

BRUNSWICK TOWN COUNCIL

Agenda

March 19, 2012

Executive Session – 6:30 P.M.

Regular Meeting - 7:00 P.M.

Municipal Meeting Room

Brunswick Station

16 Station Avenue

Executive session – Economic Development to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C)

Roll Call

Pledge of Allegiance

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER’S REPORT:

- (a) Financial Report
- (b) Council Committee Updates
- (c) Update on relocation of Farmer’s Market to north end of lower mall
- (d) Acceptance of a donation towards a rescue boat (*Action Required*)
- (e) Permission to apply for MMA grant to purchase traffic cones (Police) (*Action Required*)
- (f) Upcoming Town Council meeting schedule

PUBLIC HEARINGS

36. The Town Council will hear public comments on applications for both a Full-Time Spirituous, Vinous & Malt Alcohol License and Special Amusement license, and will take any appropriate action. (Manager)

Jimbo’s Catering
D/B/A: 1898 Bar & Grill
165 River Road

James Gallant

HEARING/ACTION

37. The Town Council will hear public comments on amendments to the Zoning Ordinance to permit Warehousing and Storage Use in the Industry 1 (I1) and Mixed Use 5 (MU5) Zoning Districts, and will take any appropriate action. (Chair King)

HEARING/ACTION

38. The Town Council will hear public comments on amendments to the Municipal Code of Ordinances, Chapter 7 Fire Prevention and Protection that would allow installation of outdoor wood boilers that meet certain standards and setbacks, and will take any appropriate action. (Councilor Wilson and Councilor Perreault)

HEARING/ACTION

39. The Town Council will hear public comments on amendments to the Municipal Code of Ordinances, Chapter 5 Buildings and Building Regulations to update building permit language and fees regarding mobile homes and open air-unheated structures, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

40. The Town Council will consider setting a public hearing for April 9, 2012, on Zoning Ordinance amendments at the 10 Mason Street property, changing from TR2 to TC1, and will take any appropriate action. (Manager)

ACTION

41. The Town Council will consider the following request for Sellers of Prepared Food on Public Ways on the Brunswick Mall, and will take any appropriate action. (Manager)
Little Red Wagon

ACTION

42. The Town Council will consider authorizing the Town to apply for a MDOT Municipal Partnership Initiative to fund 50% of the work to resurface Bath Road/Cooks Corner, and will take any appropriate action. (Manager)

ACTION

43. The Town Council will consider adopting a Resolution in support of the Brunswick Downtown Association application for Main Street Maine Designation, and take any appropriate action. (Councilor Knight)

CONSENT AGENDA

- (a) Approval of the Minutes of March 5, 2012
- (b) Approval of a Quitclaim Deed for property described as Map 001 Lot 035 Sub 000 Typ 000
- (c) Approval of a Quitclaim Deed for property described as Map U06 Lot 044 Sub 000 Typ 000

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

Brunswick Town Council
Agenda
March 19, 2012
Council Notes and Suggested Motions

Executive session – Economic Development to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C)

Motion to go into executive session to discuss Economic Development regarding the MRRA TIF per 1 M.R.S.A. §405(6)(C)

MANAGER’S REPORT

- (a) Financial Update: Manager Brown will update the Council on the Town’s financial picture to date for the fiscal year. Copies of financial reports will be posted online, but are not included in your packet.

Suggested Motion: No motion is required.

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

Suggested Motion: No motion is required.

- (c) Update on relocation of Farmer’s Market to the north end of lower mall: The Town has been working with the Farmer’s Market’s relocation to the north end of the mall so that the Town can repair the damaged area. Copies of a memo from Tom Farrell and a map of the new location are included in your packet.

Suggested Motion: No motion is required.

- (d) Acceptance of a donation towards a rescue boat (*Action Required*): A local charitable organization has donated \$3,000 towards a new rescue boat. They understand it might be a while before the boat is approved by the Council, but they still wish to make this anonymous donation and have the money set aside for the boat.

