker moved, Councilor Wilson seconded, to accept the recommendations for the Davis Fund's 2011-2012 allocations as recommended by the Committee. The motion carried with nine (9) yeas.**

*(A copy of the Committee's recommendations will be attached to the official minutes.)*

**(e) Letter of Intent for Communities for Maine Future grant for a parking deck**

Brian Dancause, Economic Development Specialist, spoke about this grant.

Councilor Knight and Councilor Favreau spoke on this item.

Councilor Pols, Councilor Atwood, and Councilor Perreault asked questions, to which Manager Brown responded.

*(A copy of the memo from Brian Dancause and a draft Letter of Intent will be attached to the official minutes.)*

**(f) Update on LD 69 regarding the Brunswick/Harpswell border issue**

Manager Brown and Councilor Tucker spoke on this item, explaining that the bill was voted out of Committee "ought not to pass."

Chair King and Councilor Wilson thanked those involved, including Councilor Tucker and Mark Latti.

**(g) Update on BDC action on properties on Pleasant/Stanwood Streets**

Manager Brown spoke on this item.

Councilor Perreault asked a question, to which Chair King responded.

- (h) (ADDED) **Margo Knight receives the Maine Association of Planner – Citizen Planner of the Year**

Councilor Knight received this award for her work on the Downtown Master Plan.

**PUBLIC HEARINGS**

- 41. The Town Council will hear public comments on applications for Special Amusement Licenses, and will take any appropriate action. (Manager)**

**Byrnes Irish Pub LLC  
D/B/A: Byrnes Irish Pub  
16 Station Ave**

**Joe Byrnes**

**Columbus Club, Inc.  
D/B/A: Knights of Columbus, Sekenger Council #1947  
2 Columbus Drive**

**Douglas Phinney, G.K.**

Chair King opened the public hearing.

**Marji Greenhut** spoke on her concerns about outdoor noise.

**Councilor Favreau moved, Councilor Knight seconded, to approve the Special Amusement Licenses for Byrnes Irish Pub, located at 16 Station Avenue, and the Knights of Columbus, located at 2 Columbus Drive. The motion carried with eight (8) yeas. Councilor Tucker abstained since his law firm represents Byrnes Irish Pub.**

- 42. The Town Council will hear public comments on the Municipal Budget for 2011-2012 and CIP, and will take any appropriate action.**

Manager Brown gave an overview of additional reductions.

Chair King opened the public hearing.

**Pem Schaeffer**, 32 Crestview Drive, spoke on his concerns with the school budget.

**Alisa Coffin**, owner of Great Impasta, spoke in support of the Brunswick Downtown Association (BDA) funding.

**Jane Millett**, 10 Franklin Street, spoke in support of the school budget since excellent schools bring people to this community.

**Mathew Klinge**, 10 Iroquois Circle, requested there be no additional cuts in the school budget.

**Louise Rosen**, 15 High Street, agreed with the previous two speakers and spoke in support of preschool education.

**Town Council Minutes**

**May 16, 2011**

**Page 4**

**Fred Horch**, 44 Pleasant Street, spoke in support of keeping the budget where it is and said the next budget cycle is going to be more difficult than this one.

**Steve Perkinson**, 6 Page Street, spoke about great teachers and how great teachers are being lost.

**Ed Hatrick**, 4 Micmac Lane, spoke in support of the school budget as is and said part of the reason he came to Brunswick is because of the good schools.

**Marji Greenhut**, 10 Noble Street, spoke against cutting summer Math and English programs, and the need to put money toward education.

**Bob Healing**, 41 West Marginal Road, spoke in support of the BDA.

**Jeff Pelletier**, 29 Union Street, said he moved to Brunswick in part due to the excellent schools and he is concerned with the cuts.

**Chris Ledwick**, 4 High Street, said he would like to see less cuts in the school budget and asked not to cut it further.

**Jeff Piampiano**, 3 High Street, thanked the Council and School Board. He said people move to Brunswick because of the strong school system and they drive the future of the town. He supported the budget and would like to see more in it.

**Dorothy Hassfeld**, 271 Mere Point Road, asked how the BDC (Brunswick Development Corporation) operates.

**Peter Footer**, 261 Old Bath Road, spoke on his concerns with the teachers unions in the country being a large part of the issue. He also wanted an additional \$400,000 taken from the school budget and have the benefit packets for school and town staff reviewed.

