

BRUNSWICK TOWN COUNCIL

Agenda

November 7, 2011

6:00 P.M. – Executive Session

7:00 P.M. – Regular Meeting

Municipal Meeting Room

Brunswick Station

16 Station Avenue

Executive session – Personnel Matter to discuss the Town Manager’s evaluation per 1 M.R.S.A. §405(6)(A)

Roll Call

Pledge of Allegiance

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER’S REPORT:

- (a) Council Committee Updates
- (b) Introduction of Stacy Frizzle, People Plus Executive Director
- (c) Presentation by BDA on their initiatives
- (d) Permission to apply for Holiday Enforcement Grant from the Bureau of Highway Safety (*Action Required*)
- (e) National Emergency Alert Test announcement
- (f) Election reminder
- (g) Update on MRRA/Schott TIF discussion
- (h) Discussion of Schott Housing Plan

PUBLIC HEARINGS

- 128. The Town Council will hear public comments on amendments to the General Assistance Ordinance Maximums, to be enacted on an emergency and regular basis, and will take any appropriate action. (Manager)

HEARING/ACTION

129. The Town Council will hear public comments on amending the budget, per the Town Charter Section 504, to fund the cost of a tractor for the Parks and Recreation Department in an amount of approximately \$47,000, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

130. The Town Council will consider approving a request from the Brunswick Downtown Association to hold their 2011 Brunswick Early Bird Event on November 19, 2011, and will take any appropriate action. (Manager)

ACTION

131. The Town Council will discuss a draft Fireworks Ordinance, and will take any appropriate action. (Councilor Tucker)

ACTION

CONSENT AGENDA

- (a) Approval of the minutes of October 17, 2011
- (b) Approval of quit claim deed for the property described as Map 017 Lot 035 Sub 000 Typ 000

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

Brunswick Town Council
Agenda
November 7, 2011
Council Notes and Suggested Motions

Executive session – Personnel Matter to discuss the Town Manager’s evaluation per 1 M.R.S.A. §405(6)(A)

Suggested Motion:

Motion to go into executive session for a personnel matter to discuss the Town Manager’s evaluation per 1 M.R.S.A. §405(6)(A).

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) Introduction of Stacy Frizzle, People Plus Executive Director: This is an opportunity for the Council and public to be introduced to Ms. Frizzle, who is the new director.

Suggested Motion: No motion is required.

- (c) Presentation by BDA on their initiatives: Stephanie Slocum will be updating the Council on the progress the BDA has been making, with a focus on their economic development initiatives. She will provide the Council information at the meeting.

Suggested Motion: No motion is required.

- (d) Permission to apply for a Holiday Enforcement Grant from the Bureau of Highway Safety (Action Required): This item is to ask the Council’s permission to apply for a Maine Bureau of Highway Safety grant to fund 14 high visibility roving patrols for OUIs to occur between November 14, 2011, and January 2, 2012. Since there are no matching funds, the Police are also asking the Council to allow them to expend the funds if they are successful in getting the grant.

Suggested Motion:

Motion to authorize the Police Department to apply for, and if received, to expend, the Holiday Enforcement Grant through the Maine Bureau of Highway Safety, in the amount of \$2,408 for OUI patrols.

- (e) National Emergency Alert Test announcement: This item is to inform the public of a National Emergency Alert Test to be conducted on November 9, 2011, at 2:00 p.m.

Suggested Motion: No motion is required.

- (f) Election reminder: This item is to remind voters that all voting on Election Day, Tuesday, November 8th, is at the Brunswick Junior High School, with the polls open from 7:00 a.m. to 8:00 p.m.

Suggested Motion: No motion is required.

- (g) Update on MRRA/Schott TIF discussion: This item is to update the Council and the public on this TIF discussion. A copy of a memo from Manager Brown that summarizes the current concept of the TIF plan is included in your packet.

Suggested Motion: No motion is required.

- (h) Discussion of Schott Housing Plan: This item is to discuss this housing plan with the Council. Copies of a memo from Manager Brown and the Housing Plan are included in your packet.

Suggested Motion: No motion is required.

PUBLIC HEARINGS

128. This item is the required public hearing prior to adoption of the General Assistance Ordinance Maximums on an emergency and regular basis. There are very few changes in amounts from the current year's maximums, but we are still required to adopt them on an annual basis. Copies of the public hearing notice and proposed maximums are included in your packet.

Suggested Motion:

Motion to adopt General Assistance Ordinance Maximums to be enacted on an emergency and regular basis.

129. This item is to hear public comments on amending the budget, per the Town Charter Section 504, to fund the cost of a tractor for the Parks and Recreation Department in an amount of approximately \$47,000. (Bids will be opened on Monday, November 7th prior to the meeting.) This item was discussed at your last meeting, with the Council directing staff to bring this item back in the form of a budget amendment as opposed to an emergency appropriation. Copies of memos from Manager Brown and Tom Farrell are included in your packet.

Suggested Motion:

The Town Charter requires this item to come back to the Council at least ten days after the public hearing so amendments will take place at the November 21st meeting.

NEW BUSINESS

130. This item is to consider approval of the request from the Brunswick Downtown Association to hold their 2011 Brunswick Early Bird Event on November 19, 2011. The event will be held from 6:00 a.m. to 11:00 a.m. and will include business sales, rolling slumber bed races, several children's activities, a craft show, and free flu shots.

