

BRUNSWICK TOWN COUNCIL
AGENDA
February 2, 2009
7:00 P.M.
Municipal Meeting Facility
44 McKeen Street

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER'S REPORT:

- (a) Council Committee Updates
- (b) Update on the Workshop of January 26, 2009
- (c) MEMA Grant (Action Required)
- (d) Report on Public Service Grant for Tedford Housing Project

PUBLIC HEARINGS:

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

Special Amusement

Cuddy's Bar & Grill Inc.
D/B/A: Cuddy's Bar and Grill
103 Pleasant Street

Kristen Dwelley

ACTION

13. The Town Council will hear public comments on amending Chapter 14 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances to add the Laurier Pinette Property (Map U7, Lot 19) to the list of Town Parks, and will take any appropriate action. (Manager)

ACTION

14. The Town Council will hear public comments on amending Chapter 10 (Licenses and Business Regulations) to allow the fee to be waived for Sales by Non Profits on a Public Place, and will consider reimbursing the Downtown Association the \$500 fee for the Arts Festival on August 15, 2009, and will take any appropriate action. (Favreau)

ACTION

NEW BUSINESS ITEMS:

15. The Town Council will consider adopting the Town Council Goals for 2009, and will take any appropriate action. (Manager)

ACTION

16. The Town Council will discuss issues surrounding Pleasant Street, including coordination of a transportation study, Paul and Stanwood Street connections, and design standards like those at Cooks Corner, and determine if any future action is needed. (Pols)

DISCUSSION

17. The Town Council will consider amending the Council Rules to prohibit the use of electronic communication devices (cell phones/Blackberries/pagers) during Council meetings, and will take any appropriate action. (Knight)

ACTION

18. The Town Council will consider amending the Council Rules to eliminate the People Plus Board of Trustees from the list of Boards that prohibits members from serving on another board, and will take any appropriate action. (Daughtry)

ACTION

19. The Town Council will discuss moving the District 4 Polling location and consolidating of polls for the Special Referendum on the School Budget, and determine if any future action is needed. (Manager)

DISCUSSION

20. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Manager)

ACTION

CONSENT AGENDA:

- (a) Minutes January 20, 2009
- (b) Dog Warrant
- (c) MDOT Overweight Vehicle Agreement

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

**Brunswick Town Council
Agenda
February 2, 2009
Council Notes and Suggested Motions**

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 Required.

- (b) Update on Workshop of January 26, 2009: Manager Brown will update the Council and the public on your workshop, discussing the budget and the Economic Development Director's position.

Suggested Motion: No Motion Required.

- (c) MEMA Grant (Action Required): Chief Labbe has received notification from the Maine Emergency Management Agency (MEMA) that the Town has received partial funding of the grant request. We were approved for a total of \$14,180 to include specialized training for the HazMat Team (\$4,800) and a school emergency exercise (\$9,380). Unfortunately, the requests for the school emergency supplies and planning for the high school emergency road were not funded. There is no town match required. The Council will need to vote to accept this grant.

Suggested Motion:

Motion to accept and expend the MEMA grant in the amount of \$14,180 to be used for specialized training for the HazMat Team and a school emergency exercise.

- (d) Report on Public Service Grant for Tedford Housing Project: Amanda Similien, Economic Development Specialist, will be at your meeting to discuss a letter of intent for a Public Service Grant for the Tedford Housing program.

Suggested Motion: No Motion Required.

PUBLIC HEARINGS:

12. This item is to hold a public hearing and then take action on a Special Amusement License from Cuddy's Bar & Grill. It is for live music, karaoke and a DJ. The staff supports approval of this license. A copy of the application is included in your packet.

Suggested Motion:

Motion to approve a Special Amusement License for Cuddy's Bar & Grill.

13. This item is to hear public comments on a proposed ordinance change to Chapter 14 of the Code of Ordinances to add the Laurier Pinette Property, which was recently donated to the town, to the list of Town Parks. This will allow for the governance of this property to fall under this Chapter and the Recreation Department. Once you have held the public hearing, your action will be to adopt this amendment. Copies of the

public hearing notice, which covers this item and the next one, and the proposed language, are included in your packet.

Suggested Motion:

Motion to adopt amendments to Chapter 14 (Streets, Sidewalks and Other Public Places) Section 14-124 of the Code of Ordinances to add the Laurier Pinette Property (Map U7, Lot 19) to the list of Town Parks.

14. Councilor Favreau has sponsored this item as a way to see if the Council wishes to reimburse the Downtown Association the \$500 fee for the August Arts Festival. Prior to considering that request, the Council needs to amend Chapter 10 Section 10-26(14) to give them the authority to waive this fee. At your last meeting, you sent this to tonight's public hearing. Once the hearing has concluded, you may adopt the amendments and then consider a separate vote on the reimbursement of the fee. A copy of the ordinance amendment is included in your packet.

Suggested Motion: 1

Motion to adopt amendments to Chapter 10 (Licenses and Business Regulations) Section 10-26(14) of the Code of Ordinances to allow the fee to be waived for Sales by Non Profits on a Public Place.

Suggested Motion: 2

Motion to reimburse the Downtown Association the \$500 fee for the Arts Festival on August 15, 2009.

NEW BUSINESS ITEMS:

15. Manager Brown has drafted the Council Goals for 2009 based on the suggestions and comments made at your retreat. The Council will have a chance to discuss the goals and see if they reflect your vision for 2009. The drafted goals are included in your packet.

Suggested Motion:

Motion to adopt the 2009 Town Council Goals.

16. Councilor Pols is sponsoring this item, which you were unable to discuss at your retreat due to time constraints. He has prepared a draft for a Council Subcommittee to look at issues surrounding Pleasant Street, which he will explain further at your meeting. Councilor Pols' memo is included in your packet.

Suggested Motion: This is a discussion item and there is no proposed motion.

17. Councilor Knight is sponsoring this item. You discussed this item at your last meeting and asked to bring it back at this meeting to consider a change to Council Rules to prohibit the use of electronic devices at Council meetings. It was also suggested that there be a posting requesting those attending the meeting to please turn these devices off. Some suggestions that came from this discussion were to extend this to other boards; an exemption would be needed to allow phones for family/emergency reasons, and/or prohibiting uses unless one has consent from the Chair prior to this. Instead of changing the Council Rules, the Council may wish to consider setting an informal

policy that the Chair of any board ask people at the beginning of the meeting to please turn off their devices and to encourage other boards to do so, also. This would also allow for exceptions for family or emergencies, if the device is placed on silent. There would also be a posting to this effect at the entrance of the Council Chambers. If this policy does not work, the Council can then consider changing the Council Rules and incorporating language into the Board and Committee Policy.

Suggested Motion:

Option 1: Motion to change the Council Rules to prohibit the use of electronic communication devices (cell phones/Blackberries/pagers) during Council meetings.

Option 2: No formal motion, just a consensus of the Council to ask that devices not be used except in case of an emergency or family situation, to post this at the Council Chambers, and to encourage other boards to do the same.

18. The Council discussed at your last meeting amending the Rules of the Council (rule 27) to remove the Board of Directors of People Plus from the list of committees that prevent individuals from serving on more than one committee. It comes back at this time for your consideration as a rule change. Upon researching the history of this change, it appears there is no legal reason in the Code of Ordinances, Charter or State Law, which would prohibit the removal of this board from the list. A memo from the Town Clerk summarizing the 1997 change and the draft language change are included in your packet.

Suggested Motion:

Motion to change the Council Rules Section 27 to remove the People Plus Board from the list that prevents individuals from serving on more than one committee.

19. This is a discussion item from the Town Clerk who has suggested the Council discuss two issues. First, the need to find a new location for the District 4 voting place, and secondly, to ask the Council to consider consolidating polling locations for the June 2009 School Budget Referendum. She will be able to provide additional information and answer your questions. Based on this discussion, one or both of these issues will come back at your February 17 meeting for further action. A memo from the Town Clerk, with Charter and State law sections and election results, is included in your packet.

Suggested Motion: This is a discussion item and there is no proposed motion.

20. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the applications are included in your packet.

Suggested Motion: Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

CONSENT AGENDA:

- (a) Minutes January 20, 2009: These are the draft minutes. There were minor changes made to them from the earlier copy emailed to you. The biggest change is to item #8 where the vote was clarified. A copy of the minutes is included in your packet.

- (b) Dog Warrant: This is an annual approval of the Unlicensed Dog Warrant. The Town Clerk will provide to you at the meeting a list of unlicensed dogs as of the close of business on Monday, February 2, 2009. A memo and the warrant are included in your packet.