**Bill Patterson**, Melden Drive, spoke in support of the school budget.

**Laura Lienert**, 10 High Street, moved to Brunswick six years ago. She wants others to also come, and there is a need for a strong school system.

**Karen Klatt**, 32 Moody Road, spoke on stopping the expenditure for the property for the police station. She recommended BDC be dissolved and use its funds to offset the budget.

**Linda Knowles**, Maquoit Road, gave thanks for the good job the School Board and Council did. She questioned if the town needed the new school and spoke in support of the police station.

Chair King closed the public hearing.

**Town Council Minutes**

**May 16, 2011**

**Page 5**

Chair King responded that BDC funds are not town and there is a total separation from Town government.

Manager Brown also spoke on the funding of the BDC.

Manager Brown responded to questions on the municipal budget and the further reductions.

Several Councilors asked questions, to which Mr. Perzanoski and Manager Brown responded.

Councilor Atwood, Councilor Pols, Councilor Knight, Councilor Favreau, Councilor Tucker Councilor Watson and Chair King indicated they would support the budget as proposed.

Councilor Perreault said he would like to see a few more cuts on the municipal side but supports the School's budget.

**NEW BUSINESS**

- 43. The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating and alcohol sales within the seating area for O'Shea's Irish Restaurant & Cantina at 94 Maine Street, and will take any appropriate action.**

**George Glover**, 65 Willow Grove, owner of property across the street, spoke of noise and other concerns with O'Shea's.

**Councilor Favreau moved, Councilor Perreault seconded, to table this item. The motion carried with nine (9) yeas.**

- 44. The Town Council will consider setting a public hearing for June 6, 2011, to amend the Zoning Ordinance to add the use "parking facility" to the MU2, MU3, MU4, and MU6 districts, and will take any appropriate action.**

**Councilor Wilson moved, Councilor Watson seconded, to set a public hearing for June 6, 2011, to amend the Zoning Ordinance to add the use "parking facility" to the MU2, MU3, MU4, and MU6 districts. The motion carried with nine (9) yeas.**

- 45. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.**

Votes were taken on the following nominations:

John Donovan to serve on the Housing Authority. He was appointed with nine (9) yeas.

Charles Frizzle to serve on the People Plus Board. He was appointed with nine (9) yeas.

Dann Lewis to serve on the Planning Board. He was appointed with nine (9) yeas.

David Barbour to serve on the Sewer District Board of Trustees. He was appointed with nine (9) yeas.

**CONSENT AGENDA**

- (a) Approval of the minutes of April 25, 2011
- (b) Approval of extended Registrar's Hours for the June 7, 2011 Election
- (c) Appointment of the Warden and Deputy Wardens for the June 7, 2011 Election
- (d) Approval of games of chance and beano for Knights of Columbus

**Councilor Knight moved, Councilor Favreau seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

**Councilor Perreault moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:25 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.**

*Frances M. Smith  
Town Clerk  
June 1, 2011*

June 6, 2011  
*Date of Approval*

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*Council Chair*

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# CONSENT AGENDA - B BACK UP MATERIALS

**BRUNSWICK TOWN COUNCIL**  
**Special Meeting Minutes**  
**May 26, 2011**  
**7:00 P.M.**  
**Municipal Meeting Room**  
**Maine Street Station**  
**16 Station Avenue**

**Councilors Present:** Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Suzan Wilson, John M. Perreault, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, and Deborah R. Atwood

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Paul Perzanoski, Superintendent of Schools; Jim Oikle, School Business Manager; John Eldridge, Finance Director; Tom Farrell, Director of Parks and Recreation; Richard Rizzo, Police Chief; Marc Hagan, Police Commander; John Foster, Public Works Director; Ken Brilliant, Fire Chief; Jeffrey Emerson, Deputy Fire Chief; Don Koslosky, Deputy Fire Chief; Terry Goan, Police Officer; and TV video crew.

Chair King called the meeting to order and asked for the Pledge of Allegiance and roll call.

**Public Comments on Budget**

Pem Schaeffer, Crestview Lane, spoke on the budget relative to the cost of education and the need for reductions.