The event requires Council approval under Chapter 10, Section 26(b)(14) of the Municipal Code. This ordinance also allows the Council to waive the \$500 fee (except for the \$25 application fee), which the BDA is asking the Council to do. Ms. Slocum will be at the meeting to answer any questions. A copy of their letter is included in your packet.

Suggested Motions:

- 1) Motion to approve the request from Brunswick Downtown Association to hold the 2011 Brunswick Early Bird Event on November 19, 2011.
 - 2) Motion to waive the \$500 fee except the \$25 application fee to hold this event, as allowed under Chapter 10, Section 26(b)(14).
131. This item, sponsored by Councilor Tucker, will be an opportunity for the Council to see a draft of a fireworks ordinance. This ordinance would prohibit the use and sale of fireworks in Brunswick. State law does not allow a municipality to ban the possession of them. This ordinance was drafted by the Police and Fire Chiefs and is under review by the Town Attorney. If the Council supports this ordinance, the next step would be to come back the Council at the November 21 meeting to set a public hearing for the December 5th meeting. Copies of a memo from Manager Brown and the draft ordinance are included in your packet.

Suggested Motion: There is no motion for this item.

CONSENT AGENDA

- (a) Approval of the minutes of October 17, 2011: A copy of the minutes is included in your packet.
- (b) Approval of quit claim deed for the property described as Map 017 Lot 035 Sub 000 Typ 000: This item is to approve a quitclaim deed once the back taxes are paid, which is expected to happen with the pending sale of the property. The deed will not be issued until the taxes are paid. A copy of the deed is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT –
A through F
NO BACK UP MATERIALS

MANAGER'S REPORT - G BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: November 2, 2011

RE: MRRA TIF update

I have had a recent meeting with Steve Levesque in regards to the possible Tax Increment Financing (TIF) plan for Brunswick Landing to revisit the general concepts that have been discussed with the Council. Those concepts include the possibility of two distinct TIF districts, one for the airport and the other for the mixed use/business district. I am also scheduled to meet this Friday with the State Department of Economic and Community Development and MRRA to present the concept to the State to gauge any concerns that DECD might have with the plan.

The summary of the TIF plans are provided here:

1. There would be a TIF district for the airport area that would be for 30 years. Aeronautical uses that are subject to taxation would have a 100% reimbursement to MRRA for the first 20 years. Non-aeronautical uses in this district would not have any taxes returned to MRRA. This is currently being referred to as the Brunswick Executive Airport TIF District.
2. The second TIF district would be for the remaining area that MRRA plans to redevelop. This would also be for a term of 30 years. There has not been specific discussion on the split of the tax revenues. Some of the suggestions range from a simple 50-50 split to a tiered structure that might start off with MRRA getting a larger split at the outset and having that figure reduced incrementally over time. Other factors that have been discussed include capping the total amount to be returned to MRRA. This could result in shortening the period of time that the TIF plan would anticipate MRRA receiving funds if the redevelopment occurs quicker than anticipated. There has also been some discussion of linking job creation to the funding model. This could take the form of rewarding MRRA if they over perform any benchmarks that are established as part of the TIF agreement.

It is important to be clear that there have not been any commitments made at this point. The purpose of the update to the Council is to keep the Council and the public informed as this progresses. It would also be helpful to hear if there are concerns about either

the general concepts or any specific objections so that we may address those issues sooner rather than later.

I will update the Council on any issues that may come out of the meeting with DECD at the Council meeting.

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

MANAGER'S REPORT - H BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: November 2, 2011

RE: Affordable Mid-Coast Housing plan

Enclosed with the agenda you will find a copy of a memo from Mr. Scott Howard that outlines the proposed housing plan for Affordable Mid-Coast Housing (AMH). This is the entity that has purchased the former NASB Family housing units in Brunswick and Topsham.

AMH and MRRA have reached a tentative agreement those results in AMH acquiring the underlying real estate for the housing units on McKeen Street and the housing units at Cooks Corner. The general terms of the agreement include AMH paying a certain fee for the real estate under the homes that they will retain, transferring the so-called Station Quarter housing units to MRRA and a revenue sharing plan going forward as AMH begins to sell units to individual owners.

MRRA is asking that AMH get the endorsement of the two towns in order to complete the transaction. The plan as agreed to by MRRA and AMH is not completely consistent with the housing disposition plan adopted by MRRA and that is the reason why MRRA is requiring the endorsement by Brunswick and Topsham as a condition to the sale agreement.

The AMH plan also has some information that pertains to the possible affordable housing TIF. This is not an issue that MRRA is concerned with but is part of AMH overall plan. The critical component for Brunswick is that it ultimately involves the Town accepting the roads in some of these housing neighborhoods. The TIF plan as discussed does not involve any reimbursement back to AMH, but rather that the Town would retain all of the revenues to be used as allowed for in the affordable housing TIF law. As the Council is aware, there has also been brief discussion about the possibility of directing some of the TIF proceeds back to AMH for the specific purpose of re-siding some of the homes in the McKeen Street neighbor for the purpose of diversifying the appearances of the homes in that development. This has not progressed beyond the stage of initial discussion.

This item is brought to the Council to keep you informed and to also solicit questions or concerns that may exist regarding the AMH housing plan. AMH will be seeking Council endorsement in order to close on the sale with MRRA.