- (c) MDOT Overweight Vehicle Agreement Under this MDOT agreement, the Town will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment that exceeds the legal limits over municipal roads. This is relative to the I-295 Northbound project. This is a standard agreement that has come before the Council on many other projects in the past. Copies of the letter from MDOT and the agreement are included in your packet.

Motion:

Motion to approve the Consent Agenda.

Motion:

Motion to adjourn the meeting.

Manager's Report A-D
No Back-up

Item 12 Back-up



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 Facility, 44 McKeen Street, Brunswick, at 7:00 P.M. on 2/2/2009 on the following Special Amusement license applications:

Special Amusement

Cuddy's Bar & Grill Inc.
D/B/A: Cuddy's Bar & Grill
103 Pleasant Street

Kristen Dwelley

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

Cuddy S

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

COPY

TOWN OF BRUNSWICK

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: Cuddys Bar + Grill, Inc.

Incorporation Date: 2/16/2006 Incorporation State: Maine

New License: Opening Date _____ Renewal License: Expiration Date: 2/16/2009

Business Name: Cuddys Bar + Grill, Inc.

Business Address: 103 Pleasant St Brunswick ME Business Phone Number: (207) 725-2977

Name of Contact Person: Kristen Duvelley Contact's Phone Number: (207) 725-2977

Mailing Address for Correspondence: PO Box 742 Brunswick ME 04011

Signature of Applicant: Kristen Duvelley Date: 1/5/09

There will be a late fee for an 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: 103 Pleasant St Brunswick ME 04011 Phone #: 725 2977

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Kristen Duvelley</u>	<u>president</u>	<u>944 Augusta Rd Bowdoin ME 04287</u>	<u>51%</u>
<u>Alan Duvelley</u>	<u>vice-president</u>	<u>944 Augusta Rd Bowdoin ME 04287</u>	<u>49%</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: S.A Paid Fee: \$ 100 - (Cash/ Check) Date: 1-5-09

Advertising Fee: \$ _____ Paid

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:* _____

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: {Clerk's Use Only:
 _____ #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/\$500 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 (new applicants only). 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- karaoke/DJ wednesdays open Mike
thursdays live music fridays Saturdays Sundays and special occasions
 Describe in detail room or rooms to be used under this permit- The entire room of Luau's on
103 Pleasant St is used for this purpose.
 Signature of Owner, officer, partner or agent: [Signature]

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

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

Item 13 Back-up



TOWN OF BRUNSWICK PUBLIC HEARINGS

THE BRUNSWICK TOWN COUNCIL will hold public hearings at their regular meeting on Monday, February 2, 2009, 7:00 p.m. at the Municipal Meeting Facility, 44 McKeen Street, Brunswick, to receive public comments on the following ordinance amendments:

ITEM 1 - Chapter 14 (Streets, Sidewalks, and Other Public Places)

Amend Section 14-124 by adding the underlined text:

Sec. 14-124. Description of parks and facilities.

The parks referred to in this division include the areas within the boundaries of the following town properties as described in the records of the tax assessor's office as follows:

Water Street Landing	U7	16, 17, <u>19</u>
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ITEM 2 – Chapter 10 (Licenses and Business Regulations)

Amend Section 10-26 by adding the underlined language:

Sec. 10-26. Required; fees.

(14) *Sales or exhibits by non-profit organizations on public places.*

- a. Definitions.
 1. *Non-profit corporation.* An entity that is organized, conducted and is in good standing as a non-profit corporation in the State of Maine.
 2. *Public place.* Any sidewalk, street, park or property owned by the Town of Brunswick.

- d. The license may be for a single day or up to three (3) days. The fee for a single day is five hundred dollars (\$500.00) and for up to three (3) days is one thousand two hundred dollars (\$1,200.00). At the request of the applicant, the Council may waive any portion of the fee, except for a twenty-five (\$25.00) application fee.

The full text of the changes can be found at www.brunswickme.org/clerk/publichearings.htm or in the Town Clerk's Office

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: January 23, 2009



**Proposed Amendments to
Chapter 14 (Streets, Sidewalks, and Other Public Places)
Regarding Property
The Laurier A. Pinette Property (Map U07, Lot 19) off Water Street**

Drafted - 01/13/2009
Public Hearing – 02/02/2009
Adoption -
Effective Date -

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 14, Article V of the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended as follows:

Amend Section 14-124 by adding the underlined text:

Sec. 14-124. Description of parks and facilities.

The parks referred to in this division include the areas within the boundaries of the following town properties as described in the records of the tax assessor's office as follows:

<i>Name</i>	Assessor's Map & Lot Numbers	
Coffin Pond	16	4B
Edwards Field	U6	37
Lishness Field	40	7
Hambleton Ave. Playground	U2	64--66
Sawyer Park Marina	46	37C
Water Tower Nature Area	16	4A
Great Island Chain	41	12A, 13, 14, 14A, 14B, 14C, 14D, 14E
Municipal Tennis Courts	U22	29
Nathaniel Davis Park	U15	65
Town Commons	24	1
Simpson Point Landing	31	
Maquoit Landing	26	
Mere Point Boat launch	MP2	25, 39, 43
Water Street Landing	U7	16, 17, <u>19</u>
Water Street Landing	40	8C
Baybridge Landing Wetland Park	47	12
250th Anniversary Park	U14	152, 152A, 153
Fish Viewing Facility	U14	150
Mill Street Portage Facility	U15	123
Prince's Point Landing	36	6A
Senior Gardens	U7	64
Lamb Park	U24	2A
Shulman Field	U40	17, 36
Wildwood Field	52	122
River Road Ski Trails	15	7
Coffins Ice Pond	36	48
Barnes Landing	32	
Longfellow Playground	U12	33

Androscoggin River Bicycle Path	40	7A, 8B, 8C, 11 and the Route 1 right-of-way
Cox Pinnacle	3	32
Old High School Athletic Field and Skate Park	U22	29
Pejepscot Dam Recreation Area	1 8	1 12, 14
Greater Commons	24 U40	8, 40, 42, 44, 70, 278, 228, 240
Upper/Lower Mall and Spanish War Triangle	U13	185

Adopted by the Brunswick Town Council at their Regular Meeting held on _____, 2009. It will become effective thirty days after adoption.

Attest: _____
Town Clerk

Item 14 Back-up



**Proposed Ordinance Amendments
Relative To Removing Fee Waiver for
Events on public places
Drafted – 01/13/2009
Public Hearing – 02/02/2009
Adopted –
Effective –**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 10, Article II of the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended as follows:

Amend Section 10-26 by adding the underlined language:

Sec. 10-26. Required; fees.

(b) The fees indicated below include a twenty-five dollar (\$25.00) application fee which is nonrefundable if the license is not approved. Unless otherwise designated, the initial license shall be assessed on a semi-annual basis. There will be a late fee assessed to licenses that have expired in the amount of twenty-five dollars (\$25.00) for licenses with fees higher than fifty dollars (\$50.00), and in the amount of ten dollars (\$10.00) for licenses with fees fifty dollars (\$50.00) or less. The fine will double after the license has been expired for more than thirty (30) days...

(14) *Sales or exhibits by non-profit organizations on public places.*

a. Definitions.

1. *Non-profit corporation.* An entity that is organized, conducted and is in good standing as a non-profit corporation in the State of Maine.
2. *Public place.* Any sidewalk, street, park or property owned by the Town of Brunswick.

b. The town council may, upon making the findings in subsection c, grant a license to non-profit corporations for sales or exhibits on public places.

c. In determining whether or not to issue a license, the town council shall affirmatively find the following:

1. That the applicant is a non-profit corporation.
2. That the sales or exhibit can be conducted in the proposed location in a manner which;
 - (i) will not unreasonably interfere with public use and enjoyment of the public place;
 - (ii) will not unreasonably interfere with free passage in the public place or interfere with vehicular or pedestrian access to private property;
 - (iii) will not cause a public safety concern by distracting persons operating motor vehicle;
 - (iv) to the extent the sale or exhibit is partially on private property is with written permission from the owner.

- d. The license may be for a single day or up to three (3) days. The fee for a single day is five hundred dollars (\$500.00) and for up to three (3) days is one thousand two hundred dollars (\$1,200.00). At the request of the applicant, the Council may waive any portion of the fee, except for a twenty-five (\$25.00) application fee.