**NEW BUSINESS ITEMS:**

- 46. The Town Council will consider adopting the 2011-2012 School Budget Articles, and will take any appropriate action.**

**Article 1. Region Ten Technical High School Budget.**

**Councilor Tucker moved, Councilor Perreault seconded, to approve the Region Ten Technical High School budget as approved by the Cooperative Board of Region Ten in an amount not to exceed \$1,911,360 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department being an amount not to exceed \$678,570 for operating expenditures and \$0 for debt service expenditures. The motion carried with nine (9) yeas.**

**Article 2. Merrymeeting Adult Education Budget.**

**Councilor Favreau moved, Councilor Knight seconded, to approve the Merrymeeting Adult Education budget in an amount not to exceed \$724,393 with Brunswick's assessment**

**as part of the total appropriation to the Brunswick School Department not to exceed \$100,486. The motion carried with nine (9) yeas.**

**Article 3. Local Contribution Required under EPS to Receive Full State Dollars; and State Subsidy.**

Mr. Oikle explained this article and essential programs.

Councilor Pols asked a question, to which Mr. Perzanoski responded.

**Councilor Tucker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department, to appropriate the sum of \$28,183,249 toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act; and as part of the \$28,183,249 to raise the sum of \$16,469,856 as the Town's contribution toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688; and as part of the \$28,183,249 to accept state subsidy anticipated in the amount of \$11,713,393. The motion carried with nine (9) yeas.**

**Article 4. Non-State-Funded Debt Service.**

Councilor Favreau asked a question, to which Manager Brown and Mr. Oikle responded.

**Councilor Tucker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department, to appropriate the sum of \$844,922 and to raise the sum of \$133,469 and to apply the sum of \$711,453 from the existing or estimated unexpended fund balance of the Brunswick School Department for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. The motion carried with nine (9) yeas.**

**Article 5. Additional Local Funds.**

Councilor Watson asked a question, to which Mr. Oikle responded.

**Councilor Perreault moved, Councilor Favreau seconded, as part of the total appropriation to the Brunswick School Department, to raise and appropriate the sum of \$0 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$0. The motion carried with nine (9) yeas**

**Article 6. Other Funds.**

Chair King asked a question, to which Mr Oikle responded.

**Councilor Pols moved, Councilor Favreau seconded, as part of the total appropriation, to the Brunswick School Department: To accept funds from other sources as estimated below and to appropriate the amount of \$605,600.**

<b><u>Federal School Subsidy</u></b>	<b><u>\$ 97,500</u></b>
<b><u>Tuition and other charges</u></b>	<b><u>433,600</u></b>
<b><u>Miscellaneous</u></b>	<b><u>74,500</u></b>
	<b><u>\$ 605,600</u></b>

**The motion carried with nine (9) yeas.**

**Article 7. Unexpended Balances.**

**Councilor Favreau moved, Councilor Pols seconded, as part of the total appropriation to the Brunswick School Department, to appropriate \$2,788,547 from the existing, or estimated, unexpended balances of the Brunswick School Department. The motion carried with nine (9) yeas**

**Article 8. Kindergarten to Grade 12 total Budget.**

**Councilor Pols moved, Councilor Knight seconded, to authorize the Brunswick School Department to expend \$32,422,318 for the fiscal year beginning July 1, 2011 and ending June 30, 2012 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes title 20-A section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools. The motion carried with nine (9) yeas.**

**Article 9. Adult Education.**

Councilor Pols asked a question, to which Mr. Oikle responded.

**Councilor Perreault moved, Councilor Pols seconded, as part of the total appropriation to the Brunswick School Department, to appropriate \$100,486 for adult education and to raise \$69,486 as the local share; and to accept state subsidy anticipated in the amount of \$31,000; with authorization to expend the herein appropriated \$100,486 and any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. The motion carried with nine (9) yeas.**

**Article 10. Food Service.**

**Councilor Pols moved, Councilor Favreau seconded, to raise and appropriate the sum of \$86,000 in additional local dollars in support of the Brunswick School Nutrition Program,**

**and to authorize expenditure of the herein appropriated \$86,000 for the stated purpose. The motion carried with nine (9) yeas.**

**Article 11. Cost Center Allocation.**

Mr. Perzanoski responded to questions from Councilor Atwood, Chair King, and Councilor Favreau.

