

BRUNSWICK TOWN COUNCIL

Agenda

July 11, 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) Nomination Papers Availability
- (c) Introduction of promoted Police personnel

PUBLIC HEARINGS

80. 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

Ryan Foley

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

J. Hilary Rockett, Jr.

HEARING/ACTION

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

Full-Time Spirituous, Vinous & Malt

China Bowl
D/B/A: Asian Garden
168 Maine Street

Charlie Chen

HEARING/ACTION

82. The Town Council will hear public comments on the proposed Capital Improvement Program for 2012-2016, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

83. The Town Council will consider authorizing the Town Manager to negotiate a purchase agreement with Bowdoin College for the exchange of Longfellow School for the McLellan building, and will take any appropriate action. (Chair King and Councilor Knight)

ACTION

84. The Town Council will consider setting a public hearing for July 25, 2011, on “An Ordinance Authorizing the Acquisition of A New Fire Rescue Vehicle at a Cost Not to Exceed \$187,000 (Plus the Cost of Issuance), as well as the Issuance of Bonds or Notes; Capital Leases; or Advances in Order to Finance the Acquisition,” and will take any appropriate action. (Manager)

85. The Town Council will consider adopting a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$200,000 from Available Unassigned General Fund Revenues In Order to Fund a Master Plan for the Brunswick School Department,” and will take any appropriate action. (Manager)

ACTION

86. The Town Council will consider approving a Union Contract with the Brunswick Police Communications Officers Association for July 1, 2011 to June 30, 2013, and will take any appropriate action. (Manager)

ACTION

87. The Town Council will consider adopting “A Resolution Authorizing an Emergency Appropriation and Expenditure of up \$25,000 from Available Unassigned General Fund Revenues and the Acceptance and Expenditure of Grant Funds in Order to Replace a Culvert on Adams Road,” and will take any appropriate action. (Manager)

ACTION

88. The Town Council will consider adopting a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$100,000 from Available Unassigned General Fund Revenues to Fund Costs Relating to Hazardous Material Abatement as well as Costs Associated with Operating, Maintaining, and Securing the Longfellow Elementary School Property”, and will take any appropriate action. (Manager)

ACTION

CONSENT AGENDA

- (a) Approval of the Minutes of June 20, 2011
- (b) Approval of the Minutes of June 23, 2011
- (c) Approval of the Minutes of June 30, 2011

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

Brunswick Town Council
Agenda
July 11, 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 to discuss Labor Negotiations per 1 M.R.S.A. §405(6)(D)

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) Nomination Papers Availability: Nomination papers for Town Council and School Board will be available starting on July 29th. Districts 5, 7 and one At-Large seat will be up for election in November.

Suggested Motion: No motion is required.

- (c) Introduction of promoted Police personnel: This item is to introduce the newly promoted Police personnel to the Council. They are as follows: Marc Hagan to Deputy Chief, Mark Waltz to Captain, Lynne Doucette to Lieutenant, and Joel Bruce to Sergeant.

Suggested Motion: No motion is required.

PUBLIC HEARINGS

80. This item is the required public hearing for Special Amusement Licenses for O’Shea’s Restaurant and the Inn at Brunswick. The latter application is new and is for small bands, DJ’s and other live music. The application for O’Shea’s is a reapplication for a license that expired on June 8, 2011, for which they recently received a temporary license until this application is heard. The temporary license includes conditions that the Council may wish to continue, and the Council may want to review compliance in three months.

Suggested Motion:

Motion to approve a special amusement license for the Inn at Brunswick, located at 4 Noble Street.

Suggested Motion:

Motion to approve a special amusement license for O’Shea’s for a period of three months subject to the first 11 conditions contained in the attached letter dated June 27 2011, from Bernstein Shur, and previously agreed to by O’Shea’s.

81. This item is the required public hearing on a new Alcohol License for the China Bowl (D/B/A Asian Garden) located at 168 Maine Street. Copies of the public hearing notice and application are included in your packet.

Suggested Motion:

Motion to approve the Alcohol License for Asian Garden, located at 168 Maine Street.

82. This item is the required public hearing on the proposed Capital Improvement Program for 2012-2016. A memo from Gary Brown, a copy of the CIP, and a copy of the public hearing notice are included in your packet.

Suggested Motion

Motion to adopt the Capital Improvement Program for 2012-2016.

NEW BUSINESS

83. This item, sponsored by Chair King and Councilor Knight, is to consider authorizing the Town Manager to negotiate a purchase agreement with Bowdoin College for the exchange of Longfellow School for the McLellan building. A copy of a memo from Manager Brown is included in your packet.

Suggested Motion:

Motion to authorize the Town Manager to negotiate a purchase agreement with Bowdoin College for the exchange of Longfellow School for the McLellan building.

84. This item, included in the CIP, is to set a public hearing for July 25, 2011, on a bond ordinance to purchase an ambulance. A copy of the ordinance is included in your packet.

Suggested Motion:

Motion to set a public hearing for July 25, 2011, on “An Ordinance Authorizing the Acquisition of A New Fire Rescue Vehicle at a Cost Not to Exceed \$187,000 (Plus the Cost of Issuance), as well as the Issuance of Bonds or Notes; Capital Leases; or Advances in Order to Finance the Acquisition.”

85. This item, included in the CIP, is to adopt a resolution to fund a school renovation study. A copy of the draft resolution is included in your packet.

Suggested Motion:

Motion to adopt a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$200,000 from Available Unassigned General Fund Revenues In Order to Fund a Master Plan for the Brunswick School Department.”

86. This item is to approve the Union Contract with the Brunswick Police Communications Officers Association for July 1, 2011, to June 30, 2013.

Suggested Motion:

Motion to approve a Union Contract with the Brunswick Police Communications Officers Association for July 1, 2011, to June 30, 2013.

87. This project was included in the CIP and funded in part by a Casco Bay Estuary grant. The existing culvert that crosses Adams Road at the salt marsh is in very poor condition and in danger of washing out. By replacing this culvert with a much larger culvert, it will also improve the salt marsh habitat as it will ease the tidal constriction caused by the smaller culvert. A copy of the Resolution and description of the project are included in your packet.

Suggested Motion:

Motion to adopt a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$25,000 from Available Unassigned General Fund Revenues and the Acceptance and Expenditure of Grant Funds in Order to Replace a Culvert on Adams Road.”

88. This item is for you to consider adopting a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$100,000 from Available Unassigned General Fund Revenues to Fund Costs Relating to Hazardous Material Abatement as well as Costs Associated with Operating, Maintaining, and Securing the Longfellow Elementary School Property.” This will pay for the cost to remove hazardous materials abatement in the school and the operating cost; a responsibility that falls on the Town regardless of what happens with the building’s ownership. This item is a copy of the resolution will be included in your packet.

Suggested Motion:

Motion to adopt a “Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$100,000 from Available Unassigned General Fund Revenues to Fund Costs Relating to Hazardous Material Abatement as well as Costs Associated with Operating, Maintaining, and Securing the Longfellow Elementary School Property.”

CONSENT AGENDA

- (a) Approval of the Minutes of June 20, 2011: A copy of the minutes is included in your packet.
- (b) Approval of the Minutes of June 23, 2011: A copy of the minutes is included in your packet.
- (c) Approval of the Minutes of June 30, 2011: A copy of the minutes 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

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

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

ITEM 80

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 7/11/2011 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

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

J. Hilary Rockett

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: Maine Noble, LLC

Incorporation Date: 11/14/2008 Incorporation State: Maine

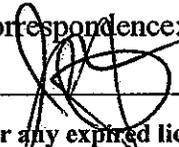
New License: Opening Date 06/24/2011 Renewal License: Expiration Date: _____

Business Name: Inn at Brunswick E-Mail: _____

Business Address: 4 Noble St. Brunswick, ME 04011 Business Phone Number: 207-874-9990

Name of Contact Person: Scott Walker Contact's Phone Number: 207-874-9990

Mailing Address for Correspondence: P.O. Box 508. Portland, ME 04101

Signature of Applicant:  Date: 5-10-11

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: 40 South St. #305 Phone #: 781-631-5015

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>J. Hilary Rockett, Jr.</u>	<u>Owner</u>	<u>(above)</u>	<u>100%</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: Special Amusement Paid Fee: \$ 100 Cash / Check Date: 5/16/11

Advertising Fee: \$ _____ Paid

Emailed Jeff 5-18-11

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

Bazaar or Flea Market-Exp. June 30th

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

_____ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30th

_____ 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 31st _____ 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 31st

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: Restaurant and Bar

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 31st 1-15 Rooms (\$100) 16+ Rooms (\$175)

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

Pawnbroker (\$75) Exp. June 30th

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 30th _____ Number of Machines/Devices

Second Hand Dealer (\$75)-Exp. June 30th

Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)
 Location: _____ Exp. 1st 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- Live Music, DJ, small band 2-3 pc
 Describe in detail room or rooms to be used under this permit- Restaurant and Bar - patio
 Signature of Owner, officer, partner or agent: _____

Tattooing Establishment (\$75)-Exp. June 30th

Theater (\$150 per screen)-Exp. June 30th _____ 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: American Restaurant Association, LLC

Incorporation Date: 4/10 Incorporation State: Maine

New License: Opening Date _____ Renewal License: Expiration Date: _____

Business Name: O'Shan's Irish Restaurant & Cantina E-Mail: _____

Business Address: 94 Maine St. Business Phone Number: 207-485-1215

Name of Contact Person: Ryan Foley Contact's Phone Number: 207-485-1215

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

Signature of Applicant: _____ Date: _____

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 #: 207-485-1215

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Foley Properties, LLC</u>	<u>Manager</u>	<u>230 Swamp Rd, Durham, ME</u>	<u>40</u>
<u>Joseph Cyr</u>	<u>—</u>	<u>PO Box 8472, Portland, ME</u>	<u>5</u>
<u>Tom 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: Special Amus. Paid Fee: \$ 100- Cash/ Check Date: 6/28/11

Advertising Fee: \$ _____ Paid

App/businessLicAppNov06

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

Bazaar or Flea Market-Exp. June 30th

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

_____ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30th

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

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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: _____

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

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Plus \$25 application fee for each type _____

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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 30th _____ Number of Machines/Devices

Second Hand Dealer (\$75)-Exp. June 30th

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

Location: _____ Exp. 1st 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, Karaoke
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: _____

Tattooing Establishment (\$75)-Exp. June 30th

Theater (\$150 per screen)-Exp. June 30th _____ Number of Screens

MONCURE & BARNICLE

ATTORNEYS AT LAW
P.O. Box 636
BRUNSWICK, ME 04011
TELEPHONE 207-729-0856
TELEFAX 207-729-7790
jbarnicle@mb-law.com
amy@mb-law.com
WEBSITE <http://www.mb-law.com>

JOHN MONCURE*
JOHN F. BARNICLE
RICHARD L. HORNBECK
RICHARD R. REGAN
JESSICA L. MAHER**
THOMAS W. BELL

Of Counsel
JOHN RICHARDSON

*ALSO ADMITTED IN NY & THE DISTRICT OF COLUMBIA
** ALSO ADMITTED IN MA

Street Address:
9 Bowdoin Mill Island
Topsham, ME 04086

June 20, 2011

Patrick Scully, Esq.
Bernstein Shur
100 Middle Street, 6th Floor
Portland, ME 04104

Re: Town of Brunswick/American Restaurant Association, LLC. d/b/a O'Shea's Irish Restaurant & Cantina— Corrective Plan

Dear Pat:

As you know, this office represents American Restaurant Association, LLC. d/b/a O'Shea's Irish Restaurant & Cantina. I am writing to provide the Town with a plan by which my client aspires to meet both its civic duty and the reasonable requirements of the Town of Brunswick¹. This correspondence is intended as a gesture of good faith and commitment to the Town, in hopes that any differences can be bridged.

1.0 Operating Management/Control: The principals of American Restaurant have authorized Ryan Foley to act as their owner - agent in all matters pertaining to the Town of Brunswick and the operation of this establishment. Mr. Foley is authorized to make decisions on behalf of American Restaurant, including binding agreements with the Town of Brunswick.