FROM: Scott Howard
TO: Gary Brown, Cornell Knight, John Hodge and Craig McEwen
CC: George Schott, Steve Levesque, Bob Rocheleau
RE: AMH MRRA P&S and Housing Plan (Revised)
Date: October 4, 2011

Gary, Cornell, John and Craig,

George Schott, dba Affordable Midcoast Housing LLC (AMH), and the Midcoast Regional Redevelopment Authority (MRRA) expect to shortly sign a Purchase and Sale Agreement for the transfer of former BNAS military housing land, infrastructure and buildings based upon the following AMH housing disposition plan. AMH and MRRA would request the staff and the elected officials from the towns of Brunswick and Topsham, along with the Midcoast Housing Coalition, review the proposed AMH housing plan and provide their general endorsement within the next 30 to 45 days, if possible.

The AMH Housing Plan that follows is the result of over one year of planning, meetings, input and feedback from many community-based groups. We truly appreciate all of their input and feel it has resulted in a win-win for all of the parties involved. We will be glad to meet to answer any questions. Again, thank you for your timely assistance in this matter.

SUMMARY PURCHASE & SALE

AMH agreed to purchase from MRRA 260.4+/- acres of housing land, related infrastructure and the community building at Woodland Village, excluding the Navy owned electric distribution system. The closing will be conducted within 60 days of the signed P&S, conditional upon the general endorsement of the AMH housing plan from the staff and elected officials of the towns of Brunswick and Topsham. AMH agreed to sell MRRA 12 housing units in Station Quarters, which would include the Commanding Officer's house, the Executive Officer's house, and Building D on the west side of Fitch Avenue, seven houses on the east side of Fitch Avenue and two houses on the north side of Forrestal Drive. MRRA will receive land revenue sharing from AMH's gross sales.

This Agreement is contingent upon receiving marketable title of the housing land from MRRA and the exchange of the necessary access and utility easements between AMH and MRRA. In addition, the deeds from MRRA to AMH shall include covenants for each neighborhood to govern and implement the AMH housing disposition plan. All land owned by MRRA in the McKeen Street neighborhood will be sold to AMH. A three-way agreement will be signed between MRRA, AMH and SAD 75 for the SAD 75 land and lease rights at the Topsham Annex.

SUMMARY HOUSING DISPOSITION PLAN

AMH purchased 702 housing units located on seven tracts of land in October 2010. A total of 573 housing units are located on six tracts of land located in Brunswick. A total of 129 housing units were located on one tract of land in Topsham. After demolishing 56 housing units in the Topsham Annex – Patriot Commons, there are now 73 housing units. After the sale of 12 housing units in Station Quarters to MRRA a total of 631 housing units will be marketed by AMH to mostly working families, first time home buyers and retirees.

AMH proposes to work with the Town of Brunswick and the Maine State Housing Authority to designate two neighborhoods as Affordable Housing Development Districts with Tax Increment Financing (AHTIF) benefits, thereby creating affordable units dispersed throughout neighborhoods I and II below:

- I. McKeen Street will immediately apply for an AHTIF on 33% of the 231 units; if approved there would be 77 duplex units designated affordable with sales dispersed throughout the neighborhood.

- II. Mariner Landing, Midway Terrace and Brunswick Gardens are interconnected with common roads and utilities and will apply in the future for an AHTIF on 33% of the 232 units; if approved there would be 78 units designated affordable with sales and rents dispersed throughout the Mariner Landing homes.
- III. Woodland Village and Station Quarters are not expected to apply for an AHTIF or to include any designated affordable units.
- IV. Topsham Annex – Patriot Commons are not expected to apply for an AHTIF or to include any designated affordable units.

The 77 homes in the McKeen Street neighborhood I would eventually be combined with the 78 homes in the Mariner Landing/Midway Terrace/Brunswick Gardens neighborhood II to provide 155 designated affordable rentals and/or for sale housing units, which is 27.6% of the 561 Brunswick housing units or 24.6% of the total 631 housing units in Brunswick and Topsham. The AHTIF does not specify affordable housing distribution or limit clustering. However, AMH proposes to disperse the designated 77 affordable housing “for sale” units throughout the 231 units in the McKeen Street neighborhood I. Likewise, the designated 78 affordable housing units in the neighborhood II will be dispersed throughout the 126 units in Mariner Landing.

AMH proposes to grant the Town of Brunswick the full use of the AHTIFs for school, recreational and other eligible-related costs. The Town of Brunswick staff has suggested that a portion of the McKeen Street neighborhood TIF may be available to alter the siding and colors of up to 80% of the homes to create a variety of facades in order to eliminate the project look of the McKeen Street neighborhood.

AMH proposes to integrate all seven housing neighborhoods into the Brunswick and Topsham communities in a manner that stabilizes the rental and sale markets. Already, five of the six housing neighborhoods in Brunswick are 95% rented. Beginning on April 15, 2011 Navy Supship began renting AMH housing units for the next year or more in the following Brunswick neighborhoods: Brunswick Gardens, Midway Terrace, Woodland Village, and Station Quarters.

In late 2011 or early 2012 AMH proposes to begin the sale of the 231 McKeen Street houses in phases, with approximately 40 houses offered per phase, over a period of five to six years. If the real estate sales market improves AMH expects to begin to selling homes in neighborhoods II and III in 2014/2015. AMH proposes to sell the remaining 73 Topsham Annex – Patriot Commons housing units and land to an abutting assisted housing developer in 2012. The new owner of the Topsham Annex – Patriot Commons will work with the Town of Topsham and the utility districts to address the infrastructure and housing development plans. If AMH continues to own the Topsham Annex – Patriot Commons housing, AMH is committed to re-developing the property consistent with the Topsham and MRRA residential development plan.