**Councilor Pols moved, Councilor Favreau seconded, to authorize allocation of the school budget, \$33,301,672 to the various cost centers as recommended by the Brunswick School Board May 4, 2011 as follows:**

<b>Cost Center Summary by Budget Category</b>	<b>Amount Recommended by School Board</b>	<b>Amount Approved by Town Council</b>
Regular Instruction	\$ 14,155,868	\$ 14,155,868
Special Education	\$ 3,826,605	\$ 3,826,605
Career and Technical Education	\$ 678,570	\$ 678,570
Other Instruction	\$ 576,575	\$ 576,575
Student and staff support	\$ 3,068,189	\$ 3,068,189
System Administration	\$ 870,549	\$ 870,549
School Administration	\$ 1,318,853	\$ 1,318,853
Transportation and Buses	\$ 1,597,927	\$ 1,597,927
Facilities Maintenance	\$ 3,288,259	\$ 3,288,259
Debt Service and Other Commitments	\$ 3,040,923	\$ 3,040,923
All Other Expenditures	\$ 86,000	\$ 86,000
<b>Total to June 7 Public Referendum</b>	<b>\$ 32,508,318</b>	<b>\$ 32,508,318</b>
ARRA Jobs Bill	\$ 692,868	\$ 692,868
Adult Education	\$ 100,486	\$ 100,486
<b>Summary of Total Expenditures voted By School Board May 4</b>	<b>\$ 33,301,672</b>	<b>\$ 33,301,672</b>

**The motion carried with nine (9) yeas.**

**Article 12. Grants, Donations, and other revenues.**

**Councilor Perreault moved, Councilor Knight seconded, to authorize the Brunswick School Department to make application for grants and other revenues as opportunities may become available, to appropriate such revenues to the purpose for which received, and to authorize the Brunswick School Department to accept and expend any grant awards, donations, or other revenues that may be received. The motion carried with nine (9) yeas.**

*(A copy of the articles and cost center document will be attached to the official minutes.)*

47. The Town Council will consider a warrant for the School Budget Validation Referendum to be held on June 7, 2011, and will take any appropriate action.

**Councilor Perreault moved, Councilor Favreau seconded, to approve the Election Warrant for the School Budget Validation Referendum to be held on June 7, 2011. The motion carried with nine (9) yeas.**

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

48. The Town Council will consider adopting the 2011-2012 Budget Resolution for the Town, and will take any appropriate action.

Councilor Perreault said he would like to see another 1% taken out of the municipal budget.

Councilor Wilson and Councilor Favreau spoke on this item.

Councilor Watson, Councilor Perreault, Chair King and Councilor Wilson asked questions to which either Manager Brown or Mr. Eldridge responded.

**Councilor Tucker moved, Councilor Watson seconded, to adopt the Budget Resolution for the July 1, 2011 – June 30, 2012 Fiscal Year. The motion carried with eight (8) yeas. Councilor Perreault was opposed.**

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

49. The Town Council will consider any other matters related to the adoption of the 2011-2012 Budget and will take any appropriate action.

There were no other matters to be considered.

**Councilor Watson moved, Councilor Tucker seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 8:06 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT [WWW.BRUNSWICKME.ORG](http://WWW.BRUNSWICKME.ORG).**

*Frances M. Smith  
Town Clerk  
June 1, 2011*

June 6, 2011  
*Date of Approval*

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*Council Chair*

# CONSENT AGENDA - C BACK UP MATERIALS

**B. P. O Elks # 2043  
179 Park Row, Brunswick ME 04011**

**May 13, 2011**

Brunswick Town Council  
Town of Brunswick  
28 Federal Street  
Brunswick, Maine 04011

Subject                      Brunswick Lodge of Elks;  
Request for Gaming License Approval

Dear Sir or Madam:

The Brunswick Lodge of Elks #2043 is hereby requesting that the Town of Brunswick provide approval for the Elks Lodge to continue to license and operate various Games of Chance for the period July 1 through December 31, 2011. The State of Maine requires this approval to be on file in order for the Games of Chance licenses to be issued to the Lodge.

Your approval should be addressed to the Brunswick Lodge of Elks #2043, 179 Park Row, Brunswick, ME. 04011, Attn: Colette Cullen.

Please refer any questions or comments to Colette Cullen or Rod Bauer at the Elks Lodge, Tel 729-9572.

Thank you for your consideration.

Sincerely,



Colette Cullen  
Chairperson, Games of Chance

# CONSENT AGENDA - D BACK UP MATERIALS

## MEMORANDUM

---

TO: Gary Brown, Town Manager  
FROM: John A. Foster, Director, PWD  
DATE: May 25, 2011  
SUBJECT: Utility Location Permit

Attached, for presentation to the Town Council for approval, is an application for a Utility Location Permit received from the Maine Natural Gas.