Mr. Foley is working at the restaurant, while neither of the other principals of American Restaurant are on site. My client has authorized me to represent that Mr. Foley will be the sole ownership representative on site.

Mr. Foley, through its operating entity, inserted operating funds necessary for the conduct of business. Accordingly, Mr. Foley is not only a member-manager of American Restaurant but also a creditor. Because of that relationship, Mr. Foley has an even greater incentive to ensure the smooth and successful operations of American Restaurant.

¹ As you are aware, I filed an appeal from the Board's recent decision denying renewal of my client's entertainment license. Accordingly, this correspondence is intended as comprise discussions, subject to all evidentiary rules prohibiting the introduction of comprise discussions.

2.0 Corrective Actions: I have been authorized to represent that the following corrective actions either have or will be undertaken as continuing conditions to the entertainment license:

- 2.1 Retention of a paid police detail when there is live entertainment.
- 2.2 Continue to work with Officer Robbie Lane and other officials to prohibit entry by inappropriate individuals.
- 2.3 Continue to cooperate with efforts of the law enforcement community to pursue any criminal conduct taking place on the premises.
- 2.4 The security staff are and shall remain as a mature and seasoned staff and will all be identified as "staff" on their attire.
- 2.5 In order to reduce excess sound in public areas, my client has moved the first floor entertainment to the rear of the property. In addition, my client is installing sound proof curtains over the front windows and is, additionally, seeking any other appropriate methods by which sound could be reduced, consistent with fire regulations (i.e. creating a vestibule or other entry point).
- 2.6 In order to decrease noise and congestion, my client has enacted a policy pursuant to which patrons are prohibited from walking between floors carrying drinks.
- 2.7 Exterior clean up every evening at closing.
- 2.8 Contact with the Brunswick Police Department at all appropriate times including times of excessive congestion outside the business premises.
- 2.9 My client will use its best efforts to minimize the number of patrons who may stand outside the premises during the evening. At the same my client is working with the landlord to explore options for locating a preferable outdoor area in which customers may smoke.

3.0 Conditional License: My client would consent to a license which was "probationary" in that it would be reviewed on a frequent basis, with that review to be based upon input of the Brunswick Police Department. In addition, that license would incorporate the representations set forth herein.

My client is committed to complying with any reasonable request from the Town of Brunswick and its business neighbors and whole heartedly agrees that it will be guided by the directions and input of the Brunswick Police Department in all respects.

Thank you.

Sincerely,

John F. Barnicle

JFB/ach

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Patrick J. Scully
207 228-7201 direct
pscully@bernsteinshur.com

June 27, 2011

John F. Barnicle, Esq.
Moncure & Barnicle
P.O. Box 636
Brunswick, ME 04011

Re: American Restaurant Assn. d/b/a O'Shea's Irish Restaurant & Cantina

Dear Jack:

Following up on your letter of June 20, 2011, the Brunswick Town Council met in public session on Thursday June 24, 2011. The Council voted to grant a conditional temporary special amusement license to O'Shea's for the period June 23, 2011 through July 10, 2011 (the "Temporary License Period"), with the understanding that your client will submit a new application for a special amusement permit that will be heard before the Council on July 11, 2011. The Temporary Special Amusement License is subject to the following conditions of approval.

1. O'Shea's will retain a paid police detail at all times when there is live entertainment.
2. O'Shea's will continue to work with Officer Robbie Lane and other Brunswick police officials to prohibit entry by inappropriate individuals.
3. O'Shea's will continue to cooperate with efforts of the law enforcement community to pursue any criminal conduct taking place on the premises.
4. O'Sheas will retain a mature and seasoned security staff, each member of which will be identified as "Staff" on their attire.
5. No live entertainment will occur on the street level floor of the facility. O'Shea's will pursue all other appropriate methods by which sound can be reduced, consistent with fire regulations (i.e. creating a vestibule or other entry point).
6. In order to decrease noise and congestion, O'Shea's will enforce a policy prohibiting patrons from walking between floors carrying drinks.
7. O'Shea's will perform an exterior clean up every evening at closing.

8. O'Shea's will contact the Brunswick Police Department at all appropriate times including times of excessive congestion outside the business premises.

9. O'Shea's will comply with State law and regulations regarding outdoor smoking and will use its best efforts to minimize the number of patrons who may stand outside the premises during the evening. O'Shea's will also work with the landlord to explore options for locating a preferable outdoor area in which customers may smoke in compliance with State law and regulations.

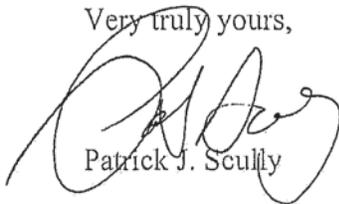
10. O'Shea's will provide the Brunswick Town Manager and Chief of Police with a written policy or procedures followed by O'Sheas related to the system of banning patrons that create problems.

11. Failure to comply with any one of the conditions in this letter will result in the immediate suspension of the Temporary Special Amusement License. Town staff shall be authorized upon their discretion to revoke the temporary license upon receiving substantiated information that one or more conditions have not been met.

12. O'Shea's will agree to the foregoing conditions in writing.

Please have your client sign this letter to reflect its agreement with the foregoing conditions.

Very truly yours,



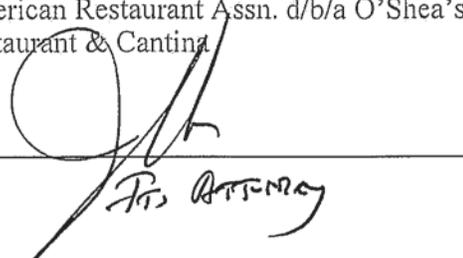
Patrick J. Scully

Seen and agreed to:

Dated: June ²⁸ __, 2011

American Restaurant Assn. d/b/a O'Shea's Irish
Restaurant & Cantina

By:
Its



Its Attorney

ITEM 81

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 7/11/2011 on the following Alcoholic Beverage license applications:

Full-Time Spirituous, Vinous & Malt

China Bowl
D/B/A: Asian Garden
168 Maine Street

Charlie Chen

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
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

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.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL 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

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>CHINA BOWL</u> DOB:			2. Business Name (D/B/A) <u>Asian Garden</u>		
DOB:			Location (Street Address) <u>168 Maine St</u>		
DOB:			City/Town State Zip Code <u>Brunswick</u> <u>ME</u> <u>04011</u>		
Address <u>182 Bath Rd</u>			Mailing Address <u>53 Melden Dr</u>		
City/Town State Zip Code <u>Brunswick</u> <u>ME</u> <u>04011</u>			City/Town State Zip Code <u>Brunswick</u> <u>ME</u> <u>04011</u>		
Telephone Number <u>207-798-1111</u>			Business Telephone Number Fax Number <u>207-725-7888</u> <u>207-725-7877</u>		
Federal I.D. # <u>20-2984868</u>			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

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

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: HE QIANG CHEN (Charlie)

8. If business is NEW or under new ownership, indicate starting date: 9/1/2011

Requested inspection date: 8/17/2011 Business hours: Mon-Sat 11:00am - 10:00pm
Sun 12:00 - 10:00pm

9. Business records are located at: 53 Melden Dr 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
HE QIANG CHEN	11/19/1972	CHINA

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

53. Melden Dr Brunswick ME 04011

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: HE QIANG CHEN Date of Conviction: APPROX 5/16/11
 Offense: speeding Location: Scarborough
 Disposition: paid ~~found~~ fine

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) See Diagram

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? 300+ Plus 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: Bath Savings Institution

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: X BRUNSWICK on 6/20, 20 11
Town/City, State Date

X [Signature]
 Signature of Applicant or Corporate Officer(s)
X HE QIANG CHEN
 Print Name

Please sign in blue ink X
 Signature of Applicant or Corporate Officer(s)
X
 Print Name

ITEM 82

BACK UP MATERIALS



**TOWN OF BRUNSWICK
PUBLIC HEARING**

THE BRUNSWICK TOWN COUNCIL will hold a public hearing at their regular meeting on Monday, July 11, 2011, 7:00 p.m. in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to receive public comments on the **Proposed Capital Improvement Plan for 2012-2016.**

Copies of the Proposed CIP are available in the Town Manager's Office. They are also on line at www.brunswickme.org

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

Fran Smith, Town Clerk
Brunswick, Maine

Times Record: June 24, 2011

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: July 5, 2011

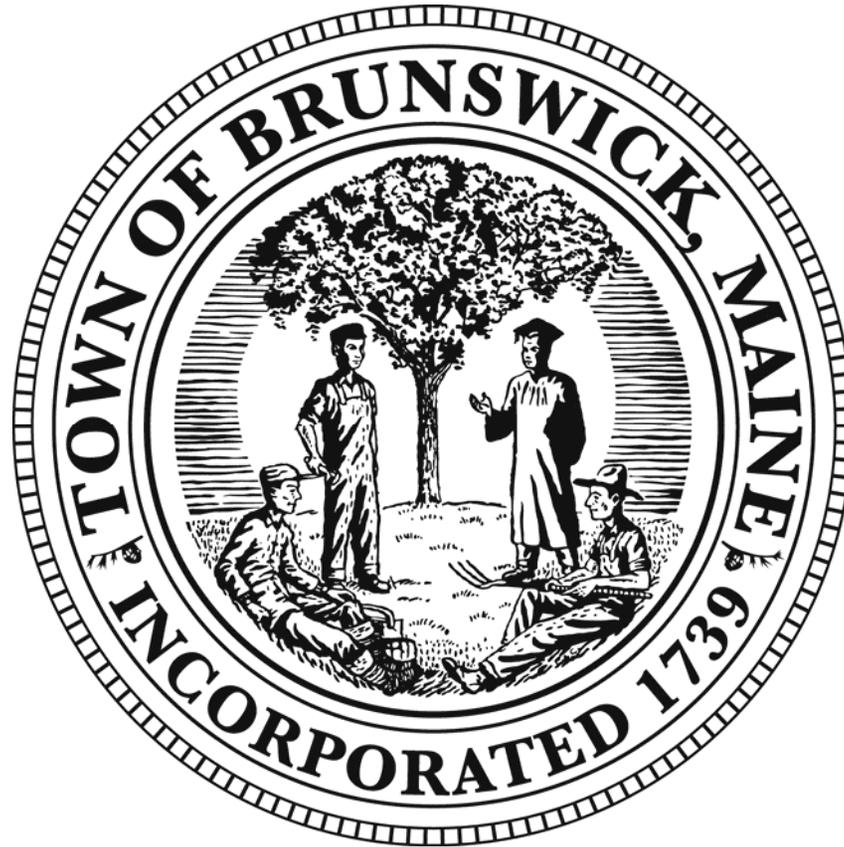
RE: 5 Year Capital Improvement Program

The Council will be having the public hearing on the proposed Capital Improvement Program at the July 11 Council meeting. The agenda also anticipates some action later in the meeting that is contingent upon the CIP. The action items include funding the School Department Facilities Master Plan, the Adams Road culvert replacement and the Longfellow hazardous materials abatement. There is also an action item to set a public hearing on a bond ordinance for the purchase of the replacement ambulance.

There will be other items that are currently listed in the CIP for this fiscal year that we look for the Council to provide some direction. They include the replacement of the ACO vehicle and the Fire Department rescue boat. The remaining items in the CIP for this year include the voting machines and a replacement loader/snowplow for the Recreation Department. I would anticipate bringing these back to the Council when the need to purchase them is imminent.

The outlying years in the CIP have items that should either be tacitly approved pending specific action in the future or removed from the CIP if the Council does not support the activity.