In order to maintain owner and renter affordability AMH proposes to integrate the municipal services of water, sewer, trash, road maintenance, etc. into the Brunswick neighborhoods I and II. AMH will at its expense invest nearly \$2 million to upgrade the infrastructure in the McKeen Street neighborhood I. AMH will invest an additional \$1 million or more to upgrade the infrastructure in the Brunswick neighborhoods II and III. AMH will work with Brunswick Public Works to develop a process for inspecting, assessing and upgrading those AMH roads and storm drain systems being proposed for Town of Brunswick acceptance. Details on re-paving, storm drain repairs, sidewalk and curb cuts would be developed that are acceptable to Brunswick Public Works. Either AMH or the new owner of the Topsham Annex – Patriot Commons will work with the Town of Topsham and the utility districts to upgrade the infrastructure in neighborhood IV. The summary housing disposition plan by current developments follows.

McKeen Street

1. AMH to own the 231 housing units, land, roads and underground utilities, (note underground gas, overhead electric, phone and cable currently owned and maintained by utilities).

2. AMH to deed the recreational land, undeveloped land and community building to the Town of Brunswick.
3. All land owned by MRRRA in the McKeen Street neighborhood will be sold and deeded to AMH.
4. AMH to install water meters to each unit, replace the water and fire hydrant system to meet the Brunswick-Topsham Water District standards and provide the water system easements for the Water District to maintain and repair.
5. AMH to provide the sewer system easements for the Brunswick Sewer District to maintain and repair.
6. AMH to install individual gas and electric meters to each housing unit.
7. AMH to work with Brunswick Public Works to assess and upgrade the roads, sidewalks and the storm drainage system to meet Town of Brunswick road acceptance standards.
8. AMH to create lot deeds for each unit and sell individual homes with the lot on a multi-year phased basis, e.g. 40 units per phase, in the \$100,000 to \$140,000 price range.
9. AMH to work with the Town of Brunswick to immediately designate the McKeen Street housing as an Affordable Housing Development District and use all of the AHTIF revenues for eligible housing-related costs.
10. AMH to designate 77 of the 231 units for affordable housing, rental and for sale units dispersed throughout the neighborhood.
11. AMH to deed the roads, sidewalks and storm drainage system to the Town of Brunswick to maintain and repair.

Topsham Annex – Patriot Commons

1. AMH has demolished 56 housing units and worked with the Navy and the utility districts to correct some of the infrastructure issues.
2. AMH to own the remaining 73 housing units, land, roads, overhead and underground utilities, excluding the electric distribution system (note underground gas owned and maintained by gas utility).
3. Town of Topsham, Brunswick-Topsham Water District and Topsham Sewer District have requested upgrades to the road, storm drainage and underground utilities.
4. AMH expects to sell the remaining 73 housing units, land, roads, overhead and underground utilities, excluding the electric distribution system, as a package to an abutting assisted living developer in an 'as is' condition.
5. The assisted living developer (or AMH if it does not sell) will work with the Town of Topsham and the utility districts to address the infrastructure and housing development plans.
6. A three-way agreement will be signed between MRRRA, AMH and SAD 75 for the land and lease rights at the Topsham Annex.

Station Quarters and Trailer Park

1. MRRRA to purchase the 10 housing units on the east and west sides of Fitch Avenue, and 2 houses on the north side of Forrestal Drive.
2. AMH to own the 4 housing units and land on the east side of Neptune Drive.
3. AMH to own and maintain Forrestal Drive to the intersection of Neptune Drive; AMH to own and maintain Neptune Drive from Forrestal Drive to Woodland Village; AMH to own the overhead and underground utilities, excluding the electric distribution system, on those roads owned by AMH.
4. MRRRA to own the former trailer park pads and land on the west side of Neptune Drive; MRRRA to own First Street.
5. AMH to own the former trailer park pads and land on the east side of Neptune Drive.

Woodland Village

1. AMH to own the 94 housing units, land, roads, overhead/underground utilities, excluding the electric distribution system (note underground gas owned and maintained by gas utility).
2. AMH to purchase the community building and land on Neptune Drive from MRRRA for a property management office.

3. AMH to install electric and water/sewer metering systems for the 94 units, and sign utility services agreements with the utility providers.
4. AMH to create lot deeds for the 94 housing units, with a combination of rentals and sales long term.
5. AMH to work with Brunswick Public Works to assess and upgrade the roads, sidewalks and the storm drainage system to meet Town of Brunswick road acceptance standards.

Midway Terrace

1. AMH to own the 62 housing units, land, roads, overhead and underground utilities, excluding the electric distribution system (note underground gas owned and maintained by gas utility).
2. AMH to upgrade the sewer system (disconnect from MRRA) and provide the sewer system easements for the Brunswick Sewer District to maintain and repair.
3. AMH to install an electric and water/sewer metering system for the 62 units, and sign utility service agreements with the utility providers.
4. AMH to work with Brunswick Public Works to assess and upgrade the roads, sidewalks and the storm drainage system to meet Town of Brunswick road acceptance standards.
5. AMH to deed the roads, sidewalks and storm drainage system to the Town of Brunswick to maintain and repair.
6. AMH to create lot deeds for the 62 housing units, with a combination of rentals and sales long term.
7. AMH to work in the future with the Town of Brunswick to designate the Midway Terrace housing as an Affordable Housing Development District and use all of the AHTIF revenues for eligible housing-related costs.