In application ULP 2011-05, Bath Road Maine Natural Gas seeks authorization to install an 8" gas main from the existing gas main at Bridle Road to the previous authorized/permitted location just west of Sawyer Road. The new installation will begin at the existing gas main located in the shoulder on the north side of Bath Road just west of Bridle Road. Then progress along the north side of Bath Road, outside the pavement primarily in the shoulder, to east side of the entrance to 415 Bath Road. Then cross to the south side of Bath Road and continue along the shoulder to a point just west of Sawyer Road. This a portion of the gas main to be installed to Bath Iron Works in Bath, Maine.

Brunswick Public Works Department has no objection to this underground utility line as proposed, providing it is approved subject to the following conditions:

1. The final locations are subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities as determined by field verification by each utility.
2. All work is subject to compliance with the Town's Street Opening and road restoration requirements.

Town of Brunswick  
Public Works Department

**Application for Utility Location Permit**

DATE May 4, 2011

Permit Number: ULP2011-05  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Bath Road  
Starting Point: Bridle Road End Point: Sawyer Road

Maine Natural Gas proposes to install a 8-inch High Density Polyethylene (HDPE) gas main on Bath Road. The proposed 8" gas main extension will extend from the existing gas main at Bridle Road to Sawyer Road where a gas line was previously permitted. The extension will run 4167 feet and run along the north side of Bath Road and cross over to the south side of the road approximately 450 feet west of Harding Road approximately

Minimum Depth of Cover 36" (if applicable) Maximum PSI 100 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

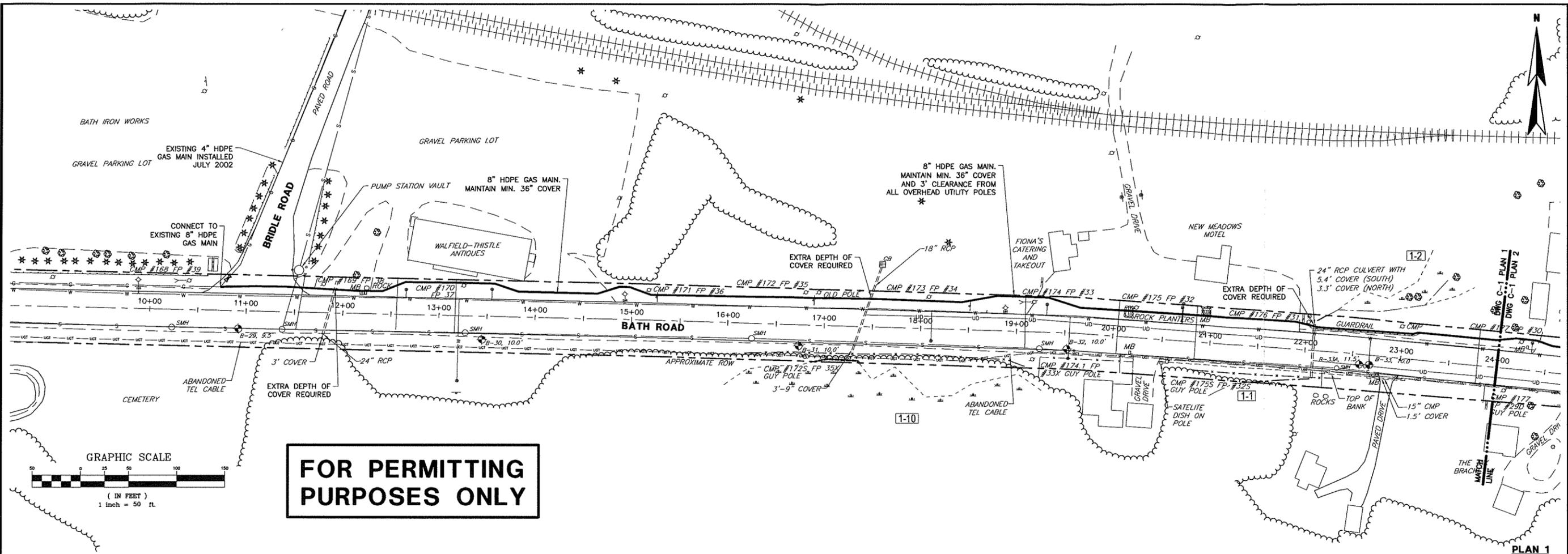
The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrell R. Quimby