Town of Brunswick, Maine



Proposed Capital Improvement Program Fiscal Years Ending 2012-2016

Proposed to Town Council – June 16, 2011
Public Hearing -
Adopted -

**Town of Brunswick, Maine
Capital Improvement Program
Town Manager's Proposed
For Fiscal Years Ending 2012-2016**

PROJECTS	As of 06/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTALS
Major Facilities	\$ 21,710,975	\$ 5,404,000	\$ 2,600,000	\$ 6,300,000	\$ 2,600,000	\$ 6,000,000	\$ 22,904,000
Education	324,250	395,914	1,673,700	984,750	485,500	992,387	4,532,251
General Government	-	65,000	-	100,000	-	-	165,000
Public Safety	637,500	242,000	270,000	40,000	45,000	40,000	637,000
Public Works	2,564,000	2,813,648	1,230,000	2,350,000	1,480,000	1,485,000	9,358,648
Parks and Recreation	-	45,000	2,354,000	136,000	250,000	289,000	3,074,000
Community Partners	55,000	-	98,500	85,000	141,000	-	324,500
Community Development	20,000	-	3,400,000	-	-	-	3,400,000
TOTALS	\$ 25,311,725	\$ 8,965,562	\$ 11,626,200	\$ 9,995,750	\$ 5,001,500	\$ 8,806,387	\$ 44,395,399
FUNDING SOURCES							
General Obligation Bonds	\$ 21,567,250	\$ 5,291,000	\$ 6,280,000	\$ 4,200,000	\$ 3,198,000	\$ 6,498,000	\$ 25,467,000
General Fund Revenues	2,188,250	1,735,562	1,618,700	1,984,750	1,617,500	2,229,387	9,185,899
General Fund Balance	590,000	490,000	174,000	252,000	186,000	79,000	1,181,000
General Fund Advance	-	-	-	-	-	-	-
U.S. Government	-	70,000	2,000,000	3,500,000	-	-	5,570,000
State of Maine	742,440	700,000	1,400,000	-	-	-	2,100,000
Enterprise Funds	-	-	-	-	-	-	-
Impact Fees	-	459,000	-	-	-	-	459,000
Reserves	20,000	160,000	73,500	59,000	-	-	292,500
Other	203,785	60,000	80,000	-	-	-	140,000
TOTALS	\$ 25,311,725	\$ 8,965,562	\$ 11,626,200	\$ 9,995,750	\$ 5,001,500	\$ 8,806,387	\$ 44,395,399

**Town of Brunswick, Maine
Capital Improvement Program
Town Manager's Proposed
For Fiscal Years Ending 2012-2016**

Project Summary

CAPITAL IMPROVEMENTS	As of 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL	FUNDING
Major Facilities								
Central Fire Station Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000,000	\$ 6,000,000	G.O. Bonds
Elementary School Site, Design, Construction	21,462,250							- G.O. Bonds
Additional Improvements	167,440							- M.D.O.E.
Additional Improvements	81,285							- Other
District Master Plan		200,000					200,000	Gen. Fund Bal.
Elementary Schools Renovations			2,600,000	2,600,000			5,200,000	G.O. Bonds
Brunswick Junior High Add/Reno					2,600,000		2,600,000	G.O. Bonds
Longfellow School		100,000					100,000	Gen. Fund Bal.
McLellan Building				200,000			200,000	Gen. Fund Revs.
Police Station		5,104,000					5,104,000	G.O. Bonds
Fitness Center	-	-	-	3,500,000	-	-	3,500,000	U.S. Navy
Total Major Facilities	\$ 21,710,975	\$ 5,404,000	\$ 2,600,000	\$ 6,300,000	\$ 2,600,000	\$ 6,000,000	\$ 22,904,000	
Departments/Functions								
School Department								
Jordan Acres Boiler	\$ -	\$ -	\$ 315,000	\$ -	\$ -	\$ -	\$ 315,000	G.O. Bonds
Junior High Air Quality		159,414					159,414	Gen. Fund Revs.
Junior High Air Quality			420,000				420,000	G.O. Bonds
Brunswick Junior High Sprinkler						248,000	248,000	G.O. Bonds
BHS Egress Road				500,000			500,000	G.O. Bonds
BHS Track Resurfacing			250,000				250,000	G.O. Bonds
BHS Carpet & Tile			300,000				300,000	G.O. Bonds
BHS Additonal Tennis Courts					198,000		198,000	G.O. Bonds

Proposed: June 16, 2011

Public Hearing :

Adopted:

CAPITAL IMPROVEMENTS	As of 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL	FUNDING
Annual Work Program	241,000	147,000	212,000	302,750	100,000	551,262	1,313,012	Gen. Fund Revs.
School Buses	83,250	89,500	176,700	182,000	187,500	193,125	828,825	Gen. Fund Revs.
<i>Total School Department</i>	\$ 324,250	\$ 395,914	\$ 1,673,700	\$ 984,750	\$ 485,500	\$ 992,387	\$ 4,532,251	
General Government								
Voting Machines	\$ -	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ 65,000	Gen. Fund Bal.
Telecommunications	-	-	-	100,000	-	-	100,000	Gen. Fund Bal.
<i>Total General Government</i>	\$ -	\$ 65,000	\$ -	\$ 100,000	\$ -	\$ -	\$ 165,000	
Public Safety								
Command 1	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	-	G.O. Bonds
Command 2	35,000	-	-	-	-	-	-	G.O. Bonds
Command 3	35,000	-	-	-	-	-	-	G.O. Bonds
Life Paks	82,500	-	-	-	-	-	-	Gen. Fund Bal.
Brush 1	-	-	40,000	-	-	-	40,000	Gen. Fund Bal.
Utility 2	-	-	35,000	-	-	-	35,000	Gen. Fund Bal.
Brush 2	-	-	-	-	45,000	-	45,000	Gen. Fund Bal.
Utility 1 w/Plow	-	-	-	-	-	40,000	40,000	Gen. Fund Bal.
Rescue 3	165,000	-	-	-	-	-	-	Gen. Fund Bal.
Rescue 2	-	187,000	-	-	-	-	187,000	G.O. Bonds
Rescue 1	-	-	195,000	-	-	-	195,000	G.O. Bonds
Rescue Boat	-	30,000	-	-	-	-	30,000	Gen. Fund Bal.
Skid Tank Units	-	-	-	40,000	-	-	40,000	Gen. Fund Bal.
Animal Control Vehicle	-	25,000	-	-	-	-	25,000	Gen. Fund Bal.
Communications/Dispatch	162,500	-	-	-	-	-	-	Gen. Fund Bal.
Communications/Dispatch	122,500	-	-	-	-	-	-	Other
<i>Total Public Safety</i>	\$ 637,500	\$ 242,000	\$ 270,000	\$ 40,000	\$ 45,000	\$ 40,000	\$ 637,000	
Public Works								
Solid Waste Landfill								
Interim Cover	\$ -	\$ 459,000	\$ -	\$ -	\$ -	\$ -	\$ 459,000	Impact Fees
Storm Sewer								
Union Street (Prelim)	-	-	-	50,000	-	-	50,000	Gen. Fund Bal.
Union Street	-	-	-	1,000,000	-	-	1,000,000	G.O. Bonds

Proposed: June 16, 2011
Public Hearing :
Adopted:

CAPITAL IMPROVEMENTS	As of 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL	FUNDING
Street and Road Improvements								
Lincoln St.		160,000					160,000	Reserves
College Street					150,000		150,000	G.O. Bonds
Annual Work Program								
Arrowhead Drive	315,000							Gen. Fund Revs.
Rossmore Road		180,000	200,000				380,000	Gen. Fund Revs.
Nancy and Patricia Drives			25,000	250,000	250,000		525,000	Gen. Fund Revs.
Woodard Point Rd.						370,000	370,000	Gen. Fund Revs.
Other Roads	759,000	379,648					379,648	Gen. Fund Revs.
Street Resurfacing Program	600,000	540,000	625,000	650,000	675,000	700,000	3,190,000	Gen. Fund. Revs.
Street Resurfacing Program		60,000					60,000	Other
Sidewalk Program								
Annual Work Program		-	100,000	100,000	100,000	100,000	400,000	Gen. Fund. Revs.
Bridge Improvements							-	
Adams Road Culvert		25,000					25,000	Gen. Fund Bal.
Adams Road Culvert		70,000					70,000	GOMC/NOAA
Traffic Improvements								
Maine/McKeen Traffic Sigr	125,000						-	M.D.O.T.
Bath Rd./Maine St. Int.		700,000					700,000	M.D.O.T.
Maine St./Route One Ramp	450,000						-	M.D.O.T.
Facilities								
Roof 10 Industry Rd.	50,000						-	Gen. Fund Bal.
Boiler 10 Industry Rd.	75,000						-	Gen. Fund Bal.
Vehicles and Equipment								
Annual Program	190,000	240,000	280,000	300,000	305,000	315,000	1,440,000	Gen. Fund. Revs.
<i>Total Public Works</i>	\$ 2,564,000	\$ 2,813,648	\$ 1,230,000	\$ 2,350,000	\$ 1,480,000	\$ 1,485,000	\$ 9,358,648	

CAPITAL IMPROVEMENTS	As of 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL	FUNDING
Parks and Recreation								
East Brunswick Fields	\$ -	\$ -	\$ -	\$ -	\$ 250,000	\$ 250,000	\$ 500,000	G.O. Bonds
Land for Brunswick's Future			1,000,000				1,000,000	G.O. Bonds
One Ton Truck w/Plow			44,000				44,000	Gen. Fund Bal.
Front End Loader w/ Snowblower		45,000					45,000	Gen. Fund Bal.
1/2 Ton Truck w/Plow			30,000				30,000	Gen. Fund Bal.
3/4 Ton Truck w/Plow				36,000			36,000	Gen. Fund Bal.
Front End Loader w/ Snowblower						39,000	39,000	Gen. Fund Bal.
Press Box/Concession/Storage			80,000				80,000	Other
Skate Park				100,000			100,000	G.O. Bonds
Riverwalk			200,000				200,000	G.O. Bonds
Riverwalk	-	-	1,000,000	-	-	-	1,000,000	M.D.O.T.
Total Parks and Recreation	\$ -	\$ 45,000	\$ 2,354,000	\$ 136,000	\$ 250,000	\$ 289,000	\$ 3,074,000	
Community Partners								
Curtis Memorial Library								
Building Upgrades	\$ -	\$ -	\$ 73,500	\$ 59,000	\$ -	\$ -	\$ 132,500	Reserves
HVAC Upgrades			25,000	26,000	41,000		92,000	Gen. Fund Bal.
Furniture & Fixtures							-	
People Plus Center								
Roof Replacement	55,000						-	Gen. Fund Bal.
Parking Lot Replacement	-	-	-	-	100,000	-	100,000	Gen. Fund Bal.
Total Community Partners	\$ 55,000	\$ -	\$ 98,500	\$ 85,000	\$ 141,000	\$ -	\$ 324,500	
Community Development								
Maine Street Station								
Downtown Parking	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Reserves
Downtown Parking			1,000,000				1,000,000	G.O. Bonds
Downtown Parking			400,000				400,000	State of Maine
Downtown Parking	-	-	2,000,000	-	-	-	2,000,000	U.S. Govt.
Total Development	\$ 20,000	\$ -	\$ 3,400,000	\$ -	\$ -	\$ -	\$ 3,400,000	
Total Departments/Functions	\$ 3,600,750	\$ 3,561,562	\$ 9,026,200	\$ 3,695,750	\$ 2,401,500	\$ 2,806,387	\$ 21,491,399	
TOTAL CAPITAL IMPROVEMENTS	\$ 25,311,725	\$ 8,965,562	\$ 11,626,200	\$ 9,995,750	\$ 5,001,500	\$ 8,806,387	\$ 44,395,399	

CAPITAL IMPROVEMENTS	As of 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL	FUNDING
FUNDING SOURCES	As of 06/30/11	2090-2010	2010-2011	2011-12	2012-13	2013-14	TOTAL	
General Obligation Bonds	\$ 21,567,250	\$ 5,291,000	\$ 6,280,000	\$ 4,200,000	\$ 3,198,000	\$ 6,498,000	\$ 25,467,000	
General Fund Revenues	2,188,250	1,735,562	1,618,700	1,984,750	1,617,500	2,229,387	9,185,899	
General Fund Balance	590,000	490,000	174,000	252,000	186,000	79,000	1,181,000	
General Fund Advance	-	-	-	-	-	-	-	
U.S. Government	-	70,000	2,000,000	3,500,000	-	-	5,570,000	
State of Maine	742,440	700,000	1,400,000	-	-	-	2,100,000	
Enterprise Funds	-	-	-	-	-	-	-	
Impact Fees	-	459,000	-	-	-	-	459,000	
Reserves	20,000	160,000	73,500	59,000	-	-	292,500	
Other	203,785	60,000	80,000	-	-	-	140,000	
TOTAL FUNDING SOURCES	\$ 25,311,725	\$ 8,965,562	\$ 11,626,200	\$ 9,995,750	\$ 5,001,500	\$ 8,806,387	\$ 44,395,399	
	-	-	-	-	-	-	-	