- e. The application for a license shall be on a form provided by the town clerk. The applicant shall be required to furnish the following information in and such other information as the clerk finds necessary to process the application:
 - 1. The name of the applicant with contact information and name of the applicant's registered agent.
 - 2. The proposed location of the sale or exhibit.
 - 3. The proposed hours of the sale or exhibit.
 - 4. A copy of the applicant's article of incorporation, bylaws and a certificate of good standing.
 - 5. A description of the sale or exhibit.
 - 6. A sketch demonstrating that the sale or exhibit can be conducted in conformance with subsection (c)(2).
 - 7. If the sale or event is proposed to be conducted partially on private property, written permission from the owner of that property.
 - 8. A written statement from the chief of police or his or her designee that the provisions of subsection (c)(2) can be met.
After approval by the town council, the license shall be obtained from the town clerk.

- f. Indemnification and insurance.
 - 1. The licensee shall execute a document agreeing to defend, indemnify and hold harmless the town and its officers, officials and employees in their public and individual capacities, from and against any expense or liability in any way arising out of or connected to activity under the license.
 - 2. The council may, in its discretion, as a further condition of the license, require the licensee to provide proof of insurance satisfactory to the town manager in appropriate amounts with respect to the risks referred to in subsection f.(1) above.

- g. Conditions. The town council may place such conditions on the license as it deems appropriate to meet the provisions of this subsection.

Adopted by the Brunswick Town Council at their Regular Meeting held on _____, 2009. It will become effective thirty days after adoption.

Attest: _____
Town Clerk

Item 15 Back-up



Draft
Brunswick Town Council Goals for 2009

The Brunswick Town Council met on January 10, 2009, to discuss many issues and challenges that the Council anticipates facing in the ensuing year. In an effort to prioritize these issues and to acknowledge that there will certainly be unidentified matters presented to the Council, the following goals have been established. (The goals listed below are not in a prioritized order but rather reflect the order in which they were proposed at the Council retreat.)

Goal #1: Town Manager Selection: As a result of the retirement of the former Town Manager, the Council has set as a goal the selection of a new Town Manager. The Council has begun a process that involves the utilization of professional recruitment services.

Goal #2: Presentation of final facilities plan: This goal is intended to result in a comprehensive plan to address the existing facility issues confronting the Town of Brunswick. This plan would be a long-range plan (5+years) that would include recommendations for Council Chamber, municipal meeting space, Cable TV space, Police Station location, Fire Department needs, Town Office space and any other needs identified by the Facilities Committee.

Goal #3: Establishing and implementing a responsible economic and community development program: The Council will continue to work and meet with the entities and organizations, along with the public, to establish a vision that reflects the philosophy of the Town on matters involving economic development and community development.

Goal #4: Continue to work on improving the efficiency of Town Committees: The work that began in 2008 reviewing the Town's various Committees and Boards will continue in 2009 in order to identify possible consolidations and to eliminate redundancies in Committees and Boards.

Goal #5: Coordination of BNAS issues: The Council will continue to support the work of staff to coordinate activities that are of mutual interest to the MRRA and the Town of Brunswick. These issues include, but are not limited to, the adoption of zoning language on base property, the challenges of the disposition of the Naval housing, integration of base redevelopment with the Town's economic development plans, and solutions to transportation problems in different locations in Brunswick.

Goal #6: Submission of potential projects for Federal Economic Stimulus program: The Town will monitor opportunities to present proposals that benefit the Town as opportunities are presented through projected economic stimulus programs expected in the next year. Some of the suggestions include planned and approved transportation projects and a downtown parking garage.

Goal #7 Communication with State legislators: The Council will establish and maintain an open communication with the Town's State Senator and Representatives.

Goal #8: Public Transportation: The Council will give full consideration to initiatives that include public transportation projects, which may include passenger rail, local bus routes, and others.

Goal #9: Regionalization: The Council will encourage collaborative initiatives that involve working with other regional entities that result in cost savings and provision of services to Brunswick residents. The regional entities include neighboring communities, Cumberland County, MCBDP, MCEDD, BNAS and others.

Goal #10. Identify cost benefit ratios to new activities and services: As the Town is presented with any new activity or service, an analysis of the cost to undertake such will be fully presented. All new activities and services that result in an increased cost to the Town need to be acknowledged as having a cost before Council approval.

Item 16 Back-up

Sub-Committee on Pleasant Street

As prepared by Councilor Pols

- I. Coordination with OEA study funds as implemented by MDOT. What is timeline on studies and reports?
- II. Duration: Short, three to four months, perhaps four meetings
 - 1st, organizational and to determine scope.
 - 2nd, public forum to solicit input from interested parties.
 - 3rd, to digest public forum information and attempt to coordinate staff responses to any inquiries.
 - 4th, second public forum to provide answers, follow-ups
- III. Membership: at a minimum District 4 Councilor Klatt, District 5 Councilor Knight, a third or fourth (Pols, Atwood due to proximity).
- IV. Potential Participants:
 - A. Residents and organized neighborhood associations (N.W.A., CNA, Lombard, Paul, Webster, Westminster, Outer Pleasant neighborhoods).
 - B. Planning Department.
 1. Describe nature and size of currently allowed uses in HC-1 and adjacent MU district.
 2. Describe buffers built into current ordinance to development; e.g. NRPZ related to streams, etc.
 - C. Economic development department and BEDC.
 - D. Finance: (e.g. to look at tax revenue of—for instance—Kilfoil property “as is” vs. as something “economically viable”)
 - E. Private development interests.
 1. Jim Howard
 2. Eaton Peabody
 3. Richmond Company
 4. Sitelines
 5. Anyone else we can think of.
 - F. John Foster of Public Works
- V. Application of Cooks Corner Development standards to Pleasant Street.

Item 17

No Back-up

Item 18 Back-up



MEMORANDUM

TO: Gary Brown, Acting Town Manager
FROM: Fran Smith, Town Clerk
SUBJECT: Removing People Plus from list of Boards and Committees in Council Rules
DATE: 01/27/2009

As requested below is the history of this Council Rules changes relative to committees and boards:

On February 18, 1997 the Town Council amended their Rules of Order and Procedure to specify thirteen Boards and Commissions whose members would not be allowed to serve on more than one simultaneously. Prior to this amendment the Rules stated "All appointments to Town boards and commissions shall be made in accordance with the statutes and Town Charter. Appointees must be residents of the Town, may not be full-time employees of the Town, and may not be members of more than one official board or commission at a time including sewer and water districts". It appears the rule change was made in an attempt to clarify issues that arose from the term "official" Board or Committee, as several people served on more than one board or committee; the concern had been raised that someone could serve on two or more inter-dependent committees that may influence decisions. In addition to specifying and limiting membership to the identified committees, the term "official" was deleted.

Based on this information alone, it appears to be a choice of the Council rather than a specification of law, to identify specific boards and commissions in which to limit concurrent membership.

Proposed Amendment to the Council Rules 01-09

27. Appointments to Municipal Boards and Commissions

All appointments to Town boards and commissions shall be made in accordance with the statutes and the Town Charter. Appointees must be residents of the Town and may not be members of more than one of the following boards or commissions:

People Plus Board of Trustees	Planning Board
Zoning Board of Appeals	Village Review Board
Conservation Commission	Personnel Board
Brunswick Housing Authority	Sewer District
Parks and Recreation Commission	Water District
Assessment Review Board	
Marine Resources Committee	

Item 19 Back-up



MEMORANDUM

TO: Gary Brown, Acting Town Manager
FROM: Fran Smith, Town Clerk
SUBJECT: Moving Location for District 4 and Consolidation of Polls for June
DATE: 01/27/2009

This memo is to summarize two items that the Council will be discussing at their February 2 meeting.

1) Moving District 4 Polling Location: Since the Old High School will no longer be available for voting, the Council needs to find a new home for the District 4 Polling Place until the new elementary school is open. There are limited choices within the boundaries of District 4. The Regional 10 school is willing to house it, but the only suitable location is the near the machine shops, which would be extremely noisy. This is the only public facility in that district. Based on this, I would recommend moving District 4 to the Recreation Center for the next few years, but I am certainly open to other suggestions. Once there is direction as to which location, the Council can begin the process outlined by state law, and I would expect this item to come back at the February 17 meeting.

2) Consolidating Polls for the June 2009 Election: In June 2007, the Council consolidated polls for a special state election to save money. This Council wishes to have a discussion to see if that is something they may want to do for the School Budget Vote in June. If that is their desire, I would propose the location of the Junior High School since it already has two districts and it is centrally located. The major cost saving is staffing the polls. In 2007, the cost for workers was \$795.00 and in June 2008, the cost was \$8,645.00. This location, based on numbers of voters in June and November 2007, should be more than able to accommodate the voters, especially with the increase in number of people absentee voting. Having said all this, I also recognize that it is not all about saving when it comes to elections and voting and I look to the Council for feedback. If the Council wishes to continue with this, the next action would be to set a public hearing at their next meeting.