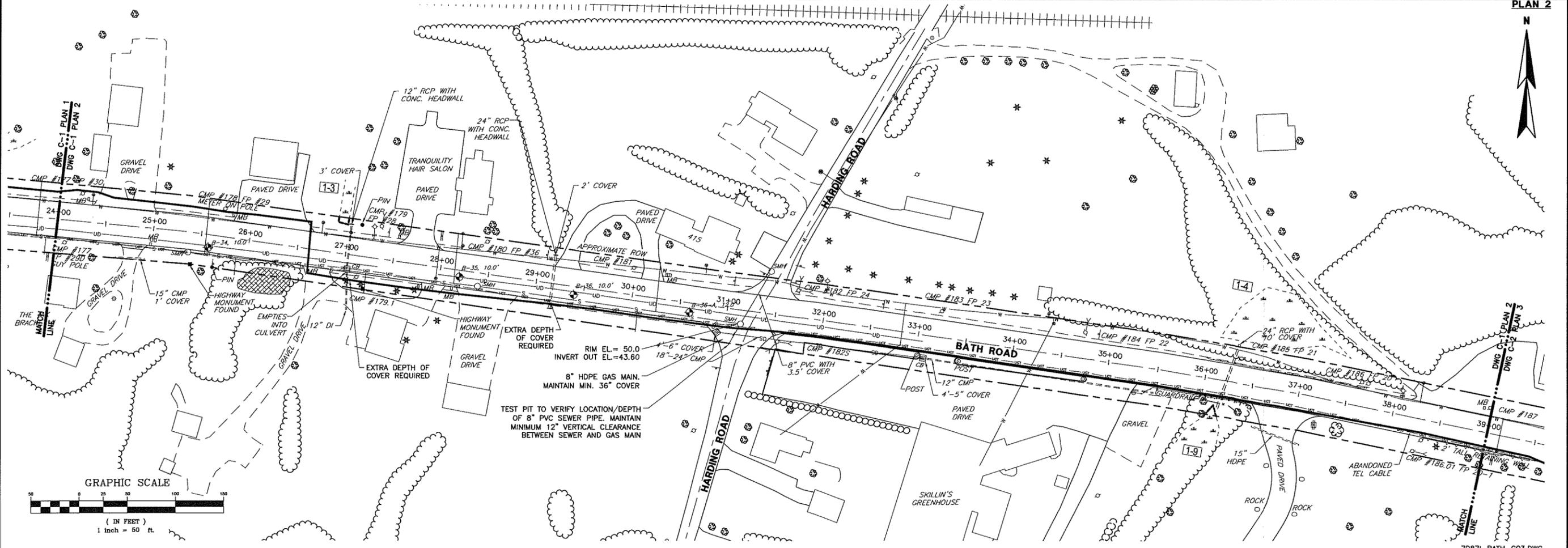
Print Name and Title: Darrell Quimby - Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**FOR PERMITTING PURPOSES ONLY**

PLAN 1  
PLAN 2



NO. SUBMISSIONS/REVISIONS	DATE	BY
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DRAWN BY: MRL  
 CHECKED BY: JLG  
 DATE: 4/2011  
 APPROVED BY: DAR  
 DATE: 5/2011  
 BOOK NO.: 70871  
 PROJECT NO.: 70871  
 SCALE: AS NOTED