Estimated Tax Impacts - Summary	2011-12	2012-13	2013-14	2014-15	2015-16
Projects Financed with Debt					
Existing Debt Service					
Existing Debt Service	\$ 3,557,022	\$ 3,432,723	\$ 3,244,924	\$ 2,405,624	\$ 2,363,154
TIF Subsidy	(90,648)	(86,320)	(84,900)	(83,480)	(82,060)
Enterprise Debt	-	-	-	-	-
School Subsidy (estimated)	(2,196,001)	(2,122,628)	(2,059,314)	(1,341,739)	(1,325,706)
Existing Debt Service - Net	1,270,372	1,223,775	1,100,710	980,405	955,388
New Debt Service					
Authorized But Not Issued	-	-	-	-	-
Proposed Debt Service (in total)	-	516,065	1,177,710	1,604,279	1,858,657
School Subsidy (estimated)	-	-	-	-	-
TIF Subsidy	-	-	-	-	-
New Debt Service - Net	-	516,065	1,177,710	1,604,279	1,858,657
Existing and New Debt Service - Net	1,270,372	1,739,840	2,278,420	2,584,685	2,814,044
Change from Previous Year	725,410	469,468	538,580	306,265	229,360
Tax Rate Impact - Debt Service	2.42%	1.56%	1.80%	1.02%	0.76%
Projects Financed with other than Debt					
Non-Debt Sources					
General Revenues	1,735,562	1,618,700	1,984,750	1,617,500	2,229,387
Non-Debt Projects	1,735,562	1,618,700	1,984,750	1,617,500	2,229,387
Change from Previous Year	(452,688)	(116,862)	366,050	(367,250)	611,887
Tax Rate Impact - Non-Debt Projects	-1.51%	-0.39%	1.22%	-1.22%	2.04%
Projects Financed Debt and Non-Debt					
Debt and Non-Debt Projects	3,005,934	3,358,540	4,263,170	4,202,185	5,043,431
Change from Previous Year	272,722	352,606	904,630	(60,985)	841,247
Tax Rate Change - Projects	0.91%	1.18%	3.02%	-0.20%	2.80%

Estimated Tax Impacts - Summary	2011-12	2012-13	2013-14	2014-15	2015-16
Operating Costs Related to New Projects					
Operating Costs	-	155,600	249,600	255,600	257,600
Change from Previous Year	-	155,600	94,000	6,000	2,000
<i>Tax Rate Impact - Operating Costs</i>	0.00%	0.52%	0.31%	0.02%	0.01%
Projects and Operating Costs - Total					
Change from Previous Year	272,722	508,206	998,630	(54,985)	843,247
<i>Tax Rate Impact - Projects & Operating</i>	0.91%	1.69%	3.33%	-0.18%	2.81%
Estimates assume a 1% tax increase is equal to:	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000

Proj. No.	Project Proposed Debt	Fiscal Year	Estimated Project Cost	Assumed Bond Years	Assumed Interest Rate	Projected First Year Debt Service (b)	Estimated First Yr Tax Rate Impact (c)	Estimated Total Debt Service (d)
Proposed Debt in CIP								
1	Central Fire Station	2016-17	6,000,000	20	4.25%	555,000	1.85%	8,677,500
2	Elementary School Renovations	2013-14	2,600,000	20	4.25%	240,500	0.80%	3,760,250
3	Elementary School Renovations	2014-15	2,600,000	20	4.25%	240,500	0.80%	3,760,250
4	Junior High Addition	2015-16	2,600,000	20	4.25%	240,500	0.80%	3,760,250
5	Junior High Sprinkler	2016-17	248,000	10	3.75%	34,100	0.11%	299,150
6	Police Station	2012-13	5,104,000	20	4.25%	472,120	1.57%	7,381,660
7	Jordan Acres Boiler	2013-14	315,000	15	4.00%	33,600	0.11%	415,800
8	Junior High Air Quality	2013-14	420,000	10	3.75%	57,750	0.19%	506,625
9	BHS Egress Road	2014-15	500,000	10	3.75%	68,750	0.23%	603,125
10	BHS Track Resurfacing	2013-14	250,000	10	3.75%	34,375	0.11%	301,563
11	BHS Carpet & Tile	2013-14	300,000	10	3.75%	41,250	0.14%	361,875
12	BHS Tennis Courts	2015-16	198,000	10	3.75%	27,225	0.09%	238,838
13	Rescue 2	2012-13	187,000	5	3.50%	43,945	0.15%	206,635
14	Rescue 1	2013-14	195,000	5	3.50%	45,825	0.15%	215,475
15	Union Street	2014-15	1,000,000	15	4.00%	106,667	0.36%	1,320,000
16	College Street	2014-15	150,000	15	4.00%	16,000	0.05%	198,000
17	East Brunswick Recreation Field I	2015-16	250,000	15	4.00%	26,667	0.09%	330,000
18	East Brunswick Recreation Field II	2016-17	250,000	15	4.00%	26,667	0.09%	330,000
19	Land For Brunswick's Future	2013-14	1,000,000	20	4.25%	92,500	0.31%	1,446,250
20	Skate Park	2014-15	100,000	5	3.50%	23,500	0.08%	110,500
21	Riverwalk	2013-14	200,000	15	4.00%	21,333	0.07%	264,000
22	Downtown Parking	2013-14	1,000,000	15	4.00%	106,667	0.36%	1,320,000
			\$ 25,467,000			\$ 2,555,440		\$ 35,807,745
From Other Sources								
	Other Sources		\$ -			\$ -		\$ -

(a) Assumes a 1% Tax Rate increase equals:

\$300,000

(b) The first year debt service payment is an estimate assuming level principal payments. It assumes the rates and terms shown.

The actual rates and terms will be determined if and when the bonds are issued.

Proposed: June 16, 2011

Public Hearing :

Adopted:

Proj. No.	Project Proposed Debt	Fiscal Year	Estimated Project Cost	Assumed Bond Years	Assumed Interest Rate	Projected First Year Debt Service (b)	Estimated First Yr Tax Rate Impact (c)	Estimated Total Debt Service (d)
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(c) This is the estimated total debt service over the life of the bonds. It assumes the rates and terms shown.

(d) The \$21,462,250 Elementary School project has qualified for State school construction debt service subsidy.

The estimated impact on property taxes is lowered by the amount the estimated annual debt service subsidy.

Estimated percentage subsidy on Elementary School Project: **87.04%** See the note below regarding the reliability of this assumption.

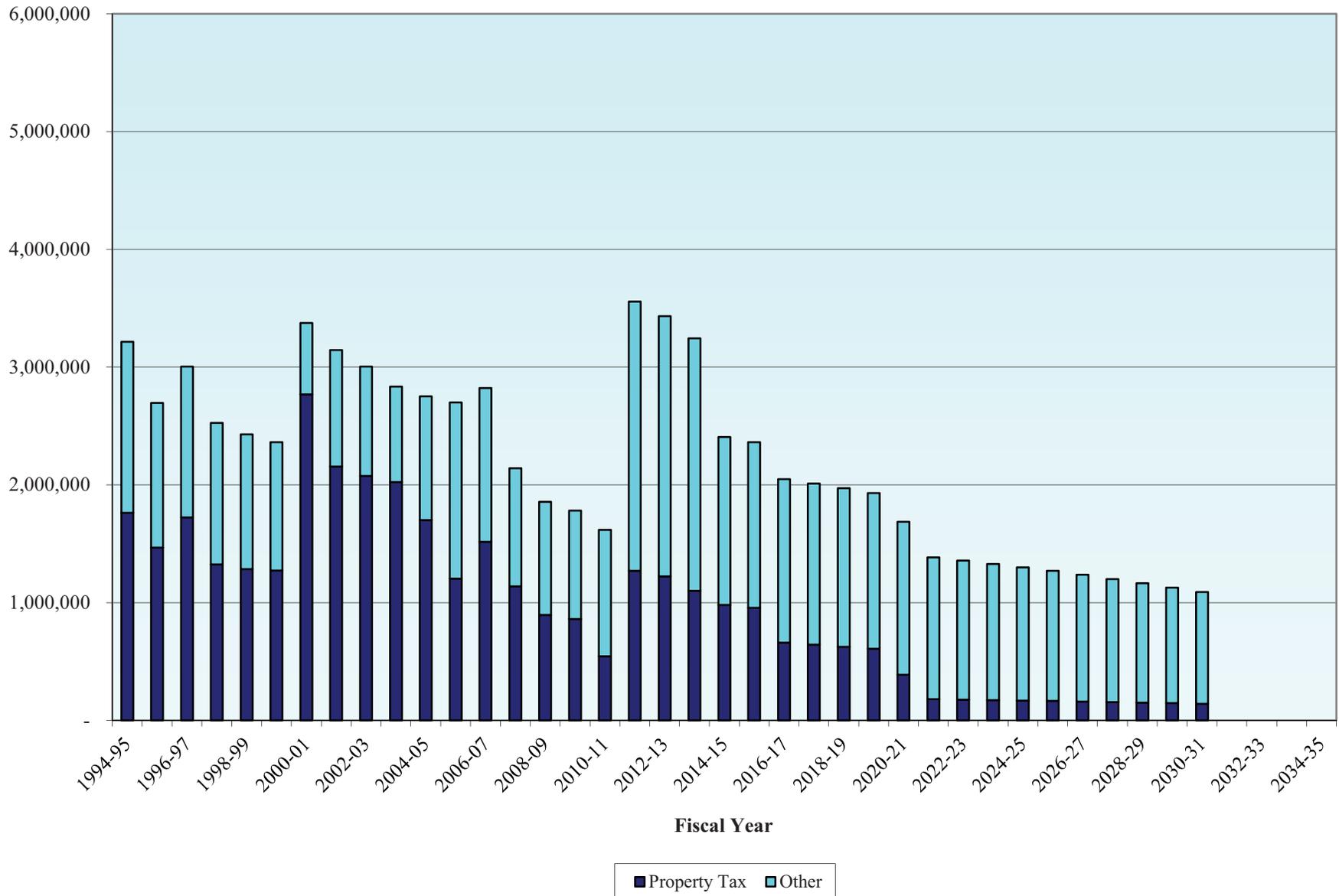
State School Construction Debt Service Subsidy - The State of Maine Department of Education (DOE) assists school units with state-approved construction projects under a complex arrangement. First, the DOE, after extensive review of a proposed school construction project, determines a level of project costs that it deems eligible for state subsidy. Then, the annual debt service for those eligible costs is included in the calculation of the unit's annual subsidy of all of its education costs, using the State's Essential Programs and Service (EPS) funding model. The EPS model uses a number or variables that will change annually. Further, the model is subject to change by the actions of the State Legislature and the DOE. Also the annual level of EPS funding is determined in the State budget process.

School debt service subsidy estimates are intended only for planning purposes. Future estimates and actual subsidy payments may be materially different.