I have attached the relative sections of Town Charter and State Law governing these two subjects.

Town Charter Sections:

Section 1004. Voting places.

The voting place or places for municipal elections shall be the same as those established for state elections. The Council may consolidate or change polling locations for a special municipal election once a public hearing is held at least thirty days prior to the election and with notice of the change published in a newspaper having general circulation in the community at least ten days before the election.

Title 21-A Sections

21-A §631-A. VOTING PLACES

1. Establishing suitable voting places. If the municipal officers determine that there is no building within a voting district that is suitable for a voting place, as described in section 627, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building that is as close as possible to the voting district and as convenient as possible to the voters of the voting district.

2. Consolidating voting places. The municipal officers may, after public notice and hearing held at least 90 days before an election, and subject to the approval of the Secretary of State, consolidate voting places so that more than one voting district votes in the same voting place. When voting places are consolidated under this process, the voters from the different voting districts may vote in the same or separate guardrail enclosures in the building.

Date	Registered Voters	Total Votes Cast	% vote	Total D & R	% of D & R
Jun-80		778			
Nov-80		7561			
Nov-81		4143			
Jun-82	8524	3750	44		
Nov-82	8800	6287	71		
Nov-83	8944	4148	46		
Jun-84	9111	464	5		
Nov-84	11022	8130	74		
Nov-85	10780	2795	26		
Jun-86	10666	3604	34		
Nov-86	11191	6321	56		
Nov-87	11047	6076	55		
Jun-88	10684	1053	10		
Nov-88	11437	8729	76		
Nov-89	12016	4577	38		
Jun-90	11874	2349	20		
Nov-90	12583	8094	64		
Aug-91	12145				
Oct-91	12323				
Nov-91	12604	6272	49		
Jun-92	12858	5954	46		
Nov-92	14327	10262	72		
Nov-93	13933	3785	27		
Jun-94	12820	2946	22.9		
Nov-94	13356	8282	62		
Nov-95	13887	6768	48		
Mar-96	14011	1312	9	7983	16
Jun-96	14052	3281	23		
Nov-96	14990	9617	64		
Nov-97	14903	5493	37		
Feb-98	13948	5053	37		
Jun-98	14124	2171	15		
Nov-98	14359	6838	48		
2-Nov-99	13993	6682	48		
7-Mar-00	13747	2924	21	8388	35
13-Jun-00	13331	1066	8		
7-Nov-00	14226	10223	71		
11/6/2001	14016	4155	33		
6/11/2002	13981	1918	14		
Nov-5-2002	14727	8068	55		
10-Jun-03	14245	2506	18		
11/4/2003	14917	8194	55		
06/082004	14608	2645	18		
Dem		1243			
Rep		849			
Green		18			
Unenrolled		535			
Nov-2-2004	16972	11956	70		
11/8/2005	15605	7334	47		
6/13/2006	15410	1750	11		
Dem	5353	890	17		
Rep	3860	856	22		
Green	478	27	5.6		
11/7/2006	16082	8854	55		
6/12/2007	14981	1438	10%		
11/6/2007	14719	4837	33%		

6/10/2008	15020	3815	25%
<i>Dem</i>	5663	2134	38%
<i>Rep</i>	3577	1082	30%
<i>Green</i>	432	52	12%
<i>Unenrolled</i>	5348	547	
11/4/2008	15968	11959	75%

Item 20 Back-up

Summary of Received Applications

1/21/2009

Date of Application

Conservation Commission

7:00 pm

Amanda Mahaffey 101 Union Street 449-3070 12/18/2008
 Will this be a reappointment Length of term: Term will expire: MembershipType:

Growstown School Committee

waiting on info

Joan Hoppe 48A. Pejespcot Terr 729-3480 10/14/2008
 Will this be a reappointment Yes Length of term: Term will expire: MembershipType: Neighbor

Housing Authority

7:15 pm

Lloyd Constantine 50 Baribeau Dr #102 751-2232 1/20/2009
 Will this be a reappointment No Length of term: Term will expire: MembershipType: Resident

7:30 pm

Elaine Thibeault 50 Baribeau Dr. #202 798-4690 1/15/2009
 Will this be a reappointment Length of term: Term will expire: MembershipType: Resident

Planning Board

6:15 pm

Charles Frizzle 1 Sagamore Ln 729-0970 1/8/2009
 Will this be a reappointment Length of term: Term will expire: MembershipType:

6:30 pm

Laurie Leader 65 Jordan Ave 725-2227 12/8/2008
 Will this be a reappointment Length of term: Term will expire: MembershipType:

Unable to attend Village Review?

Date of Application

Variety of Committees

6:45 pm

Jason

Bergquist

4 Rocky Hill Drive

729-2876

11/17/2008

Will this be a reappointment No

Length of term:

Term will expire:

MembershipType: PB, Conservation, Rec

6:45

215

Town of Brunswick
Application for
Appointment to Board/ Committee/ Commission

For Office Use Only	
_____	Date App. Received
_____	Date App. Entered
_____	Appointed

Full Name: JASON WILLIAM BERGQUIST Date 17 NOV 2008

Street Address: 4 ROCKY HILL DRIVE, BRUNSWICK

Home Telephone #: 739-2876 E-mail Address: BERGQUIST.JASON@GMAIL.COM I live in Council District #: 4

I wish to be considered for appointment to the:

I'm INTERESTED IN: 1) PLANNING, 2) CONSERVATION, 3) RECYCLING, 4) VILLAGE
(NAME OF BOARD/COMMITTEE/COMMISSION) NEW

Check one or both:

FULL MEMBERSHIP STATUS:

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM BEGINS: VARIOUS

TERM EXPIRES: _____

Do you currently serve on any Town Board/Committee/Commission? NO If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years _____ Date term expires _____

Occupation: MANUFACTURING MANAGER

Employer: GROW-TECH, INC.

Work Telephone #: (207) 353-5005

List any civic organizations to which you belong:

- CUB SCOUT DEN LEADER

- HAVE BEEN ASKED TO JOIN BOARDS OF SEVERAL ASIAN SUPPORT SERVICES & MISCOAST MARIU WILL BE MEETING WITH REPRESENTATIVE THIS WEEK.

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

I HAVE A LAW DEGREE AND THROUGH MY WORK WITH PINE TREE WASTE HAVE A DETAILED UNDERSTANDING OF THE COMMUNITY'S GEOGRAPHY, POPULATION, ETC

Have you previously served on a Town board/committee/commission? YES If so, please list the board/committee/commission and years of service:

RECYCLING COMMITTEE - SANTA ROSA, CA - 2 YEARS (AS WASTE MANAGEMENT REPRESENTATIVE)

SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: 1) PLANNING, 2) CONSERVATION, 3) RECYCLING, 4) VILLAGE PLAN
Term Length: VARIABLE

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

NO

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

LAW DEGREE WITH WORK IN ENVIRONMENTAL + PROPERTY LAW. EXTENSIVE KNOWLEDGE OF COMMUNITY, NEIGHBORHOODS, POPULATION, ETC. FROM PLANNING + MONITORING MSW + RECYCLING ROUTES WITH PINK TAG WASTE.

3. Why would you like to be on the Board/Committee/Commission?

IN MY PREVIOUS RUN FOR STATE SENATE I REALIZED HOW IMPORTANT COMMUNITY SERVICE IS, AND AM COMMITTED TO DEDICATING MY EXTRA TIME TOWARDS HELPING THE TOWN AND ITS CITIZENS.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES / YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

I HAVE LUSTERS SEVERAL POSITIONS THAT I FEEL I COULD BRING THROUGH MY EXPERIENCE IN THE IMPORTANT THING TO ME IS TO HELP WHERE IT IS NEEDED, AND WHERE MY PACKAGING CAN BE OF THE MOST BENEFIT.

Jason W. Bergquist
4 Rocky Hill Drive
Brunswick, ME 04011
(207) 449-8292 - Bergquist.jason@gmail.com

17 November 2008

To Whom It May Concern:

I have attached my Application for Appointment to Board / Committee / Commission and resume for review. As you will note, I have listed several Boards and Committee's that I am interested in, including: Planning, Conservation, Recycling and Village Review. Planning would be my preference, but service is the most important thing to me, so I am open to any of the others and feel that my qualifications and experience would benefit any of the boards and committee's listed.

I have come to a point in my life where community service has become very important to me. I moved my family from California to Brunswick because of the improvement in the quality of life that our town provides. Clearly, the town is special because of the people who live in it and work together as a community. I want to become more involved, particularly as the Town moves into a critical phase in the next few years triggered by the base closure.