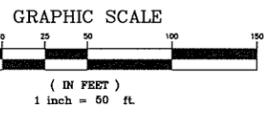
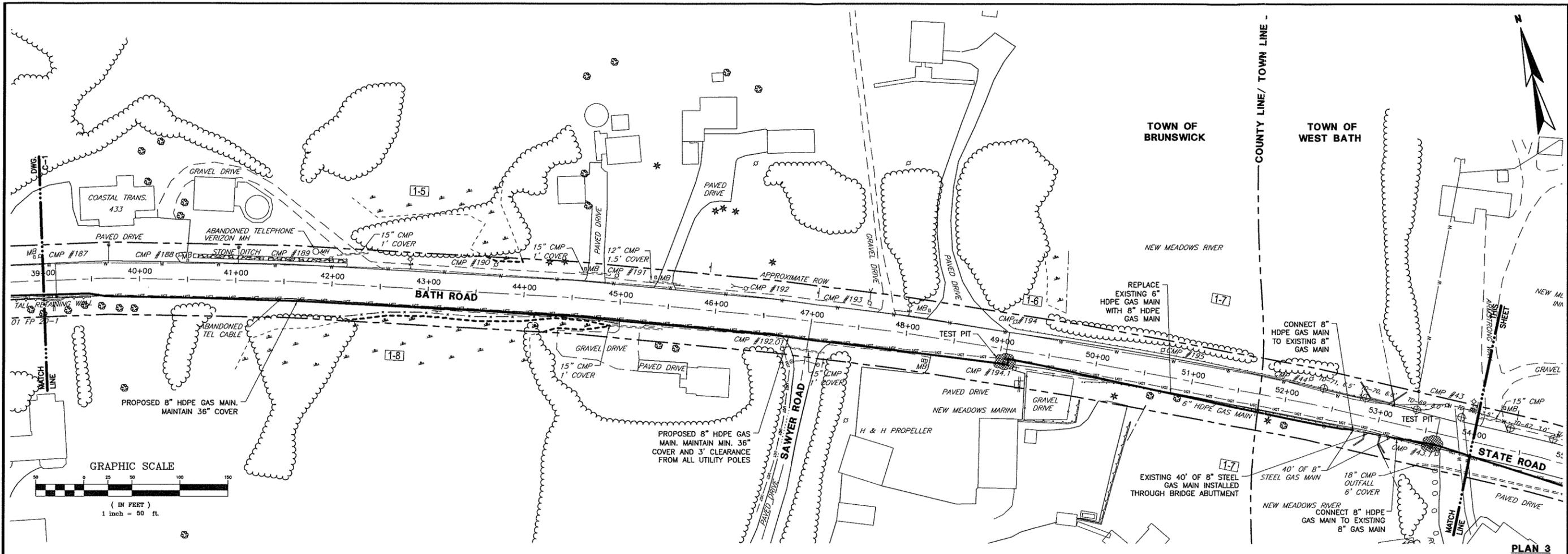
**WRIGHT-PIERCE**  
 Engineering a Better Environment  
 Offices Throughout New England  
 888.621.8156 | www.wright-pierce.com

9 Industrial Parkway  
 PO Box 99  
 Brunswick, Maine 04011  
**Maine Natural Gas**

MAINE NATURAL GAS  
 NATURAL GAS DISTRIBUTION SYSTEM  
 BATH, MAINE  
 BATH ROAD PLAN 1 AND PLAN 2  
 MAIN INSTALLATION

DRAWING  
 C-3

7D871-BATH-C03.DWG



PLAN 3  
 PLAN 4

**FOR PERMITTING  
 PURPOSES ONLY**

NO.	DATE
1	4/2011
2	5/2011

NO.	DATE
1	4/2011
2	5/2011

NO.	DATE
1	4/2011
2	5/2011

**WRIGHT-PIERCE**  
 Engineering a Better Environment  
 Offices Throughout New England  
 888.621.8156 | www.wright-pierce.com

**Maine  
 Natural Gas**  
 9 Industrial Parkway  
 PO Box 39  
 Brunswick, Maine 04011

MAINE NATURAL GAS  
 NATURAL GAS DISTRIBUTION SYSTEM  
 BATH, MAINE  
 BATH AND STATE ROAD PLAN 3 AND PLAN 4  
 MAIN INSTALLATION

# CONSENT AGENDA - E BACK UP MATERIALS

## MEMORANDUM

---

TO: Gary Brown, Town Manager  
FROM: John A. Foster, Director, PWD  
DATE: May 27, 2011  
SUBJECT: Utility Location Permit

Attached, for presentation to the Town Council for approval, is an application for a Utility Location Permit received from the Maine Natural Gas.

In application ULP 2011-07, Page Street Maine Natural Gas seeks authorization to install a 2” gas main from the existing gas main under the sidewalk on the west side of Union Street, across Union Street to the sidewalk on the north side of Page Street. Then east on Page Street, under the sidewalk, to a point just west of Maine Street.

Brunswick Public Works Department has no objection to this underground utility line as proposed, providing it is approved subject to the following conditions:

1. The final locations are subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities as determined by field verification by each utility.
2. All work is subject to compliance with the Town’s Street Opening and road restoration requirements.

Town of Brunswick  
Public Works Department

**Application for Utility Location Permit**

DATE May 17, 2011

Permit Number: ULP2011-07  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Page Street  
Starting Point: Maine Street End Point: Union Street

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the north side of the road in the sidewalk. The Maine will extend approximately 633 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