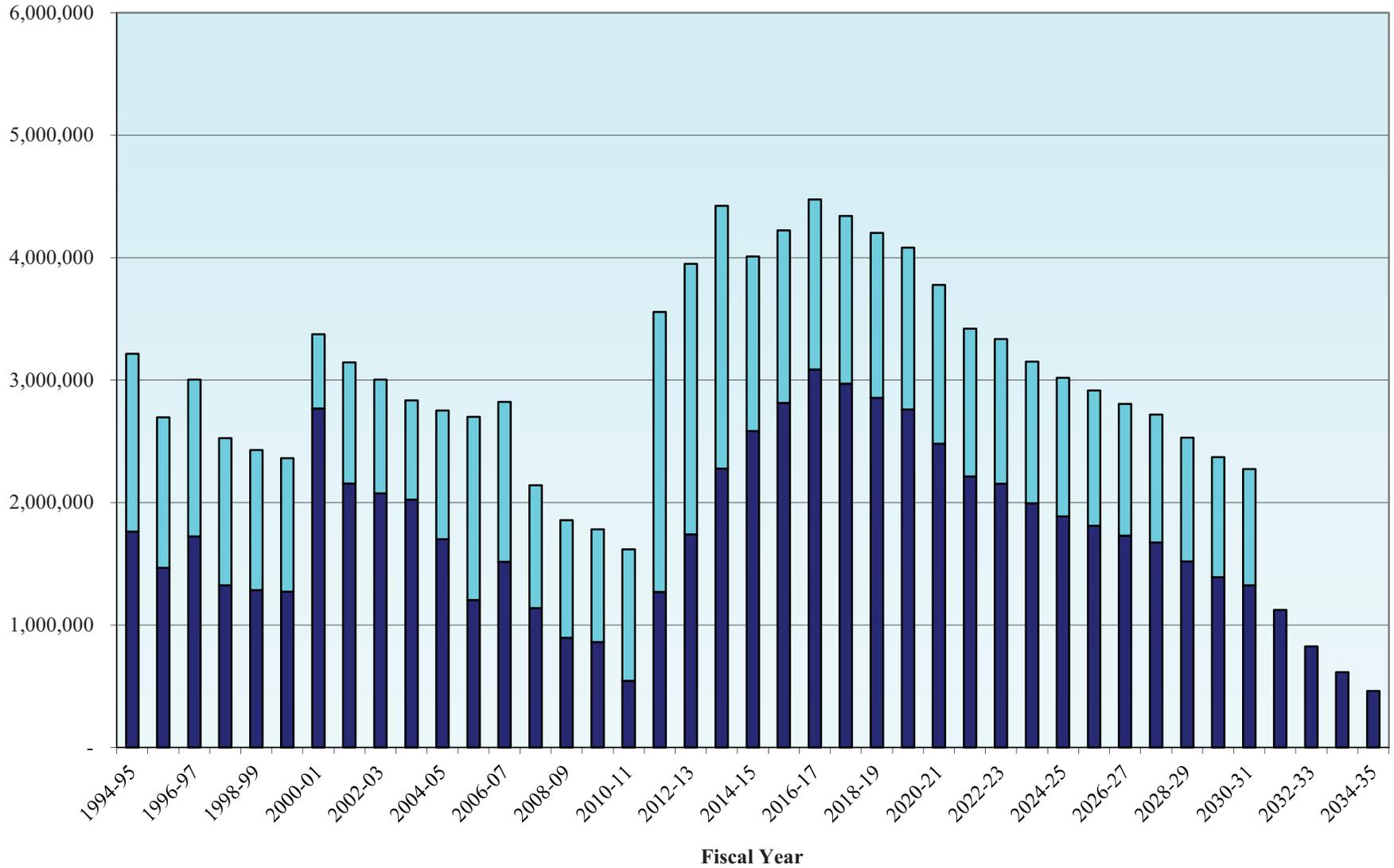
Estimated Tax Impacts			2011-12		2012-13		2013-14		2014-15		2015-16	
17	East Brunswick Recreation Field I	2015-16	-	0.00%	-	0.00%	-	0.00%	-	0.00%	26,667	0.09%
18	East Brunswick Recreation Field II	2016-17	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
19	Land For Brunswick's Future	2013-14	-	0.00%	-	0.00%	92,500	0.31%	90,375	0.30%	88,250	0.29%
20	Skate Park	2014-15	-	0.00%	-	0.00%	-	0.00%	23,500	0.08%	22,800	0.08%
21	Riverwalk	2013-14	-	0.00%	-	0.00%	21,333	0.07%	20,800	0.07%	20,267	0.07%
22	Downtown Parking	2013-14	-	0.00%	-	0.00%	106,667	0.36%	104,000	0.35%	101,333	0.34%
25	New Debt	2016-17	-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>
			-	0.00%	516,065	1.72%	1,177,710	3.93%	1,604,279	5.35%	1,858,657	6.20%
From Other Sources												
			-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>	-	<u>0.00%</u>
			-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
	Net Proposed Debt Service		-	0.00%	516,065	1.72%	1,177,710	3.93%	1,604,279	5.35%	1,858,657	6.20%
	Change from Previous Year		-	0.00%	516,065	1.72%	661,645	2.21%	426,569	1.42%	254,378	0.85%
	Sum of Changes from Previous Year		725,410	2.42%	469,468	1.56%	538,580	1.80%	306,265	1.02%	229,360	0.76%
Assumptions in this Worksheet:												
	1% tax rate increase produces:		\$300,000		\$300,000		\$300,000		\$300,000		\$300,000	
	Est. Subsidy on Elementary School:		87.04%		87.04%		87.04%		87.04%		87.04%	

Estimated Tax Impacts	2011-12		2012-13		2013-14		2014-15		2015-16	
Operating Cost Impacts										
McLellan Building	-	0.00%	-	0.00%	49,000	0.16%	49,000	0.16%	49,000	0.16%
Police Headquarters	-	0.00%	135,000	0.45%	135,000	0.45%	135,000	0.45%	135,000	0.45%
Fitness Center	-	0.00%	-	0.00%	50,000	0.17%	50,000	0.17%	50,000	0.17%
JA Boiler	-	0.00%	-	0.00%	(20,000)	-0.07%	(20,000)	-0.07%	(20,000)	-0.07%
BHS Egress	-	0.00%	-	0.00%	10,000	0.03%	10,000	0.03%	10,000	0.03%
East Brunswick Fields	-	0.00%	-	0.00%	-	0.00%	4,000	0.01%	6,000	0.02%
ES Concessions	-	0.00%	600	0.00%	600	0.00%	600	0.00%	600	0.00%
Skate Park	-	0.00%	-	0.00%	-	0.00%	2,000	0.01%	2,000	0.01%
Riverwalk	-	0.00%	-	0.00%	5,000	0.02%	5,000	0.02%	5,000	0.02%
Parking Facility	-	0.00%	20,000	0.07%	20,000	0.07%	20,000	0.07%	20,000	0.07%
	-	0.00%	155,600	0.52%	249,600	0.83%	255,600	0.85%	257,600	0.86%
Change from Previous Year	-	0.00%	155,600	0.52%	94,000	0.31%	6,000	0.02%	2,000	0.01%
Assumptions in this Worksheet:										
1% tax rate increase produces:	\$300,000		\$300,000		\$300,000		\$300,000		\$300,000	

Debt Service - Existing



Debt Service - Existing, Authorized, and Proposed



Property Tax
 Other

**Town of Brunswick, Maine
Capital Improvement Program
2012-2016
Assumptions**

Bond Life	Interest Rate	Taxes One percent:	\$300,000
0-5	3.50%	3.00%	
6-10	3.75%	3.50%	
11-15	4.00%	4.00%	
16-20	4.25%	4.50%	
21-25	4.50%	4.75%	
26-30	4.75%	5.00%	

Bond Year	Fiscal Year	Elementary School State Subsidy:	87.04%
1	1986-87		
2	1987-88		
3	1988-89		
4	1989-90		
5	1990-91		
55	2040-41		
56	2041-42		
57	2042-43		
58	2043-44		
59	2044-45		
60	2045-46		

Terms used in this Capital Improvement Program

Project Costs - These are the estimated capital costs of the projects.

Operating Costs - These represent an estimate of the impact on annual operating costs should the capital projects be undertaken.

Existing Debt Service - The existing debt service costs taken from the current debt service schedules. It represents the actual current obligations of the Town.

Enterprise Debt - This is debt on the Town's solid waste landfill facilities. The debt service for those facilities is intended to be recovered through user fees or subsidy.

TIF Debt - This is debt intended to be paid with Tax Increment Financing (TIF) Revenues.

Debt Authorized But Not Issued - This is an estimate of the debt service costs on projects that have been authorized but for which debt has not yet been issued. These are estimates. The actual costs will be determined by project costs, structure of the bond issues, and prevailing interest rates at the time the bonds are issued.

Proposed New Debt - The debt service costs for new projects proposed in the CIP. These are estimates. The actual costs will be determined by project costs, structure of the bond issues, and prevailing interest rates at the time the bonds are issued.

State School Construction Debt Service Subsidy - The State of Maine Department of Education (DOE) assists school units with state-approved construction projects under a complex arrangement. First, the DOE, after extensive review of a proposed school construction project, determines a level of project costs that it deems eligible for state subsidy. Then, the annual debt service for those eligible costs is included in the calculation of the unit's annual subsidy of all of its education costs, using the State's Essential Programs and Service (EPS) funding model. The EPS model uses a number of variables that will change annually. Further, the model is subject to change by the actions of the State Legislature and the DOE. Also the annual level of EPS funding is determined in the State budget process.

School debt service subsidy estimates are intended only for planning purposes. Future estimates and actual subsidy payments may be materially different.

ITEM 83

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: July 5, 2011

RE: Purchase/Sale agreement between Town of Brunswick and Bowdoin College

Chair King and Councilor Knight are co-sponsoring an agenda item to authorize the Town Manager to negotiate a purchase and sale agreement with Bowdoin College. The agreement will anticipate the exchange of the Longfellow School for the McLellan building.

There has been public discussion of some of the key elements of the proposed exchange and I will attempt to provide them in this memo. If there are other items that you feel should be added, please let either myself or the two Councilors that have sponsored this item know of your suggestions.

I would expect that I will be able to conclude the negotiations with Bowdoin relatively quickly and return to the Council at the July 25th meeting with either a recommended agreement or an update on what remains to be resolved.

The elements that have been discussed in this transaction include the following:

1. Bowdoin will take possession of the Longfellow School as soon as possible, pending an agreeable closing date.
2. Bowdoin will take possession of the Longfellow School without restrictions, other than what the zoning ordinance may contain.
3. The town of Brunswick will fund the removal of hazardous materials from the building and property. This remediation may be coordinated with renovations or demolition of the building.
4. The Town will adopt an amendment to the zoning ordinance, placing the Longfellow property into a College Use Zone.
5. Bowdoin will transfer the McLellan Building to the Town of Brunswick on or about January 1, 2014.
6. Bowdoin will continue to have use of the 3rd floor of the McLellan building for up to 10 years.

7. The Town of Brunswick will make safety and traffic improvements to College Street. These improvements will include reconfiguring the intersections at both ends, resulting in a traditional “T” intersection, rebuilding of sidewalks on College Street and a raised pedestrian table crosswalk.

ITEM 84

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE
ORDINANCE**

An Ordinance Authorizing the Acquisition of A New Fire Rescue Vehicles at a Cost Not to Exceed \$187,000 (Plus the Cost of Issuance), as well as the Issuance of Bonds or Notes; Capital Leases; or Advances in Order to Finance the Acquisition

WHEREAS, the Town of Brunswick (the “Town”) had adopted a capital improvement program for the fiscal years ending June 30, 2012 – 2016 (the “CIP”); and

WHEREAS, the CIP identifies a Fire Department Rescue Vehicle (aka ambulance) to be purchased in the 2011-12 fiscal year at a cost not to exceed \$187,000, to be funded with general obligation debt; and

WHEREAS, the Charter of the Town of Brunswick, Maine (the “Charter”) requires that any capital acquisition to be financed solely or partly by the issuance of bonds or notes to be authorized by ordinance;

NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.

Section 1. The issue and sale of the Town’s general obligation bonds (and notes in anticipation thereof) be and hereby is authorized in the aggregate principal amount not to exceed One Hundred Eighty-Seven Thousand (\$187,000) plus the cost of issuance, and the proceeds of said bonds and notes be and hereby are appropriated to finance the cost to acquire a new Fire Rescue Vehicle (the “Project”), to reimburse the Town for any prior expenditures on the Project, or to refinance the notes, as the case may be.