As you'll see from my resume, I have a law degree and have worked in the area of environmental law as well as some property law. I have a comprehensive understanding of Brunswick's geography, neighborhoods and populace through my work with Pine Tree Waste in routing commercial and municipal trash and recycling. I have experience in serving on town committees, having represented Waste Management on the Santa Rosa Recycling Committee in California. Furthermore, as a result of my recent campaign for State Senate, I have come to know many of the small business owners and people that are most active in town politics. Finally, I am a Cub Scout Den Leader, and have recently been asked to join the board of the Sexual Assault Support Services of Midcoast Maine.

I look forward to the opportunity to serve the community. Please feel free to contact me by phone (207-449-8292) or e-mail (bergquist.jason@gmail.com) should have any questions, or if you wish to schedule an interview.

Regards,



Jason Bergquist

4 Rocky Hill Drive Brunswick, ME 04011 • (207) 449-8292 • bergquist.jason@gmail.com

Jason W. Bergquist

Summary of Qualifications

My professional career has been built upon a variety of core business disciplines. I have been directly responsible for Operations, Labor Relations, Environmental Health and Safety, and Human Resources in the areas of Waste Management, Manufacturing, and Retail for both single sites and multiple facilities. I have a proven track record of developing profitable and cost saving programs and initiatives that are measured and delivered in a consistently exceptional manner. As a manager, I am skilled in the supervision, coaching, development and mentoring of staff in both union and non-union environments. I have successfully managed operations through a variety of critical labor union situations, including contract negotiations, strikes, lockouts and de-certifications. I have demonstrated experience in providing excellent service to both internal and external customers, and of driving change through the design and implementation of progressive initiatives including Fleet Optimization, Six Sigma and Lean Manufacturing.

Professional Accomplishments

Operations

- Managed hauling division and transfer station servicing mid-coast Maine; site generated \$8.5M in revenue. Supervised 30 employees, including drivers, mechanics, transfer station operators and administrative staff. Responsible for a fleet of 45 pieces of equipment, including trucks, tractors and yard equipment and directed transfer station activity including movement of municipal solid waste, construction and demolition waste, clean wood processing and single stream recycling. Coordinated all 3rd party hauling in New England area. Served as liaison between company and Mid-Coast municipal government agencies. Selected accomplishments include:
 - Increased overall revenue by 7% in 12 month period; increased revenue in roll-off line of business by 63% in same time frame.
 - Decreased labor margin by 9 points and operating costs by 12 points; overall gain of 4 points to EBITDA achieved.
 - Decreased OSHA DART rate from 14.56 to 7.5, reporting years 2005 to 2006; awarded Most Improved Safety and Most Improved Environmental Compliance for fiscal 2007.
- Reporting directly to the Global President, directed all Western operations, comprised of five factories manufacturing technical materials for the Aerospace, Defense, Semiconductor and Medical markets, generating gross annual sales exceeding \$50M. Responsibility for manufacturing, facilities, environmental health and safety, human resources and labor relations, quality assurance, engineering, inventory and purchasing, sales and customer service. Site management for three Hayward factories and off-site management for two Los Angeles Co. factories, and one Houston distribution facility, employing a total of 350 union and non-union employees. Full budgeting and P&L responsibility for all California operations.
- Managed Garbage, Yard Waste and Recycle Hauling facility servicing Northern California, generating \$33M in revenue with a customer base of 66K. Supervised 134 bargaining unit employees, including drivers, mechanics and sort-line operators and six non-union supervisors. Maintained a fleet of 95 trucks and multiple material recovery sort lines.

Labor Relations / Human Resources

- Managed all labor relations and human resources for U.S. group of global corporation, consisting of eighteen factories generating gross annual sales of \$129M and employing over 1,000 employees. Direct supervision of all Human Resource supervisors and responsibility for an annual budget of \$1.6 million. Managed company Human Resource audit program and designed and implemented uniform EH&S policy and procedure handbook and Employee Handbook in both English and Spanish across all 18 MAC US locations. Served as direct interface with labor unions for all unionized factories, including renegotiation of two contracts during period. Reduced annual legal costs by over 87.5%

(207) 449-8292 • bergquist.jason@gmail.com

Jason W. Bergquist

through early conflict prevention strategies and direct legal counsel, resulting in annual savings of \$99K.

- Managed labor relations, human resources and other areas of legal compliance for 44 company operated "Oil Changer" stores located in California with 350 employees and annual sales in excess of \$18 million. Conducted Human Resource training for all employees through classroom and on-site sessions; provided management coaching to managerial level positions.
- Provided general legal counsel for all business affairs, including labor, property, EH&S and contracts. Worked on multiple employment law cases, including: Wage and Hour Law, Title VII general and specifically Sexual Harassment, ADEA and ADA.

Environmental Health and Safety

- Managed all environmental, health and safety programs for U.S. group of global corporation, consisting of eighteen factories generating gross annual sales of \$129M and employing over 1,000 employees. Direct supervision of all Environmental Health & Safety supervisors and responsibility for an annual budget of \$1.6 million. Managed company EH&S audit program.
- Managed environmental health and safety program for 44 company operated "Oil Changer" stores located in California with 350 employees and annual sales in excess of \$18 million. Evaluated compliance through store inspections, audits and analysis of regulations and codes and maintained permits, HMBP's, compliance plans and records for each location; designed and implemented action plans for any deviations in compliance. Conducted EH&S training for all employees through classroom and on-site sessions.
- Managed EH&S program for two operations facilities of the largest hauling division in the US, employing 175 Teamsters and non-union employees. Maintained environmental permits and programs and special waste programs. Assisted and advised the division in planning and execution of total accident, loss prevention and claims management program.

Employment History

2006 - Present	Manufacturing Manager	Grow-Tech, Inc., Lisbon Falls, ME
2005 - 2008	Operations Manager	Pine Tree Waste, Inc., West Bath, ME
2003 - 2005	Operations Manager	Empire Waste Management, Inc., Santa Rosa, CA
2000 - 2003	Vice President of Operations / Industrial Relations Manager	Morgan Advanced Ceramics, Inc., Hayward, CA
1998 - 2000	Corporate Compliance Officer	Lube Management, Corp., Pleasanton, CA
1995 - 1998	Environmental Health and Safety Manager	Waste Management, Inc., Oakland, CA

Education

June 1998	Juris Doctor	John F. Kennedy University: School of Law, Walnut Creek, CA
June 1995	Bachelor of Arts: Humanities	John F. Kennedy University, Orinda, CA

7:15

Town of Brunswick
Application for
Appointment to Board/ Committee/ Commission

For Office Use Only	
JAN 20 2009	Date App. Received
	Date App. Entered
	Appointed

Full Name: LLOYD J. CONSTANTINE Date 1-20-09

Street Address: 50 BARIBEAU DRIVE #102

Home Telephone #: 751-2232 E-mail Address: _____ I live in Council District #: _____

I wish to be considered for appointment to the:

Brunswick Housing Authority

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS: _____
and/or

TERM BEGINS: _____

ASSOCIATE MEMBERSHIP STATUS: _____

TERM EXPIRES: _____

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years _____ Date term expires _____

Occupation: RETIRED

Employer: _____ Work Telephone #: _____

List any civic organizations to which you belong:

NONE

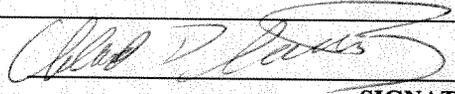
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

PROPERTY OWNER - LANDLORD

BATH & BRUNSWICK - BUSINESS OWNER 35 YEARS

IN BRUNSWICK

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:



SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: BRUNSWICK HOUSING ~~FEEDBACK~~ AUTHORITY

Term Length: 1

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

NO

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

PROPERTY OWNER

LANDLORD

RESIDENT OF CROOKSIDE

BUSINESS OWNER 35 YEARS IN BRUNSWICK

3. Why would you like to be on the Board/Committee/Commission?

TO ASSIST IN THE FINANCIAL & POLICY PROCESS
THAT IS THE RESPONSIBILITY OF THE BOARD

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

6:15

Town of Brunswick
Application for
Appointment to Board/ Committee/ Commission

For Office Use Only	
JAN - 8 2009	App. Received
_____	Date App. Entered
_____	Appointed

Full Name: Charles D. Frizzle Date 01/07/09

Street Address: 1 SAGAMORE LANE, BRUNSWICK ME 04011

Home Telephone #: 207 729-0970 E-mail Address: CFRIZZLE@SUSCOM-MAINE.NET I live in Council District #: 3

I wish to be considered for appointment to the:

PLANNING BOARD

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: 02/23/09

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM EXPIRES: _____

Do you currently serve on any Town Board/Committee/Commission? YES If so, please state name of Board/Committee/Commission and the number of years of service:

PLANNING BOARD Number of Years 8 Date term expires 02/23/09

Occupation: Retired

Employer: N/A Work Telephone #: N/A

List any civic organizations to which you belong:

Mid Coast Hospital BOD, Independence Association BOD
People Plus BOD

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

8 years experience as Planning Board member, 3 years as Board Chairman

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:

Charles D. Frizzle
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: PLANNING BOARD

Term Length: 3 yrs

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

8 yrs experience as Planning Board member, 3 yrs as Board Chair.