Brunswick Gardens

1. AMH to own 44 housing units, land, roads and underground utilities (note underground gas and overhead electric, phone and cable owned and maintained by utilities).
2. AMH to upgrade the sewer system (disconnect from MRRA) and provide the sewer system easements for the Brunswick Sewer District to maintain and repair.
3. AMH to replace the water and fire hydrant system to meet the Brunswick-Topsham Water District standards and provide the water system easements for the Water District to maintain and repair.
4. AMH to install an electric and water/sewer metering system for the 44 units, and sign utility service agreements with the utility providers.
5. AMH to work with Brunswick Public Works to assess and upgrade the roads, sidewalks and the storm drainage system to meet Town of Brunswick road acceptance standards.
6. AMH to deed the roads, sidewalks and storm drainage system to the Town of Brunswick to maintain and repair.
7. AMH to create lot deeds for the 44 housing units, with a combination of rentals and sales long term.
8. AMH to work in the future with the Town of Brunswick to designate the Brunswick Gardens housing as an Affordable Housing Development District and use all of the AHTIF revenues for eligible housing-related costs.

Mariner Landing

1. AMH to own 126 housing units, land, roads and underground utilities (note underground gas and overhead electric, phone and cable owned and maintained by utilities).
2. AMH to upgrade the sewer system (disconnect from MRRA) and provide the sewer system easements for the Brunswick Sewer District to maintain and repair.
3. AMH to replace the water and fire hydrant system to meet the Brunswick-Topsham Water District standards and provide the water system easements for the Water District to maintain and repair.
4. AMH to install an electric and water/sewer metering system for the 44 units, and sign utility service agreements with the utility providers.

5. AMH to work with Brunswick Public Works to assess and upgrade the roads, sidewalks and the storm drainage system to meet Town of Brunswick road acceptance standards.
6. AMH to deed the roads, sidewalks and storm drainage system to the Town of Brunswick to maintain and repair.
7. AMH to create lot deeds for the 126 housing units, with a combination of rentals and sales long term.
8. AMH to work in the future with the Town of Brunswick to designate the Mariner Landing housing as an Affordable Housing Development District and use all of the AHTIF revenues for eligible housing-related costs.
9. AMH to designate 78 dispersed units for affordable housing, which will be a combination of rental and for sale units over the long term.

ALIGNMENT WITH MRRA HOUSING DISPOSITION PLAN

The proposed AMH disposition plan achieves all of the August 2009 MRRA Disposition Plan goals of:

- Balancing the developer's interest in a timely and cost effective disposition of the housing assets with the communities need for market stability
- Purchase of the housing assets at a price that enables a strategic investment in the improvements necessary to establish these neighborhoods as communities of choice
- Termination of the existing ground lease to merge the ownership interests in the land and buildings, thereby enabling traditional home ownership and maintaining real estate valuations that promote market stability and fiscal health over the long term
- A marketing strategy that emphasizes value and targets first time home buyers, working families and retirees
- Constructive links between the disposition of the BNAS housing portfolio and the workforce development strategy to be implemented by MRRA

There are only two significant differences between the AMH disposition plan and the August 2009 MRRA Disposition Plan – density and affordable housing.

Density and Affordable Housing

The MRRA Disposition Plan recommended demolition of 240 obsolescent units and creation of more open space. The AMH plan has demolished 56 housing units at the Topsham Annex – Patriot Commons, neighborhood IV. The Town of Topsham and the potential purchaser of the Topsham property have requested that the remaining 73 housing units not be demolished at this time. Demolishing perfectly suitable housing eliminates tax revenues for the town, affordable housing for the community and rental or sales revenue for the property owner.

The McKeen Street neighborhood I is zoned R-4 with a density of 5 units per gross acre, which would allow up to 352 housing units. The existing 231 housing units translate to 3.3 units per acre on the 70.3 acres. AMH does not plan to add or delete units, but will donate the open land, recreational fields and the relatively new community building to the Town of Brunswick.

AMH will work with the Town of Brunswick and the Maine State Housing Authority to designate the McKeen Street neighborhood I and Mariner Landing/Midway Terrace/Brunswick Gardens neighborhood II as Affordable Housing Development Districts with Tax Increment Financing (AHTIF), thereby allowing working families, first time home buyers and retirees with a household income of \$79,440 or less (120% of Brunswick's median income) to own or rent in these neighborhoods. AMH is offering 155 designated affordable rentals and/or for sale housing units, which is 27.6% of the 561 Brunswick housing units or 24.6% of the total 631 housing units in Brunswick and Topsham. This far exceeds the MRRA plan that had 10% of the housing units being designated affordable.

ITEM 128

BACK UP MATERIALS



**TOWN OF BRUNSWICK
PUBLIC HEARINGS**

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

- 1) Public hearing to adopt new General Assistance Ordinance Maximums. (If approved, this ordinance will be enacted on an emergency and regular basis.)
- 2) Public hearing on an amending the budget, per the Town Charter Section 504, to fund the cost of a tractor for the Parks and Recreation Department in an amount of approximately \$47,000.