Section 2. The Town Manager be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents, including construction agreements and contracts, purchase and sale agreements, leases, instruments, deeds or other instruments of conveyance, documents and certificates as may be necessary or appropriate as determined by the Town Manager, in connection with the Project or the issuance of the bonds or notes, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. The bonds hereby authorized shall have a term not to exceed 25 years from the date of issuance thereof (whether issued at one time or from time to time) and shall otherwise mature on such date or dates, shall be subject to redemption, shall bear interest at such rate or rates up to a maximum average annual rate of 8.00%, shall be in such minimum denominations, and shall be in such form and to otherwise contain such terms and provisions as the officers or officials executing the same may approve, their approval to be conclusively evidenced by their execution thereof, such bonds to be signed by the Treasurer and to be countersigned by the Chairman of the Town Council, to have the seal of the Town affixed thereon and attested by its Clerk.

Section 4. The maturity(ies), interest rate(s) and sale price of such bonds shall be either set out to bid or negotiated by the Treasurer in such manner as he deems appropriate and in the best interest of the Town and the financing of the above-reference Project and the Treasurer be and hereby is authorized to provide that any of the bonds hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The Treasurer of the Town is hereby authorized to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 5. The Treasurer be and hereby is authorized to select the underwriter for the bonds and notes and the Treasurer of the Town be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 6. The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town, and that the distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes be and hereby is approved.

Section 7. The Treasurer of the Town is hereby authorized to select the registrar, paying agent, and transfer agent (the "Transfer Agent") for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. That the bonds and notes hereinbefore authorized shall be transferable only on the registration books of the Town kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer, in his discretion, may approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond or note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 8. In lieu of physical certificates of the bonds and notes hereinbefore authorized, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 9. The Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized, all such bonds and notes to bear the original signature of the Treasurer and Chairman of the

Town Council, and in case any officer of the Town whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 10. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the bonds and notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 11. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 12. The Treasurer be and hereby is authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town’s intention that the Treasurer, with advice of bond counsel, make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.

Section 13. Any or all of the bonds issued hereunder may be consolidated with and become a part of any other issue of notes or bonds authorized to be issued by any previous or subsequent order or ordinance of the Town Council of the Town of Brunswick.

Section 14. The Treasurer, Chairman of the Town Council, and Clerk and other proper officials of the Town be, and hereby are individually authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the completion of the Project, the issuance, sale, and delivery of the bonds and notes authorized hereby, and the acceptance of the Other Funds in accordance with the terms and provisions of this Ordinance.

Section 15. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 16. The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes all items reflected in the estimated project budget provided to the Council and included with the minutes of this meeting, and also includes: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of demolition and removal, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering,

feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

Section 17. Any investment earnings on the proceeds of the bonds and notes authorized hereunder and any other unexpended proceeds thereof be and hereby are appropriated for the following purposes:

1. To any costs of the Project in excess of the principal amount of the bonds;
2. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to interest on the bonds or notes or to the Town's General Fund;
3. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter, State law or the Internal Revenue Code.

Section 18. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

Section 19. If any of the officers or officials of the Town who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes hereinbefore authorized so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officers and officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 20. If the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

Section 21. In addition to the authority to issue the bonds and notes herein authorized, and not in lieu thereof, the Treasurer is hereby is authorized to execute and deliver a capital lease agreement(s), for and on behalf of the Town, with a stated principal amount not to exceed \$187,000 with respect to the lease financing of the Project, with a term of not more than 10 years (the "Lease Agreement(s)"), which Lease Agreement(s) shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer, such approval to be conclusively evidenced by his execution thereof.

Section 22. The Treasurer be and hereby is authorized to negotiate, execute, and deliver, for and on behalf of the Town such other documents and certificates as may be necessary or appropriate as determined by the Treasurer in connection with the Lease Agreement(s) (including any consent to an assignment of the Lease Agreement(s)), which documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer, such approval to be conclusively evidenced by his execution thereof.

Section 23. If the Treasurer, is for any reason unavailable to approve and execute the Lease Agreement(s) hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the Lease Agreement(s), the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

Section 24. In the event the Town enters into the Lease Agreement(s) with respect to the Project, the authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the Lease Agreement(s), the proceeds of which bonds and notes, if issued and at the discretion of the Treasurer, are authorized to be used to refinance said Lease Agreement(s).

Section 25. The Town is further authorized to make advances, from the Town's general fund to a capital projects fund, in an aggregate amount not to exceed \$187,000, and appropriate those advances for the purpose of financing any part of the Project. 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. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of advance(s), the proceeds of which bonds and notes, if issued and at the discretion of the Treasurer, are authorized to be used to repay the advance(s) of any portion thereof.

Section 26. The Town Treasurer is hereby empowered to declare, abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Section 27. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

Proposed to Town Council: July 11, 2011
Public Hearing:
Adopted by Town Council:

ITEM 85

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$200,000
from Available Unassigned General Fund Revenues
In Order to Fund a Master Plan for the Brunswick School Department**

WHEREAS, Town of Brunswick (the “Town”) through its School Department (the “Department”) has recently completed construction of the Harriet Beecher Elementary School, set to open in 2011; and

WHEREAS, as part of the planning for the development of the Harriet Beecher Stowe School, the Department also identified the need for renovation and expansion of the Jordan Acres Elementary School and the Robert P.T. Coffin Elementary School; and

WHEREAS, the Department has recently closed two elementary schools, the Longfellow School and the Hawthorne School; and

WHEREAS, the Department has temporarily closed the Jordan Acres School for the 2011-12 and 2012-13 school year; and

WHEREAS, previous planning by the Department has also identified the need for expansion and renovation of the Brunswick Junior High School; and

WHEREAS, the closure of the Naval Air Station, Brunswick has resulted in a decline in student enrollment; and

WHEREAS, in light of these events, the Department believes it is necessary to re-evaluate its building and programming needs; and

WHEREAS, the Department has proposed the development of a Master Plan to guide it with its building and programming needs and has estimated the cost of preparing the plan to be \$200,000 (the “Master Plan” or “Project”); and

WHEREAS, the Department believes the decline in student enrollment and the temporary closure of the Jordan Acres School may present it with an opportunity to complete the Plan and implement its recommendations; and

WHEREAS, the Town of Brunswick (the “Town”) has adopted a capital improvement program for the fiscal years ending June 30, 2012 – 2016 (the “CIP”); and

WHEREAS, the Master Plan is identified in the CIP and scheduled for 2011-12; and

WHEREAS, the CIP has identified school construction projects in years 2012-15 to be funded with general obligation bonds; and

WHEREAS, the Department does not have funds budgeted for the Master Plan; and

WHEREAS, the Town Manager has determined that the need to fund the costs associated with the Master Plan is an emergency within the meaning of section 510 of the Charter; and

WHEREAS, the Town Manager has recommended that up to \$200,000 be appropriated from available unassigned General Fund revenues in order to complete the Master Plan; and

WHEREAS, the Town Council concurs that the need to appropriate up to \$200,000 towards the Master Plan is an emergency within the meaning of section 510 of the Charter;

NOW THEREFORE BE IT RESOLVED, that the Town Manager or Department be authorized to execute any and all agreements determined, in the Town Manager's or Department's judgment, to be in the best interest of the Town of Brunswick in order to complete the Master Plan; and

BE IT FURTHER RESOLVED, that the Town appropriates and authorizes the expenditure of up to \$200,000 from available unassigned General Fund revenues to accomplish the Master Plan;

BE IT FURTHER RESOLVED, that the Town is authorized to establish a capital projects account to record revenues and expenditures and other financial information related to the development of the Master Plan;

BE IT FURTHER RESOLVED, that any actions taken to date by the Town Manager or Department in connection with the development and completion of the Master Plan are hereby ratified, confirmed, and approved.

BE IT FURTHER RESOLVED, that should implementation of the Master Plan result in future capital expenditures, the Town's General fund, at the Town Manager's discretion, may be reimbursed from future capital projects funding, up to the full cost of the Master Plan.

BE IT FURTHER RESOLVED, that while General Fund resources will fund the original expenditures related to the development of the Master Plan, it is expected that the Master Plan will result in capital expenditures to be funded in part or in whole by the issuance of debt, and that proceeds from the issuance of debt will be used to reimburse the General Fund for the cost of the Master Plan, that it is the intent of the Town Council that this Resolution shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

Proposed to Town Council – July 11, 2011

Adopted by Town Council –

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ITEM 86

NO BACK UP MATERIALS

ITEM 87

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$25,000 from Available Unassigned General Fund Revenues and the Acceptance and Expenditure of Grant Funds in Order to Replace a Culvert on Adams Road

WHEREAS, Town of Brunswick (the “Town”) through its Public Works Department (the “Department”) has determined that a sixty linear foot, sixty inch diameter culvert that crosses Adams Road at the salt marsh is in very poor condition due to rusting and offset joints, and needs replacement; and

WHEREAS, the Department in partnership with the Casco Bay Estuary Project (“CBEP”) have engaged the services of EA Engineering, Science and Technology (“EA Engineering”) to review the culvert and make recommendations for its replacement; and

WHEREAS, EA Engineering recommends the installation of large pipe arch culvert in order to relieve the tidal restriction caused by the existing culvert; and

WHEREAS, the Town of Brunswick (the “Town”) has adopted a capital improvement program for the fiscal years ending June 30, 2012 – 2016 (the “CIP”); and

WHEREAS, the Project is identified in the CIP and scheduled for 2011-12; and

WHEREAS, the Department anticipates assistance from CBEP in the form of direct contributions of labor and materials, or financial assistance; and

WHEREAS, the Department anticipates assistance from other sources in the form of financial assistance; and

WHEREAS, the Department plans to use Public Works labor and equipment, as well as contracted labor and equipment, as a match to any grant assistance; and

WHEREAS, the Department estimates that it will expend up to \$25,000 on contracted labor and equipment, plus other expenditures related to the Project; and

WHEREAS, the Department does not have funds budgeted for the Project; and

WHEREAS, the Town Manager has determined that the need to fund the costs associated with the Project is an emergency within the meaning of section 510 of the Charter; and

WHEREAS, the Town Manager has recommended that up to \$25,000 be appropriated from available unassigned General Fund revenues in order to complete the Project; and

WHEREAS, the Town Council concurs that the need to appropriate up to \$25,000 towards the Project is an emergency within the meaning of section 510 of the Charter;

NOW THEREFORE BE IT RESOLVED, that the Town Manager or Department be authorized to execute any and all agreements determined, in the Town Manager’s or Department’s judgment, to be in the best interest of the Town of Brunswick in order to complete the Project; and

BE IT FURTHER RESOLVED, that the Town appropriates and authorizes the expenditure of up to \$25,000 from available unassigned General Fund revenues to accomplish the Project;

BE IT FURTHER RESOLVED, that the Town is authorized to apply for and accept grants and contributions, in the form of financial assistance, labor and materials, or in other forms deemed acceptable to the Town Manager or Department;

BE IT FURTHER RESOLVED, the Town is authorized to accept and expend any financial grants or contributions;

BE IT FURTHER RESOLVED, that the Department is authorized to use Department labor and equipment necessary to complete the Project and to meet in-kind grant requirements;

BE IT FURTHER RESOLVED, that the Town is authorized to establish a capital projects account to record revenues and expenditures and other financial information related to the Project;

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

Proposed to Town Council – July 11, 2011

Adopted by Town Council –

O:\Finance\Resolutions\Adams Road Culvert.docx

TOWN OF BRUNSWICK, MAINE
CAPITAL OUTLAY PROJECT SUMMARY
 FY 2012-2016

PROJECT TITLE	Project No.	
Adams Road Culvert		
DEPARTMENT	Project Manager	
Public Works Department	John A. Foster, Town Engineer	
PROJECT LOCATION	DEPT. PRIORITY	
Adams Rd at the salt marsh crossing		
PROJECT DESCRIPTION Briefly describe the project.	USEFUL LIFE (years)	10

A 70 l.f. existing 60 inch diameter CMP culvert that crosses Adams Road at the salt marsh is in very poor condition due to rusting and offset joints. Sinkholes have developed in the roadway over the culvert due to the culvert's condition. We have asked the Casco Bay Estuary Partnership (CBEP) to help us secure funding for the replacement of this culvert. The CBEP hired EA Engineering, Science, and Technology, Warwick, RI to analyze the current culvert and they determined it acts as a tidal restriction and that by replacing this culvert with one meeting their recent design analysis we will improve the salt marsh habitat upstream of the culvert. They recommend we install an aluminum pipe arch culvert, 13'-1" wide by 8"-4" tall. The CBEP has submitted a grant request to the Gulf of Maine Council on the Marine Environment/NOAA Habitat Restoration Partnership Habitat Restoration Grants Program to provide us funding for the project. The Town share of the project cost will be providing Public Works Department forces and equipment to install the new culvert.