3. Why would you like to be on the Board/Committee/Commission?

I continue to enjoy my service on the Planning Board and appreciate the opportunity to give something back to the community.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes. I have missed very few, if any, planning board meetings in the last 8 years.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

Occasionally, I need to recuse myself from voting on Mid Coast Hospital related projects.

6. Do you have anything you would like to add?

I would very much appreciate the opportunity to continue serving on the Brunswick Planning Board.

to go
unable to attend

Town of Brunswick
Application for
Appointment to Board/ Committee/ Commission

For Office Use Only	
DEC 08 2008	Date App. Received
_____	Date App. Entered
_____	Appointed

Full Name: Laurie Leader Date: 12/8/08

Street Address: 65 Jordan Avenue

Home Telephone #: 725-2227 E-mail Address: laurie@regulation.com live in Council District #: _____

I wish to be considered for appointment to the:

Planning Board

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: January 2009

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM EXPIRES: February 2011

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:

_____ Number of Years _____ Date term expires _____

Occupation: Preconstruction Estimator

Employer: Consultant Work Telephone #: 720-0213

List any civic organizations to which you belong:

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

See profile

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:

Laurie Leader

SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Planning Board Member

Term Length: 14 months

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

I would like to get a better handle on the time commitment involved.

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

See profile

3. Why would you like to be on the Board/Committee/Commission?

I am interested in planning that takes into account economic/social/environmental issues.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

see #1

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

I was involved in the restoration of 11 Lincoln Street in Brunswick

Laurie R. Leader
65 Jordan Avenue
Brunswick, ME 04011
Cell: (207) 720-0213
Email: laurielr@yahoo.com

PROFILE

- 18 years practical experience with small and large construction companies. Collaborate with a diverse range of people including subcontractors, suppliers, architects, engineers, and owners, working as a team to accomplish building various projects starting from basic design through completion.
- A passion for projects that incorporate being environmentally responsible, community oriented, and historical in nature. These include: LEED Certified LL Bean Hunt & Fish Store, The Portland City Hall Clock Tower, Bowdoin Walker Art Museum, and the Market Arcade in Buffalo, New York.
- Assist in pricing various construction projects to be completed in a timely manner and within budget.
- Maintain subcontractor database through ISQFT. Distribute information to subcontractors through this conduit.
- LEED AP

RELEVANT SKILLS

GOAL SETTING AND PRACTICAL THINKING

Experience in the construction industry with technical skills, interpersonal skills and confidence to take on challenging projects. Focus on pricing projects through work with subcontractors, suppliers, architects, engineers, and owners.

- Developed, together with co-workers, tools and methodologies to structure pricing various construction projects utilizing plans, specifications, and addenda.
- Developed new subcontractor database for an out of state project. Through creating this new subcontractor database and relationships, organized sufficient competitive pricing to keep projects within budget and meeting schedule demands.

ATTENTION TO DETAIL

Detail oriented with the ability to gather many pieces of information, evaluate that information, and move forward in a solid direction.

- Contributed to the building of the LL Bean Hunt & Fish Store in Freeport, Maine. Fast paced project, requiring LEED certification, with many interesting architectural features. Coordinated the purchase of specialty materials to meet LEED certification, such as reclaimed lumber, in a timely manner. Incorporated value engineering, with a finished product meeting deadlines.
- Collectively with co-workers, renovated the Market Arcade in Buffalo, New York. Transformed a non-functioning historical building into a beautiful, functional historic site in the heart of downtown Buffalo. Project completed well below anticipated costs.

HUMAN RELATIONS

Relationship oriented person with both people skills and business skills. Seeks to understand and thoughtfully evaluate others ideas. Able to look at projects from all perspectives, while working towards final delivery deadlines.

- Develop relationships with, and balance the needs of, company owners, engineers, architects, subcontractors, suppliers, and coworkers.

PROFESSIONAL EXPERIENCE

PIZZAGALLI CONSTRUCTION CO., INC. PORTLAND, ME (2007-PRESENT)

Preconstruction Estimator

- Estimate construction projects from DD, CD, IGMP through GMP
- Value engineering throughout the entire project
- Evaluate pricing, reviewing scopes of work for various bid packages
- Estimate using software programs OST and Timberline

CONSIGLI CONSTRUCTION CO., INC. PORTLAND, ME (2004-2007)

Assistant Construction Estimator

- Estimated and quantified amounts of materials (takeoffs) using OST
- Utilized Timberline program to analyze quantities and complete estimates
- Contacted and managed subcontractors bidding progress from beginning through completion of estimating process
- Assisted Project Managers with buyout of current projects, identified discrepancies in bid process to avoid cost overruns

GRANGER NORTHERN CONSTRUCTION CO., INC. PORTLAND, ME (1999-2003)

Assistant Construction Estimator

- Involved in bid process for concrete, demolition, structural steel and rough carpentry takeoffs for projects up to \$50 million
- Participated on estimating team to bid on schools, prisons, commercial type projects
- Solicited subcontractor bids using Bidfax 2000

FEICK CONTRACTORS, PRETE BUILDERS, ROBERTS CONSTRUCTION, SANDUSKY, OH (1996-1998)

Consulting Work

- Estimated commercial and residential projects from takeoffs through completion

EDUCATION

Bachelor of Science in Civil Engineering, University of Vermont, 1985.

7.2m

Town of Brunswick
Application for
Appointment to Board/ Committee/ Commission

For Office Use Only	
12/18/08	Date App.
_____	Received
_____	Date App.
_____	Entered
_____	Appointed

Full Name: Amanda Maria Manoffey Date 12/18/08

Street Address: 101 Union St.

Home Telephone #: 449-3070 E-mail Address: ammanoffey@gnia.com I live in Council District #: _____

I wish to be considered for appointment to the:

Conservation Commission

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: _____

ASSOCIATE MEMBERSHIP STATUS:

TERM EXPIRES: _____

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years _____ Date term expires _____

Occupation: Student (M.M. & OSM) & teacher (Bowdoin & St. John's environmental)

Employer: Santec (seasonal) Work Telephone #: 729-1199

List any civic organizations to which you belong:

St. Charles Burgess - wife/teen music leader, family group manager, Red Cross blood donor, Brunswick Family Chorus member

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

I am a licensed Maine Forester and hold a B.A. in Geology (and Music) and a Master of Forestry degree, and I have several years experience in forest and environmental careers

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:

Amanda Manoffey
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Conservation Commission

Term Length: _____

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

I work as a wetland delineator and forest at States, and I am aware that some of the State's projects involve State's environmental services. If I am not directly involved in the project at States, can I contribute to the work of the Conservation Commission?

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

(see other side)

3. Why would you like to be on the Board/Committee/Commission?

I am looking for ways to have a more local, positive impact on the Maryland environment. I have worked in the field across the state and now feel that I ought to become more involved in conservation in my own town.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes. I have spoken with someone and another Commission member about the time commitment.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

None

Town of Brunswick

Application for Appointment to Board/ Committee/ Commission

JAN 16 2009	For Office Use Only
	Date App. Received
	Date App. Entered
	Appointed

Full Name Clair Thibeault Date 1-16-09

Street Address: 50 Basileau Dr #202 Brunswick, Me.

Home Telephone # 207-798-4690 E-mail Address: clmt67@yahoo.com I live in Council District #: _____

I wish to be considered for appointment to the: Brunswick Housing Authority
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:
FULL MEMBERSHIP STATUS: TERM BEGINS: ?
and/or
ASSOCIATE MEMBERSHIP STATUS: _____ TERM EXPIRES: _____

Do you currently serve on any Town Board/Committee/Commission? NO If so, please state name of Board/Committee/Commission and the number of years of service:
_____ Number of Years _____ Date term expires _____

Occupation: N/A

Employer: _____ Work Telephone #: _____

List any civic organizations to which you belong:
N/A

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:
N/A

Have you previously served on a Town board/committee/commission? NO If so, please list the board/committee/commission and years of service:

Clair Thibeault
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.
It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Brunswick Housing Authority

Term Length: ? (5 yrs.)