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

Fran Smith, Town Clerk

Times Record: October 25, 2011

Date: October 12, 2011

To: Gary Brown, Town Manager
Fran Smith, Town Clerk

From: Judy Hardy-Goddard, GA Administrator
Rodney Moody, GA Administrator

Re: Adoption of GA Maximums

The Adoption Process

The municipal officers adopt the local General Assistance Ordinance and yearly Appendices. The law requires that the municipal officers adopt the ordinance and/or Appendices *after notice and hearing*. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. In addition, any changes or Amendments, such as new Appendices, must also be submitted to DHHS.

Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2011-2012 HUD Fair Market Rent (FMR) values that will become effective on October 1, 2011. These maximum levels of assistance are

established by Maine General Assistance law (22 MRSA (4305(3-B)) and cannot be altered by action of the municipal officers.

	2010/11	20011/12
1 person household	667	676
2 person household	798	808
3 person household	1030	1043
4 person household	1305	1322
5 person household	1565	1585

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2009-2010 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). There was no increase in Appendix B.

1 person household	\$200.00
2 person household	\$367.00
3 person household	\$526.00
4 person household	\$668.00
5 person household	\$793.00

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost. There was no increase in Appendix C

	Unheated	Heated
Bedrooms		
1	563.00	626.00
2	720.00	821.00
3	850.00	977.00
4	1073.00	1260.00

Appendix D

There was no change or increase in the electric service amounts.

Appendix E

Fuel is calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

October 100 gallons
January 225 gallons
April 125 gallons

November 200 gallons
February 225 gallons
May 50 gallons

December 200 gallons
March 125 gallons

Appendix F

Appendix F, which lists maximums for personal care and household supplies, is not one of the appendices for which new values must be calculated each year.

If you have further question, please feel free to contact me at 725-6661 or by email jhardygoddard@brunswickme.org.

Thank-you

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A-C
2011-2012**

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2011—Oct. 1, 2012. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

ITEM 129

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: November 2, 2011

RE: Public Hearing to amend the Budget

The Council will be holding a public hearing to amend the budget at the November 7. This is the method that was discussed at the October 17 meeting as a way to approve certain expenditures that were not included when the budget was adopted by the Council in May.

The item that is the subject matter of this amendment is the purchase of a replacement tractor for the Parks and Recreation Department. Included to support this agenda item is a memo from Tom Farrell that addressed the need to replace the current tractor.

This item is included in the DRAFT CIP that was presented to the Council earlier this year but has not been funded at this time.

Memo

To: Gary Brown, Town Manager
From: Thomas M. Farrell, Director
CC: Jeffrey Ward, Chair, Brunswick Recreation Commission
Peter Baecher, Parks and Facilities Manager
Date: October 12, 2011
Re: *Capital Improvement Plan Funding Request for Replacement of a Tractor/Front End Loader with Attachments*

I am writing to request Town Council consideration for the authorization to expend up to \$47,000 to fund the replacement of a 1998 John Deere 4600 Tractor/Loader that the parks and recreation department uses throughout the year in the performance of a variety of maintenance functions. The request for replacement of this piece of equipment has appeared in subsequent departmental capital improvement program requests dating back to FY 2007 /2008. Over this period of years it has progressed along the continuum of out years to the most current fiscal year.

The department proposes to replace the current John Deere 4600 Tractor/Loader with a comparable model of slightly more horsepower. The current 4600 model is 43 horsepower in size the new proposed model would be 48 horsepower.

The current tractor/loader has undergone 5,020 hours of operation and is the primary snow removal tractor used in the snow blowing of the bike path ramps and fence lines. In addition, it is used in the clearing of snow along one of the two sidewalk routes assigned to the department. This winter the tractor would be used to remove snow on sidewalks around both the new Harriet Beecher Stowe Elementary School as well as sidewalks leading from adjoining neighborhoods to the Brunswick Junior High School.

During and immediately after a typical measureable snowfall this tractor/loader runs between 12 and 16 hours per snow event. The tractor/loader is also used during summer months for loading of materials, grading, fertilizer application, flail mowing, etc.

The 1998 tractor/loader is in need of a new transmission at an approximate cost of \$8,000. In addition, the cab frame and floor is corroded with rust and needs replacement. The cost to affect these repairs given the age of the equipment would not be a prudent expenditure of funds.

I will be in attendance at the upcoming Town Council meeting to answer any questions that members may have regarding this request.

ITEM 130

BACK UP MATERIALS



October 28, 2011

Ms. Fran Smith, Town Clerk
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

Re: 2011 Brunswick Early Bird Event

Dear Fran,

On behalf of the Brunswick Downtown Association (“BDA”) and the Brunswick Early Bird Event Committee, I would like to make our formal application to the Brunswick Town Council for the 2011 Brunswick Early Bird Event.

Bringing back an event that use to be held in Downtown Brunswick, the BDA, working with a group of small business owners and local non-profit organizations, is planning to host the 2011 Early Bird Event on November 19. The Event is scheduled to be held from 6 AM to 11 AM on Park Row and along Maine Street from Bowdoin College to Fort Andross, on Pleasant Street, and at the Visitor Center. The Event will include business sales and activities, a Rolling Slumber bed races, several children’s activities, cooking demonstrations, a craft show, gift wrapping, music, and free flu shots. The BDA will work in cooperation with the Brunswick Police, Public Works, and Parks and Recreation Departments to recreate this Event in our community to showcase Brunswick as a fun, family-oriented destination. In the past, the Town Council has agreed to waive the \$500 event fee for similar BDA events in Downtown. If possible, we ask the Town Council to waive this event fee. There is no income tied to the Event this year, and the BDA will be spending some of the funds raised from the Fall Festival on marketing Brunswick and this Early Bird Event.