JUSTIFICATION FOR PROJECT Briefly summarize why the project is necessary; address evaluation criteria.

The existing culvert is in poor condition and could possibly be washed out at any time. Also, the existing culvert provides a restriction in the tidal flow that has reduced the natural upstream salt marsh habitat area. Replacement of the culvert with a much larger culvert is required.

PROJECT SOURCES AND USES OF FUNDS (estimates should cover entire cost of project)

Source of Funds:	Thru 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
Gen Fund Bal		25,000					25,000
GOMC/NOAA grant		70,000					70,000
							-
TOTAL SOURCES	-	95,000	-	-	-	-	95,000
Project Costs:	Thru 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
Replacement of culvert		95,000					95,000
							-
							-
							-
							-
							-
TOTAL COSTS	-	95,000	-	-	-	-	95,000

What is the source and date of your cost estimate? (e.g. preliminary estimate - 6/30/07, design - 12/30/07, etc....)

Estimate has been prepared through study done by EA Engineering for CBEP. A copy of the March 2010 study is available at the Public Works Department

CONSISTENCY WITH PLANS AND STUDIES

Describe how this project is consistent with the Comprehensive Plan and/or other plans or studies completed within the last five (5) years.

INTERDEPARTMENTAL OR INTERAGENCY IMPACT

Explain how this project will impact other departments or agencies. Do you know of any other project with which this project could or should be combined in order to maximize the benefits from each?

The project should improve the upstream salt marsh habitat in this area of Adams Road.

IMPACT ON OPERATING BUDGETS

Provide an estimate of the annual costs or savings that will result from this project over the next five (5) years. Show savings as negative.

Type of Cost/(Savings)	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
						-
						-
						-
						-
TOTAL (net)	-	-	-	-	-	-

Briefly explain the changes in the operating budgets (e.g. additional personnel or equipment, increase revenues, etc.)

No specific impacts, anticipate minor reduction in road maintenance for this roadway once the work is completed.

ALTERNATIVES CONSIDERED Briefly describe what was considered as an alternative to this project.

Replacement of the old culvert is the only option. Slip-lining the existing culvert is not feasible as the size is already much too small and restricts tidal flow. The study done for CBEP looked at other culvert materials and the one selected meets the project goals at the least cost. Other options, like open bottom arches cost a lot more money.

EFFECT OF DELAYING THIS PROJECT What is the effect if this project is not funded not funded or funding is delayed?

If the project is delayed there is the possibility the existing culvert may have a major failure that will require us to close this road until such time the culvert can be replaced.

OTHER CONSIDERATIONS Discuss any other information that should be considered for this project.

ITEM 88

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$100,000 from Available Unassigned General Fund Revenues to Fund Costs Relating to Hazardous Material Abatement as well as Costs Associated with Operating, Maintaining, and Securing the Longfellow Elementary School Property

WHEREAS, Town of Brunswick (the “Town”) and its School Department (the “Department”) have closed the Longfellow Elementary School at the end of the 2010-11 school year; and

WHEREAS, the Longfellow Elementary School property includes land and buildings located on Map U12 Lot 033 of the April 1, 2010 tax maps of the Assessor of the Town of Brunswick (the “Property” or the “Longfellow Property”).

WHEREAS, the Department, pursuant to Title 20-A §4103 of the Maine Revised Statutes Annotated (“MRSA”) has decided it does not have a future use for the Longfellow Property and has offered control or ownership to the municipal officers of the Town; and

WHEREAS, the Town is considering disposing of the Longfellow Property by sale or otherwise; and

WHEREAS, the Town has received a Phase I Environmental Site Assessment report prepared by Ransom Environmental Consultants and dated May 18, 2011, to identify the extent of any hazardous materials at the Longfellow Property requiring abatement or remediation; and

WHEREAS, the Town has adopted a capital improvement program for the fiscal years ending June 30, 2012 – 2016 (the “CIP”); and

WHEREAS, the CIP identifies a 2011-12 project to abate or remediate hazardous materials identified at the Longfellow Property, at an estimated cost of \$100,000 (the “Abatement Project”); and

WHEREAS, until such time as the Town disposes of the Longfellow Property, the Town will need to fund costs associated with operating, maintaining, and securing the Longfellow Property; and

WHEREAS, the adopted 2011-12 General Fund budget does not include funds for the Abatement Project nor operating, securing, and maintaining the Longfellow Property; and

WHEREAS, the Town Manager has determined that the need to fund the costs associated with the Abatement Project with operating, maintaining and securing the Longfellow Property are an emergency within the meaning of section 510 of the Charter; and

WHEREAS, the Town Manager has recommended that up to \$100,000 be appropriated from available unassigned General Fund revenues in order to operate, secure, and maintain the Longfellow property; and

WHEREAS, the Town Council concurs that the need to appropriate up to \$100,000 for the costs of the Abatement Project and for operating, maintaining, and securing the Longfellow property is an emergency within the meaning of section 510 of the Charter;

NOW THEREFORE BE IT RESOLVED:

1. Acceptance of the Longfellow School Property. The Town Council, the municipal officers of the Town of Brunswick, pursuant to Title 20-A §4103 of the Maine Revised Statutes Annotated (“MRSA”) accepts control and ownership of the former Longfellow School property including all land and buildings as identified on the April 1, 2010 tax maps of the Assessor of the Town of Brunswick.
2. Hazardous Materials Abatement or Remediation. The Town Manager is authorized to execute any and all agreements, in the Town Manager’s judgment to be in the best interest of the Town, to perform hazardous materials abatement or remediation as specified in the Phase I Environmental Site Assessment report prepared by Ransom Environmental Consultants and dated May 18, 2011 (the “Ransom Phase I Report”) and any subsequent addendums thereto. In lieu of the contracting directly for the hazardous materials abatement or remediation, the Town Manager is further authorized to execute any and all agreements, in the Town Manager’s judgment to be in the best interest of the Town, to compensate the entity or individual that purchases, or otherwise acquires, the Longfellow Property from the Town at an amount equal to what the Town would have paid to abate or remediate the Hazardous materials identified in the Ransom Phase I Report. The authority to compensate shall be limited solely to the Town’s direct grantee of the Longfellow Property, and shall not be assigned.
3. Operation, Maintenance, and Security. The Town Manager is authorized to execute any and all agreements determined, in the Town Manager’s judgment to be in the best interest of the Town of Brunswick, to be necessary in order to operate, maintain, and secure the Longfellow property.
4. Appropriation and Expenditure Authorization. To fund the cost related to abatement or remediation of hazardous materials as identified in the Ransom Phase I Report, including any addendums thereto, plus any costs of operating, maintaining, and securing the Longfellow Property the Town appropriates and authorizes the expenditure of up to \$100,000 from available unassigned General Fund revenues.
5. Other Actions Authorized. Any actions taken to date by the Town Manager in connection with the abatement remediation of hazardous materials at the Longfellow property, as well as any actions taken to date in connection with the operation, security, or maintenance of the Longfellow Property are hereby ratified, confirmed, and approved.

Proposed to Town Council – July 11, 2011

Adopted by Town Council –

TOWN OF BRUNSWICK, MAINE
CAPITAL OUTLAY PROJECT SUMMARY
 FY 2012-2016

PROJECT TITLE	Project No.	
Longfellow School		
DEPARTMENT	Project Manager	
Administration	Town Manager	
PROJECT LOCATION	DEPT. PRIORITY	
Longfellow School		
PROJECT DESCRIPTION Briefly describe the project.	USEFUL LIFE (years)	

Hazardous materials abatement.

JUSTIFICATION FOR PROJECT Briefly summarize why the project is necessary; address evaluation criteria.

In order to dispose of the Longfellow property, the Town needs to abate the hazardous materials.

PROJECT SOURCES AND USES OF FUNDS (estimates should cover entire cost of project)

Source of Funds:	Thru 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
Gen. Fund Bal		100,000					100,000
							-
							-
TOTAL SOURCES	-	100,000	-	-	-	-	100,000
Project Costs:	Thru 6/30/11	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
Abatement		100,000					100,000
							-
							-
							-
							-
TOTAL COSTS	-	100,000	-	-	-	-	100,000

What is the source and date of your cost estimate? (e.g. preliminary estimate - 6/30/07; design - 12/30/07; etc....)

Estimate based on same activity at McKeen Street facility in 2009. A qualified cost estimate is in the process of being developed.

CONSISTENCY WITH PLANS AND STUDIES

Describe how this project is consistent with the Comprehensive Plan and/or other plans or studies completed within the last five (5) years.

N/A

INTERDEPARTMENTAL OR INTERAGENCY IMPACT

Explain how this project will impact other departments or agencies. Do you know of any other project with which this project could or should be combined in order to maximize the benefits from each?

IMPACT ON OPERATING BUDGETS

Provide an estimate of the annual costs or savings that will result from this project over the next five (5) years. Show savings as negative.

Type of Cost/(Savings)	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
						-
						-
						-
						-
						-
TOTAL (net)	-	-	-	-	-	-

Briefly explain the changes in the operating budgets (e.g. additional personnel or equipment, increase revenues, etc.)

Failure to accomplish this will result in the Town retaining this property for a longer period of time, requiring an appropriation to keep the building suitable for sale or other method of disposition.

ALTERNATIVES CONSIDERED Briefly describe what was considered as an alternative to this project.

N/A

EFFECT OF DELAYING THIS PROJECT What is the effect if this project is not funded or funding is delayed?

The Town will be severely impacted in the ability to dispose of the property without removal of the materials.

OTHER CONSIDERATIONS Discuss any other information that should be considered for this project.

CONSENT AGENDA - A BACK UP MATERIALS

-Draft-
BRUNSWICK TOWN COUNCIL
MINUTES
June 20, 2011
Executive Session: 6:45 P.M.
Regular Meeting: 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, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, and Deborah R. Atwood

Councilors Absent: John M. Perreault

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; John Eldridge, Finance Director; Marc Hagan, Police Commander; Dan Devereaux, Marine Resource Officer; Jessica Factor, Human Resources Manager; Don Koslosky, Deputy Fire Chief; Brian Dancause, Economic Development Specialist; and TV video crew.

Chair King called the meeting of June 20, 2011, to order and asked the Clerk for Roll Call.

Executive Session: Consultations with Legal Counsel per 1 M.R.S.A. §405(6)(E)

Councilor Knight moved, Councilor Favreau seconded, to go into executive session to have a consultation with Legal Counsel per 1 M.R.S.A. §405(6)(E). The motion carried with seven (7) yeas. Councilor Pols arrived after the vote.

Chair King resumed the meeting at 7:10 pm and asked for the Pledge of Allegiance.

Public Comment:

Marji Greenhut, Noble Street, is really disturbed that the value of her house has dropped because of the hotel.

Correspondence:

Councilor Knight spoke on the success of the High School Girls' Lacrosse team.

Councilor Favreau spoke on the success of the Taste of Brunswick, sponsored by the BDA.

Adjustments to the Agenda:

To remove Item C under the Manager's Report

MANAGER'S REPORT:

(a) Financial Update

Manager Brown gave this update and responded to a question from Councilor Atwood.

(b) Council Committee Updates

There were no updates.

(c) (Removed) Introduction of promoted Police personnel

This item was removed.

(d) Authorization to apply for OUI "High Visibility" Enforcement Grant (*Action Required*)

Councilor Tucker moved, Councilor Watson seconded, to authorize the Police Department to apply for, and if received, to expend, the OUI "High Visibility" Enforcement Grant through the Maine Bureau of Highway Safety, in the amount of \$2,240. The motion carried with eight (8) yeas.

(e) Report on the Department of Labor's SHAPE award

Manager Brown spoke on this item.

Deputy Chief Koslosky responded to a question from Councilor Pols.

(f) (ADDED) MRRA community forum

Manager Brown spoke on this item.