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

Charlie Small explained it to me but I'm sure as time goes by, I'll have some questions.

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Some office experience as an administrative assistant

3. Why would you like to be on the Board/Committee/Commission?

I feel I can bring some insight having been in the low income housing program for awhile and I am a resident of Creekside Village.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

no

6. Do you have anything you would like to add?

I will do my best to the best of my abilities

Consent Agenda -A Back-up

-- DRAFT --
BRUNSWICK TOWN COUNCIL
MINUTES
January 20, 2009
Municipal Meeting Facility
44 McKeen Street
6:30 P.M.

Councilors Present: W. David Watson, Benjamin J. Tucker, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, Joanne T. King, and Deborah R. Atwood.

Councilors Absent: Chair Hallie Daughtry.

Town Staff Present: Gary Brown, Acting Town Manager; Fran Smith, Town Clerk; John Eldridge, Finance Director; Tom Farrell, Parks and Recreation Director; Anna Breinich, Director of Planning and Development; Kevin Schofield, Police Commander; and video crew.

Executive Session: Union Negotiations Per 1 M.R.S.A. § 405(6)(D)

Councilor Watson moved, Councilor Favreau seconded, to go into Executive Session to discuss Union Negotiations per 1 M.R.S.A. § 405(6)(D). The motion carried with seven (7) yeas. Councilor Klatt arrived after the vote.

MEETING RESUMES:

Councilor Pols asked for the Pledge of Allegiance.

Public Comment: None

Correspondence:

Letter from the Town of Topsham Board of Selectmen
Letter from the Brunswick Economic Development Corporation

The Topsham Board of Selectmen have sent a letter to the Brunswick Council asking to meet to discuss opportunities for the two towns to save money as they each prepare their budgets for the next year. (The Councilors agreed to set a date to meet with the Topsham Selectmen.)

The BEDC has sent a letter to the Council recommending quick action on replacing the Economic Development Director and to schedule follow-up meetings with the BEDC.

There was also a letter added from the Androscoggin River Alliance regarding the status of sections of the Androscoggin River classes.

(Copies of the three letters will be attached to the official minutes.)

Adjustments to the Agenda: None

Manager's Report:

(a) Financial Update

Manager Brown made this report.

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

(b) Council Committee Updates

Updates were given on the following committees: the Facilities Committee, the Downtown Master Plan Committee, the Maine Street Station Oversight Committee, BEDC, and Old High School Farewell Committee.

(c) Declining Forfeited Asset

Councilor Watson moved, Councilor Favreau seconded, to decline accepting ownership of a 2000 Jeep Cherokee provided to the Town under Superior Court Criminal Action Docket No. CR-06-3379. The motion carried with eight (8) yeas.

(A copy of a memo from the Police Department and Court Order will be attached to the official minutes.)

(d) Council Retreat Update

Manager Brown gave this update on the Retreat held on January 10, 2009.

(e) Council Workshop on January 26, 2009

There will be workshop on January 26, 2009, for the purpose of having a presentation and initial discussion of the FY' 10 budget and to discuss the job responsibilities and priorities for the Director of Economic and Community Development.

NEW BUSINESS ITEMS:

- 3. The Town Council will discuss the disposition of salvageable items in the Old Brunswick High School, and will take any appropriate action.**

Councilor King moved, Councilor Tucker seconded, to approve the Disposition of salvageable items in the Old Brunswick High School Policy. The motion carried with eight (8) yeas.

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

4. The Town Council will consider approving a contract with the Brunswick Professional Firefighters, IAFF 1718 AFL-CIO-CLC, and will take any appropriate action.

Councilor King moved, Councilor Watson seconded, to accept the 2008-2009 Union Contract with the Brunswick Professional Firefighters, IAFF 1718 AFL-CIO-CLC. The motion carried with eight (8) yeas.

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

5. The Town Council will consider approving a contract with the Brunswick Police, Maine Association of Police, and will take any appropriate action.

Councilor King moved, Councilor Watson seconded, to accept the 2008-2010 Union Contract with the Brunswick Police, Maine Association of Police. The motion carried with eight (8) yeas.

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

6. The Town Council will consider accepting a property donation from the Laurier Pinette Estate (described as Map U07, Lot 19) and setting a public hearing to amend Chapter 14 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances to add this property to the list of Town Parks, and will take any appropriate action. (Manager)

Councilor Knight moved, Councilor Favreau seconded, to accept a property donation and recorded deed from the Laurier Pinette Estate (described as Map U07, Lot 19). The motion carried with eight (8) yeas.

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

Councilor Watson moved, Councilor Klatt seconded, to set a public hearing for February 2, 2009, to amend Chapter 14 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances to add this property to the list of Town Parks. The motion carried with eight (8) yeas.

7. The Town Council will consider a Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages, and take any appropriate action.

John Eldridge, Finance Director, spoke on this item.

Councilor Favreau moved, Councilor Watson seconded, to adopt the Resolution authorizing the Town Treasurer to Waive Foreclosure on Certain Real Estate Tax Lien Mortgages. The motion carried with eight (8) yeas.

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

8. **The Town Council will consider setting a public hearing to amend Chapter 10 (Licenses and Business Regulations) of the Code of Ordinances to allow the fee to be waived for Sales by Non Profits on a Public Place, and will take any appropriate action.**

Roxanne Rathjay, Executive Director of the Brunswick Downtown Association, spoke on this item.

Councilor King moved, Councilor Watson seconded, to set a public hearing for February 2, 2009, to amend Chapter 10 (Licenses and Business Regulations) of the Code of Ordinances to allow the fee to be waived for Sales by Non Profits on a Public Place. The motion carried with seven (7) yeas. Councilor Knight abstained since her husband is on the board of the Brunswick Downtown Association.

9. **The Town Council will discuss the use of the Mall and who should have the authority to authorize its uses for sales, and requesting the Recreation Commission review this and report back to the Council with a recommendation, and will take any appropriate action.**

Keith Garavoy, from Brunswick Downtown Association, spoke on this item.

Fran Smith, Town Clerk, and Tom Farrell, Parks and Recreation Director, spoke in this item.

Councilor Watson moved, Councilor Tucker seconded, to ask the Recreation Commission to review the conflicted ordinances, make a recommendation as to who should have the authority to approve sales on the Mall and/or town parks, and report back to the Council by February 17, 2009. The motion carried with eight (8) yeas.

10. **The Town Council will discuss amending the Rules of the Council to prohibit the use of electronic communication devices (cell phones/Blackberries/pagers) at Town Council meetings, and determine if any future action is needed.**

This was a discussion item and will come back to the Council for a change in the rules at the next meeting.

11. **The Town Council will discuss amending the Rules of the Council (rule 27) to remove the Board of Directors of People Plus from the list of Committees that prevent individuals from serving on more than one Committee, and determine if any future action is needed. (Daughtry)**

This was a discussion item and will come back to the Council for a change in the rules at the next meeting.

CONSENT AGENDA:

- (a) Games of Chance for Evergreen Senior Citizens Club
- (b) Minutes of October 6, 2008
- (c) Minutes of December 15, 2008
- (d) Minutes of January 5, 2009
- (e) Minutes of January 10, 2009

Councilor King moved, Councilor Knight seconded, to approve the Consent Agenda. 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 8:30 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
January 21, 2009*

February 2, 2009
Date of Approval

Council Chair

Consent Agenda -B Back-up



MEMORANDUM

TO: Gary Brown, Acting Town Manager

FROM: Fran Smith, Town Clerk

SUBJECT: Municipal Dog Warrant

DATE: 1/27/2009

Find attached a copy of the 2009 Municipal Warrant for Prosecuting Unlicensed Dog Owners-Keepers. This is an annual warrant that state law requires the municipal officers to sign. The 2009 dog licenses became available on October 15, 2008. A late fee of \$15 per dog in addition to the license fee, will go into effect on February 2, 2009. After the warrant is signed and demand is made on the owners by first class mail, the fine will be \$25 per dog in addition to the license fee. Beginning seven days after the demand is made, the animal control officer will begin contacting those remaining on the warrant to require them to license their dogs or face a court summons. As of the close of business on January 26, 2009, there are still 747 dogs to be licensed. I will bring a list of any dog not licensed as of the close of business Monday, February 2, 2009, to the meeting, to attach to the warrant.