Thank you for your consideration in this matter. Please contact me if you need any additional information regarding this application or the Brunswick Early Bird Event.

Sincerely,

Stephanie Slocum, Executive Director

Brunswick Downtown Association
85 Maine Street PO Box 15 Brunswick, Maine 04011
207-729-4439
director@brunswickdowntown.org
www.brunswickdowntown.org

ITEM 131

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: November 2, 2011

RE: DRAFT Fireworks Ordinance

Attached is a DRAFT of the fireworks ordinance that has been developed by Police Chief Rizzo and Fire Chief Brilliant. This is for the Council to discuss and if acceptable we would have an agenda item at the November 21st meeting to set the public hearing for December 5.

The Ordinance as drafted would prohibit the use and sales of fireworks throughout the entire Town of Brunswick. We are prohibited from outlawing the possession of these items.

The DRAFT has been sent to Pat Scully for the purpose of getting the document consistent with our overall ordinances.

The Chief's and I will be happy to answer any questions that may arise.



**Proposed Ordinance Regarding
Sale and Use of Consumer Fireworks Prohibited
Drafted – 10/28/2011
Public Hearing –
Adopted –
Effective –**

Below is all new language.

Sale and use of consumer fireworks prohibited.

- (a) **Definitions.** The following definitions shall apply in this section:
- (1) **Consumer fireworks** shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:
- a. Missile-type rockets, as defined by the State Fire Marshal by rule;
 - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule;
 - c. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- (2) **Display** means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.
- (a) **Prohibition.** No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the Town of Brunswick.*
- (b) **Exception.** This section does not apply to a person issued a fireworks display permit by the Town of Brunswick and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

(c) Penalties.

- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the Town of Brunswick shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus costs shall be imposed.
- (2) Any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell in the Town of Brunswick shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed.

(d) ***Seizure and disposal of fireworks.*** The Town may seize consumer fireworks that the Town has probable cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

***Editor's note:** State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. §223. By prohibiting the sale and use of consumer fireworks, the Town is effectively prohibiting the use of all fireworks in the Town of Brunswick.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
October 17, 2011
Executive Session - 6:00 P.M.
Regular Meeting - 7:00 P.M.
Municipal Meeting Room
Brunswick Station
16 Station Avenue

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Ken Brilliant, Fire Chief; Tom Farrell, Parks and Recreation Director; Anna Breinich, Director of Planning and Development; Kris Hultgren, Town Planner; Brian Dancause, Economic Development Specialist; Jeff Emerson, Deputy Fire Chief; Don Koslosky, Deputy Fire Chief; Jeff Hutchinson, Codes Enforcement Officer; Peter Baecher, Parks and Recreation Facilities Manager; Heidi Nelson, Animal Control Officer; Dan Devereaux, Marine Resources Officer; and TV video crew.

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

Executive session – Personnel Matter to discuss the Town Manager’s evaluation per 1 M.R.S.A. §405(6)(A)

Councilor Tucker moved, Councilor Favreau seconded, to go into executive session to discuss a Personnel Matter regarding the Town Manager’s evaluation per 1 M.R.S.A. §405(6)(A). The motion carried with nine (9) yeas.

Meeting resumes at 7:00 p.m.

Chair King resumed the meeting and asked for the Pledge of Allegiance.

Public Comment:

Michelle Casey, 27 Bouchard Drive, spoke of her opposition to NNEPRA’s layover facility and her unhappiness with the choice of Councilor to serve on the advisory committee.

Councilor Tucker, Councilor Wilson, Councilor Atwood and Councilor Perreault spoke about the committee appointment.

Correspondence:

Town Council Minutes

October 17, 2011

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Councilor Knight spoke about parking concerns near the new school.

Councilor Perreault spoke about an upcoming theatre production.

Councilor Pols spoke on the high school soccer field being named after long time coach Peter Gardner.

Adjustments to the Agenda: None

MANAGER'S REPORT:

(a) Financial Update

Manager Brown gave this update.

(b) Council Committee Updates

Reports were given about the Downtown and Outer Pleasant Street -Master Plan Implementation Committee, the Police Station Building Committee, and Marine Resources Committee.

(c) Permission to apply for an Alfred M. Senter's Fund Grant (*Action Required*):

Councilor Perreault moved, Councilor Tucker seconded, to allow the Fire Department to apply for an Alfred M. Senter's Fund Grant in the amount of \$17,000. The motion carried with nine (9) yeas.

(A copy of information on the grant application will be attached to the official minutes.)

(d) Reminder for the upcoming election and absentee ballots

Fran Smith, Town Clerk, gave this report.

(e) Report on repairing damaged surface on the Mall

Manager Brown spoke on this item.

Manager Brown responded to questions from Councilor Perreault, Councilor Wilson, Councilor Watson, and Councilor Favreau.

PUBLIC HEARINGS

- 119. The Town Council will hear public comments on Chapter 4 "Animals" ordinance amendments to allow domestic farm animals in the growth area, and will take any appropriate action. (Councilor Favreau)**

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October 17, 2011

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Councilor Favreau spoke on a couple of changes to the proposed ordinance.

Chair King opened the public hearing.