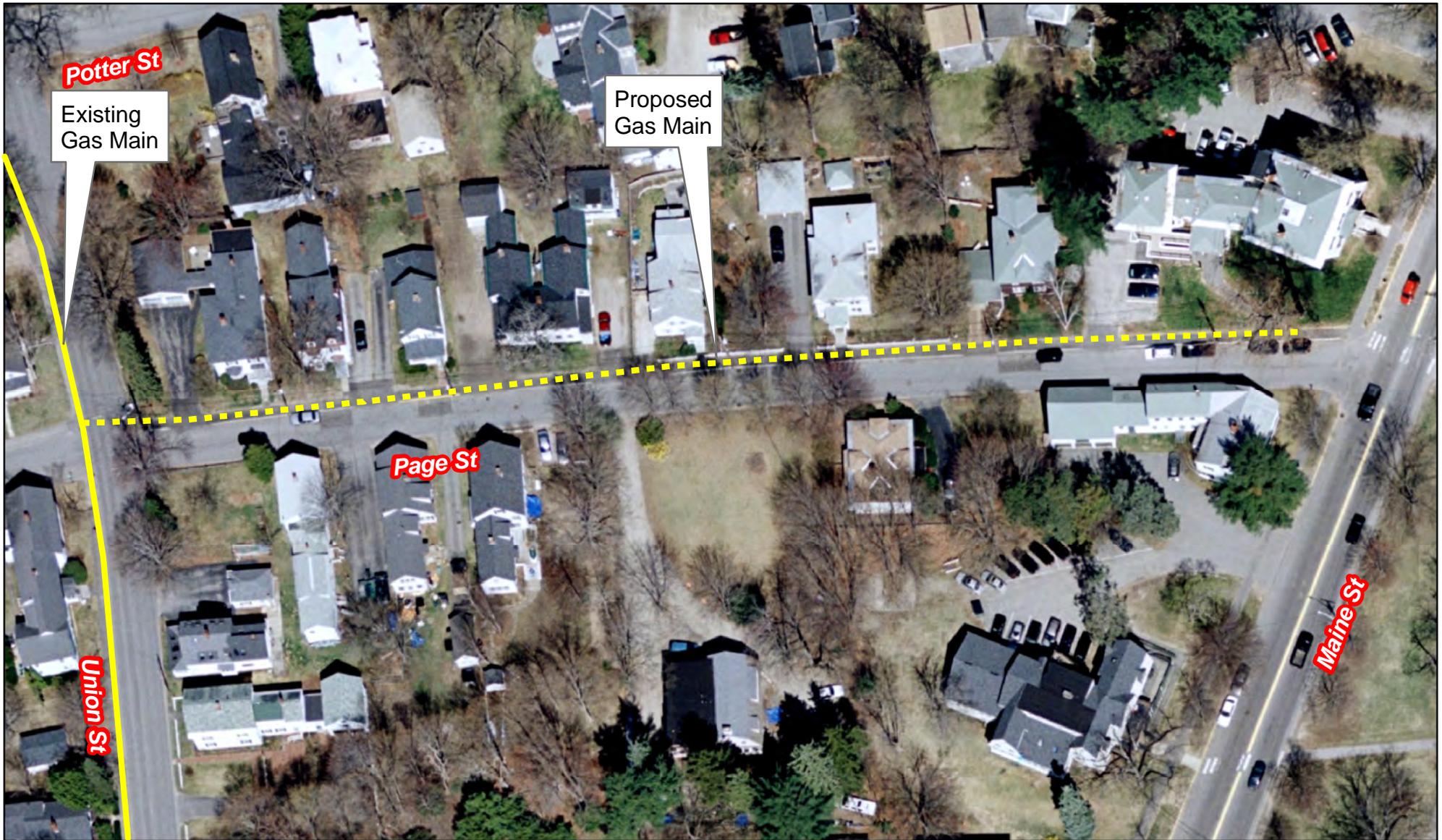
The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



1 inch = 70 feet

**Utility Location Permit ULP2011-07  
Maine Natural Gas  
Gas Main  
On Page Street  
From Union Street to Maine Street**

May 27, 2011

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# CONSENT AGENDA -F BACK UP MATERIALS

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 28 Federal Street, Brunswick, Maine, by and through its Town Manager duly authorized by the Town Council on \_\_\_\_\_, for consideration paid, release to **Wayne and Tyne Watson, JT** of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
27187	227	August 18, 2009	2008
28009	314	August 23, 2010	2009

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain parcel of land with any buildings depicted as Map 048 Lot 010 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated April 1, 2008 and April 1, 2009.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this \_\_\_th day of June 2011.

Signed, Sealed and Delivered by Gary L. Brown, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Gary L. Brown  
Town Manager

STATE OF MAINE  
Cumberland, ss.

June \_\_, 2011

Personally appeared the above named Gary L. Brown, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015