(g) (ADDED) MDOT and State Representatives' meeting on the proposed train facility.

Manager Brown spoke on this item.

PUBLIC HEARINGS

- 65. The Town Council will hear public comments on the following Alcoholic Beverage License application, and will take any appropriate action. (Manager)**

**The Raven's Roost
D/B/A: The Raven's Roost
103 Pleasant Street**

**Raven O'Brien, Ronald Wing Sr
and Ronald Wing II**

Town Manager Minutes

June 20, 2011

Page 3

Chair King opened the public hearing.

Ron Wing, 238 Old Bath Road, spoke about his business.

Councilor Atwood moved, Councilor Favreau seconded, to approve an Alcoholic Beverage License application for The Raven's Roost located at 103 Pleasant Street. The motion carried with eight (8) yeas.

- 66. The Town Council will hear public comments to amend Chapter 11 of 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 Brown spoke on this item.

Dan Devereaux explained why this ordinance is necessary. He responded to a question from Councilor Favreau and Councilor Pols.

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

Councilor Wilson, Councilor Tucker, and Chair King spoke on this item.

Councilor Watson moved, Councilor Wilson seconded, to adopt amendments to Chapter 11 of 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. The motion carried with seven (7) yeas. Councilor Pols was opposed.

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

- 67. The Town Council will hear public comments to amend Chapter 15 of 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.**

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

Councilor Watson spoke on this item.

Councilor Watson moved, Councilor Favreau seconded, to adopt amendments to Chapter 15 of the Code of Ordinances to prohibit parking on sections of Old Bath Road and Bath Road near New Meadows Lake. The motion carried with eight (8) yeas.

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

- 68. The Town Council will hear public comments on the submission of a \$400,000 Communities for Maine's Future grant application for a parking facility at Brunswick Station, and will take any appropriate action. (Manager)**

Town Manager Minutes

June 20, 2011

Page 4

Manager Brown spoke on this item.

Chair King opened the public hearing.

Jill Victor, 27 Noble Street, spoke on concerns that her neighborhood has with a parking facility, noise in the Maine Street Station project, and the need to have a sound barrier (Rock Delta Noise Barrier)

Manager Brown spoke on possible locations for the facility and discussion with property owners including Bowdoin College. He responded to questions from Ms. Victor.

Councilor Wilson spoke on this item.

Tammy Cutchen, 23 Noble Street, spoke on concerns with a parking facility. Manager Brown responded to her questions on the BDC and parking.

Marji Greenhut, 10 Noble Street, spoke about a sound barrier and her concerns with the development and the parking garage.

Chair King closed the public hearing.

Councilor Atwood spoke about her concerns.

Councilor Knight explained that the Downtown Master Plan Committee will be looking at this project, and its plan is to get public input.

Councilor Tucker spoke on this item. There will be a cost that the town will need to pay. The Town needs to take steps now or it will be in a tough position when the train gets here and there is not enough parking. The Town needs to get federal money to help fund this project.

Councilor Pols asked a question, to which Manager Brown and Councilor Knight responded; he also spoke on the item.

Councilor Favreau, Chair King, and Councilor Watson spoke on this item.

Councilor Watson moved, Councilor Tucker seconded, to authorize the Town to submit a \$400,000 Communities for Maine's Future grant application for a parking facility at Brunswick Station. The motion carried with seven (7) yeas. Councilor Atwood was opposed.

(A copy of the public hearing notice and a memo from Brian Dancause will be attached to the official memo.)

69. **The Town Council will hear public comments for “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” and will take any appropriate action. (Manager)**

Mr. Eldridge spoke on this item.

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

Councilor Pols asked questions, to which Mr. Eldridge responded.

Councilor Watson moved, Councilor Favreau seconded, to adopt “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 motion carried with eight (8) yeas.

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

NEW BUSINESS

70. **The Town Council will consider a request for a Sellers of Prepared Food on Public Ways for outdoor seating for Flipside, located at 111 Maine Street, and will take any appropriate action. (Manager)**

Manager Brown spoke on this item.

Councilor Tucker moved, Councilor Knight seconded, to approve a request for Sellers of Prepared Food on Public Ways for outdoor seating for Flipside, located at 111 Maine Street. The motion carried with eight (8) yeas.

71. **The Town Council will consider authorizing the Town Manager to sign a contract with Perry & Banks to develop a website for the Town of Brunswick, and will take any appropriate action. (Councilor Watson, Councilor Pols, and Councilor Atwood)**

Councilor Watson spoke on this item.

Councilor Knight asked a question, to which Councilor Pols, Councilor Atwood and Councilor Watson responded.

Councilor Tucker moved, Councilor Watson seconded, to authorize the Town Manager to sign a contract with Perry & Banks to develop a website for the Town of Brunswick. The motion carried with eight (8) yeas.

Town Manager Minutes

June 20, 2011

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(A copy of the contract, the full proposal, and revised budget will be attached to the official minutes.)

- 72. The Town Council will consider setting a public hearing for July 11, 2011, on the proposed Capital Improvement Program for 2012-2016, and will take any appropriate action. (Manager)**

Councilor Favreau moved, Councilor Wilson seconded, to set a public hearing for July 11, 2011, on the proposed Capital Improvement Program for 2012-2016. The motion carried with eight (8) yeas.

CONSENT AGENDA

- (a) Approval of the minutes of June 6, 2011**

Councilor Pols moved, Councilor Atwood seconded, to approve the consent agenda with a correction to item 50 relative to the Councilor who made the motion. The motion carried with eight (8) yeas.

Councilor Watson moved, Councilor Favreau seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 8:45 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

*Frances M. Smith
Town Clerk
July 1, 2011*

July 11, 2011
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

-Draft-
BRUNSWICK TOWN COUNCIL
Special Meeting
June 23, 2011
5:00 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, Gerald E. Favreau, Margo H. Knight, and E. Benet Pols

Councilors Absent: John M. Perreault, Deborah R. Atwood

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; and TV video crew.

Chair King called the meeting of June 23, 2011, to order and asked the Clerk for Roll Call.

Executive Session: Consultations with Legal Counsel per 1 M.R.S.A. §405(6)(E)

Councilor Favreau moved, Councilor Knight seconded, to go into executive session to have a consultation with Legal Counsel per 1 M.R.S.A. §405(6)(E). The motion carried with seven (7) yeas.

Chair King resumed the meeting and the Council added an action item.

73. (ADDED) The Town Council will re-open the Special Amusement License application for O'Shea's Restaurant, and will take any appropriate action.

The Council discussed what action, if any, they were going to take relative to the special amusement license for O'Sheas. Councilors Pols, Watson, Wilson, and King spoke on this item.

Manager Brown read a letter from O'Sheas' attorney with conditions they were willing to accept if the Council were to allow them a temporary license prior to a reapplication.

Councilor Favreau moved, Councilor Watson seconded, to grant a temporary special amusement license to O'Sheas for the period of June 23, 2011 through July 10, 2011, subject to all of the conditions outlined in their letter of June 20, 2011, (except striking section 2.5 of the letter), plus the additional conditions:

- 1. No live entertainment occur on the street level floor of the facility, and**
- 2. They provide information to the Town about their system of banning patrons, and**
- 3. Failure to comply with any one of the conditions in the letter or the two conditions above shall result in the immediate suspension of the special amusement license. Town staff shall be authorized upon their discretion to revoke the temporary license**

Town Council Minutes

June 23, 2011

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upon receiving substantiated information that one or more conditions have not been met.

4. These conditions shall be seen and agreed to in writing by O'Shea's.

The motion carried with seven (7) yeas.

Councilor Tucker moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with seven (7) yeas.

(A copy of the letter from O'Shea's will be attached to the official minutes.)

The meeting adjourned at 5:45 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 27, 2011

July 11, 2011

Date of Approval

Council Chair

CONSENT AGENDA - C BACK UP MATERIALS

-Draft-
BRUNSWICK TOWN COUNCIL
Special Meeting
June 30, 2011
5:00 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, Gerald E. Favreau, and Margo H. Knight, and Deborah R. Atwood.

Councilors Absent: John M. Perreault, E. Benet Pols

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; John Eldridge, Finance Director; John Foster, Public Works Director; and TV video crew.

Chair King called the meeting of June 30, 2011 to order, asked for the Pledge of Allegiance, then asked the Clerk for Roll Call.

Public Comment:

Claudia Knox, Cumberland Street, thanked Peter Baecher for his work with plants and trees in the urban area over the last ten years.

ACTION ITEMS:

- 74. The Town Council will consider adopting “A Resolution Authorizing the Expenditure of up to \$6,000 from Unexpended Funds to Change Reverse Diagonal Parking to Head-In Diagonal Parking on Station Avenue” and will take any appropriate action. (Manager)**

Manager Brown spoke on this item.

Councilor Favreau moved, Councilor Tucker seconded, to adopt “A Resolution Authorizing the Additional Expenditure of up to \$6,000 from Unexpended Funds to Change Reverse Diagonal Parking to Head-In Diagonal Parking on Station Avenue.” The motion carried with six (6) yeas. Councilor Atwood was opposed.

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

- 75. The Town Council will consider adopting “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$20,000 from Available Unassigned General Fund Revenues to Fund Additional Costs Related to the Replacement of the Heating Plant at 9 Industry Road” and will take any appropriate action. (Manager)**

Mr. Eldridge spoke on this item.

Councilor Watson asked a question, to which Manager Brown responded.

Councilor Watson moved, Councilor Tucker seconded, to adopt “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$20,000 from Available Unassigned General Fund Revenues to Fund Additional Costs Related to the Replacement of the Heating Plant at 9 Industry Road.” The motion carried with seven (7) yeas.

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

76. The Town Council will consider adopting “A Resolution Authorizing an Emergency Appropriation of up to \$37,000 from Available Unassigned General Fund Revenues to Supplement a Previous Appropriation Made to Fund Improvements to the Town of Brunswick’s Emergency Services Dispatch to Accommodate Expansion of Services to the Town of Freeport” and will take any appropriate action.

Manager Brown spoke on this item. He responded to a question from Councilor Knight.

Councilor Watson moved, Councilor Favreau seconded, to adopt “A Resolution Authorizing an Emergency Appropriation of up to \$37,000 from Available Unassigned General Fund Revenues to Supplement a Previous Appropriation Made to Fund Improvements to the Town of Brunswick’s Emergency Services Dispatch to Accommodate Expansion of Services to the Town of Freeport.” The motion carried with seven (7) yeas.

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

77. The Town Council will consider adopting “A Resolution Authorizing the Transfer of Funds Between Municipal Departments, Offices, and Agencies” and will take any appropriate action.

Manager Brown spoke on this item and responded to a question from Councilor Favreau.

Councilor Favreau moved, Councilor Watson seconded, to adopt “A Resolution Authorizing The Transfer Of Funds Between Municipal Offices, Departments, and Agencies.” The motion carried with seven (7) yeas.

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

78. The Town Council will consider adopting “A Resolution Authorizing the Overexpenditure of Certain Accounts for the Fiscal Year Ending June 30, 2011” and will take any appropriate action. (Manager)

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Manager Brown spoke on this item and responded to a question from Councilor Watson.

Councilor Favreau moved, Councilor Watson seconded, to adopt “A Resolution Authorizing the Overexpenditure of Certain Accounts for the Fiscal Year Ending June 30, 2011.” The motion carried with seven (7) yeas.

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

79. The Town Council will consider any other action necessary to close the 2010-2011 fiscal year, and will take any appropriate action. (Manager)

There were no other items.

CONSENT AGENDA

(a) Abatement of certain uncollectable outstanding real and personal property taxes

(b) Abatement of personal property taxes that were assessed in error

(A copy of memos for CA-a and CA-b will be attached to the official minutes.)

Councilor Watson moved, Councilor Knight seconded, to approve the Consent Agenda. The motion carried with seven (7) yeas.

Councilor Watson moved, Councilor Favreau seconded, to close the year and adjourn the meeting. The motion carried with seven (7) yeas.

The meeting adjourned at 5:20 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

Frances M. Smith

Town Clerk

July 1, 2011

July 11, 2011

Date of Approval

Council Chair