Year 2009
MUNICIPAL WARRANT FOR
PROSECUTING UNLICENSED DOG OWNERS-KEEPERS

STATE OF MAINE
Title 7 MRSA, Section 3943

STATE OF MAINE
COUNTY OF CUMBERLAND
TOWN OF BRUNSWICK

To Heidi Nelson, Animal Control Officer of the Municipality of Brunswick.

In the Name of the State of Maine and in accordance with the provisions of Title 7 M.R.S.A. Sec. 3943, as amended, you are hereby directed to send a notice of violation or call on, the attached list of owners/keepers of a dog (six months old as of January 1st last) that are unlicensed in violation of Title 7 MRSA Chapter 721.

You are also hereby to make a demand on the owner or keeper to obtain a license from the municipal clerk within seven (7) days from the date of the demand and to remit to the clerk the license and recording fees plus a late fee of \$25.00 per dog licensed.

Finally, you are hereby directed to enter summons and complaint as soon as possible for those owners/keepers who fail to comply with the order.

And you will make return of this warrant, with your doings thereon, to the municipal officers of said Brunswick by July 1st of this year.

Given under our hands at Brunswick in the County of Cumberland on the 2nd day of February 2009.

Municipal Officers for the Town of Brunswick, Maine:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Consent Agenda -C Back-up



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLE
COMMISSIONER

1/7/2009

Donald H Gerrish, Town Manager
Town of Brunswick
28 Federal Street
Brunswick, ME 04011-1583

Subject: Concrete Rubblization, Hot Mix Asphalt
Overlay, Drainage and Safety Improvements
Project No.: IM-1511(450)E
I-295 Northbound
Towns of Brunswick, Topsham, Bowdoin,
Bowdoinham, Richmond and City of Gardiner

Dear Mr. Gerrish:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

In the event that an economic stimulus program is not passed by the Federal Government; this project may be delayed indefinitely.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,


Scott Bickford

Contracts & Specifications Engineer
Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: Mr. Scott Bickford, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project No.: IM-1511(450)E
Location: Towns of Brunswick, Topsham,
Bowdoin, Bowdoinham, Richmond and City
of Gardiner

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Brunswick** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF BRUNSWICK
By the Municipal Officials

PIN 15114.50

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the **Towns of Brunswick, Topsham, Bowdoin, Bowdoinham, Richmond and City of Gardiner** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in Kennebec, Sagadahoc and Cumberland Counties, Project No. IM-1511(450)E is located on Interstate I-295 Northbound, beginning 0.02 mi north of the Durham Road Overpass and extending northerly 23.9 miles to 0.06 mi. south of the Maine Turnpike Toll Plaza in Gardiner.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

- A. Must be procured from the municipal officers for a construction area within that municipality;*
B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

- (1) Withholding by the agency contracting the work of final payment under contract; or*
(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

- C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

- D. For construction areas, carries no fee and does not come within the scope of this section.”*

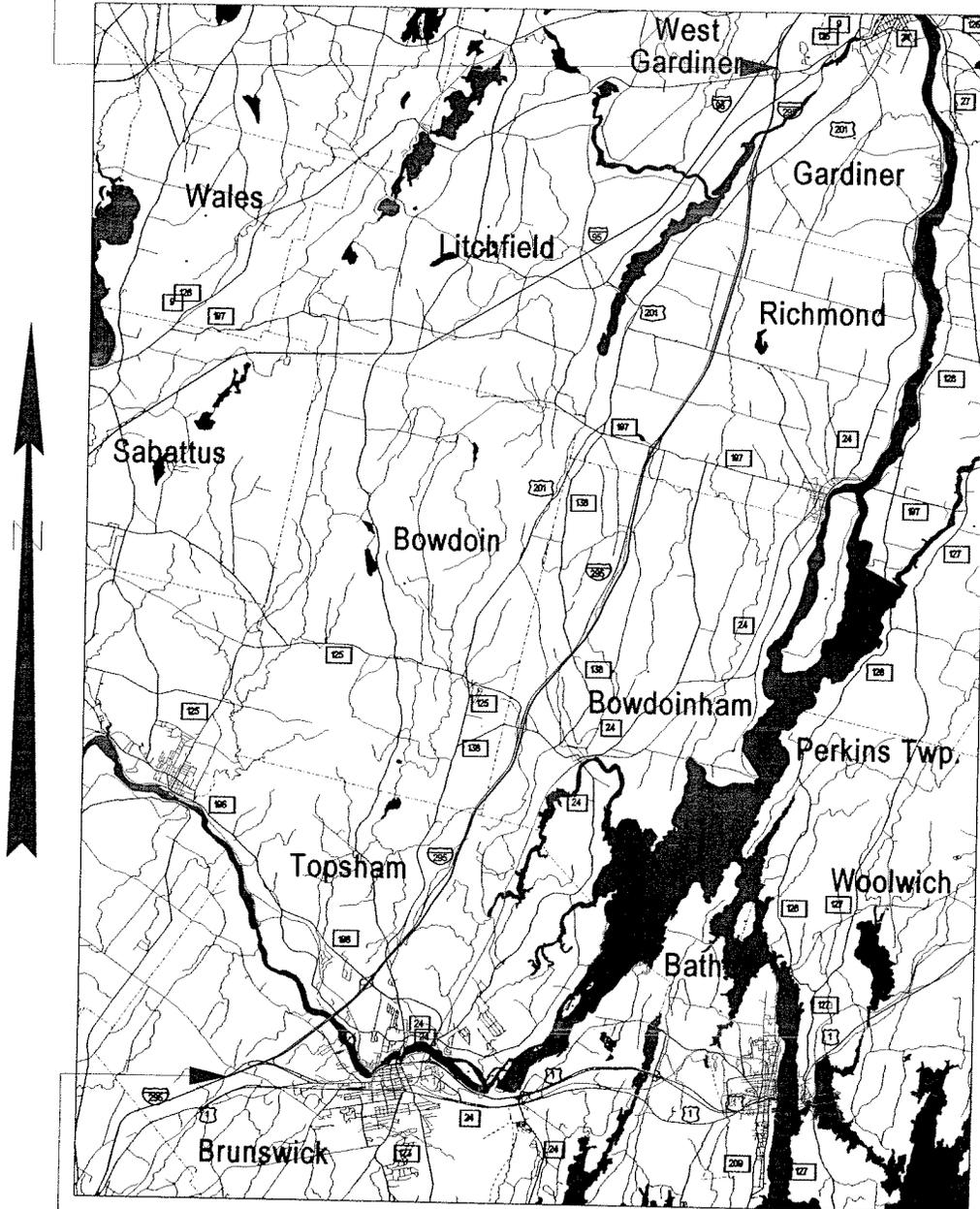
The Municipal Officers for the **Towns of Brunswick, Topsham, Bowdoin, Bowdoinham, Richmond and City of Gardiner** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

IM-1511(450)E

— END PROJECT STA. 478+00.00



— BEGIN PROJECT STA. 519+94.00

LOCATION MAP



Scale in Miles

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

- 1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation
- 2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
- 3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality
- 4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
- 5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
- 6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.
- 7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:
 - A. Must be procured from the municipal officers for a construction area within that municipality;
 - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:
 - (1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

- PL 1993, Ch. 683, §A2 (NEW).
- PL 1993, Ch. 683, §B5 (AFF).
- PL 1997, Ch. 144, §1,2 (AMD).
- PL 1999, Ch. 117, §2 (AMD).
- PL 1999, Ch. 125, §1 (AMD).
- PL 1999, Ch. 580, §13 (AMD).
- PL 2001, Ch. 671, §30 (AMD).
- PL 2003, Ch. 166, §13 (AMD).
- PL 2003, Ch. 452, §Q73,74 (AMD).
- PL 2003, Ch. 452, §X2 (AFF).

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of an Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207-_____ ; fax: 207-_____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # _____

Date: _____

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
 _____ and the Municipality of _____, as
 principal, and _____
 _____, a corporation duly organized under the laws of the State of _____ and having a
 usual place of business _____,
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of
 _____ in the sum of
 _____ and 00/100 Dollars (\$ _____)
 to be paid said Treasurer of the Municipality of _____ or
 her/his successors in office, for which payment well and truly to be made, Principal and
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
 the Contract to construct Project Number _____ in the Municipality of
 _____ promptly and faithfully performs the Contract,
 without damage to the municipal ways, other than normal wear and tear; then this
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
 beyond normal wear and tear, in the construction of the above project through the use of
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
 may be used to guarantee that the contractor either repairs or pays for the damage caused
 by the use of its equipment or trucks. The degree of damage beyond normal wear and
 tear will be determined by municipal officials with the assistance of the Maine
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____