Lori Paulette, 26 Pollard Ave, spoke in support of this item.

Jen Joerger, 11 Pollard Avenue, spoke in support of this item.

Chair King closed the public hearing.

Councilor Favreau and Chair King spoke on this item.

Councilor Wilson asked a question, to which Ms. Breinich responded.

Councilor Favreau moved, Councilor Watson seconded, to adopt amendments to Chapter 4 “Animals” ordinance to allow domestic farm animals in the growth area. The motion carried with nine (9) yeas.

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

120. The Town Council will hear public comments on Zoning Ordinance amendments to expand the Telecommunications 2 Overlay Zone, and will take any appropriate action. (Manager)

Kris Hultgren, Town Planner, spoke on this item.

Chair King opened the public hearing.

The following people spoke on this item:

Andy Cashman, Attorney for First Wave Media

Nancy Randolph, Topsham resident

Jim Bleikamp, President of First Wave Media

Roger Fenn, 15 McLellan Street

Chair King closed the public hearing.

Councilor Perreault, Councilor Pols and Chair King spoke on this item.

Councilor Watson moved, Councilor Favreau seconded, to adopt amendments to the Zoning Ordinance to expand the Telecommunications 2 Overlay Zone. The motion carried with nine (9) yeas.

(A copy of the adopted ordinance amendments and supporting memos will be attached to the official minutes.)

- 121. The Town Council will hear public comments on Chapter 14 “Streets, Sidewalks and Other Public Places” ordinance amendments regarding street acceptance and standards to add two more previously approved projects to those exempt from the standards, and will take any appropriate action. (Manager)**

Manager Brown spoke on this item.

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

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

Councilor Perreault moved, Councilor Watson seconded, to adopt amendments to Chapter 14 “Streets, Sidewalks and Other Public Places” ordinance regarding the street acceptance and standards to add two more previously approved projects to those exempt from the standards. The motion carried with nine (9) yeas.

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

- 122. The Town Council will hear public comments to close out a CDBG award in the amount of \$40,000 for a Public Service Grant for Coastal Counties Workforce, Inc, and will take any appropriate action. (Manager)**

Manager Brown spoke on this item.

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

- 123. The Town Council will hear public comments to close out a CDBG award in the amount of \$200,000 for an Economic Development Program award for Maine Tool & Machine, and will take any appropriate action. (Manager)**

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

Councilor Knight had a question, to which Manager Brown responded.

NEW BUSINESS

- 124. The Town Council will hear a report from the RAB (Restoration Advisory Board) NASB, and will take any appropriate action. (Councilor Atwood)**

Suzanne Johnson from RAB gave this report.

Councilor Pols asked questions, to which Ms. Johnson responded.

- 125. The Town Council will consider adopting “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$47,000 from Available**

Unassigned General Fund Revenues to Fund the Cost of a Tractor for the Parks and Recreation Department,” and will take any appropriate action. (Manager)

Manager Brown spoke on this item and said it will be brought back as an amendment to the budget.

126. The Town Council will discuss a draft multi-family unit inspection ordinance, and will take any appropriate action. (Councilor Knight and Councilor Pols)

Councilor Knight and Councilor Pols spoke on this item.

Chair King, Councilor Favreau, Councilor Wilson, and Councilor Atwood spoke on this item.

The following people spoke in this item:

John Hodge, Executive Director of Brunswick Housing Authority

Curtis Pass, Durham resident and Brunswick property owner

Peter Footer, 261 Old Bath Road

Claudia Knox, Cumberland Street

Helen Nicita, Pennell Way, read statement from Jonathan Shepherd

Eric Herman, owner of Brunswick properties

Ann Marr, 34 Cumberland Street

Doug Rice, 26 Country Lane

John Bouchard, Oakwood Terrace

Dimitri Seretakis, 262 Maine Street

Art Boulay, 32 Federal Street

Chair King, Councilor Wilson, Councilor Perreault, Councilor Atwood, Councilor Pols, Councilor Tucker, and Councilor Watson discussed which direction to go with this item.

Council and staff will meet with citizens and property owners and bring this item back at a future date.

127. The Town Council will consider setting a public hearing for November 7, 2011, to amend the General Assistance Ordinance Maximums, and will take any appropriate action. (Manager)

Councilor Perreault moved, Councilor Favreau seconded, to set a public hearing for November 7, 2011, to amend the General Assistance Ordinance Maximums, to be enacted on an emergency and regular basis. The motion carried with nine (9) yeas.

CONSENT AGENDA

(a) Approval of the minutes of October 3, 2011

Councilor Favreau moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

Town Council Minutes

October 17, 2011

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

The meeting adjourned at 9:15 p.m.

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

Frances M. Smith

Town Clerk

October 31, 2011

November 7 2011

Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 28 Federal Street, Brunswick, Maine, by and through its Town Manager duly authorized by the Town Council on November 7, 2011, for consideration paid, release to **Estate of Maurice J P Baribeau** of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
28009	263	August 23, 2010	2009
28904	140	August 22, 2011	2010

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain parcel of land with any buildings depicted as Map 017 Lot 035 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated April 1, 2009 and April 1, 2010.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this day of .

Signed, Sealed and Delivered by Gary L. Brown, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

Witness

Gary L. Brown
Town Manager

STATE OF MAINE
Cumberland, ss.

Personally appeared the above named Gary L. Brown, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

Frances M. Smith
Notary Public
Commission expires -- January 23, 2015