Suggested Motion:

Motion to accept the anonymous donation of \$3,000 to be used towards a Rescue Boat if and when the purchase is approved by the Town Council.

- (e) Permission to Apply for MMA grant to purchase traffic cones (Police) (*Action Required*): The Police Department is requesting to apply for this grant to fund the \$2,966 cost for 245 cones with a 2:1 Town match. The Town’s share will come from surplus funds from an EVOC Instructor school. Captain Waltz will be available to answer questions. A copy of an email from Captain Waltz is included in your packet.

Suggested Motion:

Motion to allow the Town to apply for a MMA grant to assist in the funding to replace 245 traffic cones at a total cost of \$2,966.

- (f) Upcoming Town Council meeting schedule: Manager Brown has provided a possible revised schedule for the next few weeks. A copy of his memo is included in your packet.

Suggested Motion: No motion is required.

PUBLIC HEARINGS

36. This item is the required public hearings on a new Alcohol License and a new Special Amusement License for 1898 Bar & Grill located at 165 River Road (Brunswick Golf Club.) James Gallant, who has managed this facility for several years, is now taking over as the owner of the Bar & Grill at the Golf Club. Special amusement activities include DJ's, bands, comedy and wedding receptions. Copies of the public hearing notice and the applications are included in your packet.

Suggested Motion:

Motion to approve applications for an Alcohol License and Special Amusement License for 1898 Bar & Grill, located at 165 River Road.

37. This item is sponsored by Chair King and is the required public hearing on amendments to the Zoning Ordinance that will allow Warehousing and Storage Use to be permitted in the Industry 1 (I1) and Mixed Use 5 (MU5) Zoning Districts. Currently, this use is not allowed in the I1 zone and requires a special permit in MU5. Earlier this year the Council asked the Planning Board to look at this issue and, upon their review, the Board voted unanimously to make this recommendation. Copies of the public hearing notice, a memo from the Planning Department and a revised Industry and Warehousing/Storage Use table are included in your packet.

Suggested Motion:

Motion to adopt amendments to the Zoning Ordinance to permit Warehousing and Storage Use in the Industry 1 (I1) and Mixed Use 5 (MU5) Zoning Districts.

38. This item is sponsored by Councilor Wilson and Councilor Perreault and is the required public hearing on ordinance amendments that will alter the current ban on outdoor wood boilers if the boilers meet certain standards. The draft ordinance is based on the state standards, but with changes that staff believes are important for Brunswick to include in our ordinance. Copies of a memo from Jeff Emerson, the draft ordinance, and the state standards, including additions and strikeouts to fit into our draft ordinance, are included in your packet.

Suggested Motion:

Motion to adopt amendments to the Municipal Code of Ordinances, Chapter 7 Fire Prevention and Protection that would allow installation of outdoor wood boilers that meet certain standards and setbacks.

39. This item is the required public hearing on amendments to update the Town's building permit language regarding mobile homes and open air-unheated structures. The amendments will reduce or remove fees and permits for some mobile homes due to

state changes that require inspections. It will also reduce the permit fees for open air-unheated structures, such as car ports or pole barns, so they are not treated like other building projects. Copies of a memo from the Codes Officer and the draft language are included in your packet.

Suggested Motion:

Motion to adopt amendments to the Municipal Code of Ordinances, Chapter 5 Buildings and Building Regulations to update building permit language and fees regarding mobile homes and open air-unheated structures.

NEW BUSINESS

40. This item is to set a public hearing for April 9, 2012, on Zoning Ordinance amendments to the 10 Mason Street property to the zone change from TR2 to TC1. The Planning Board voted unanimously to support this change as requested by the applicant in order to have a retail use in the structure currently on the property. This property is split by the zoning district line of TR2 and TC1, but the regulations for TR2 apply to the entire site and would not allow such a use. Copies of a memo from the Planning Department, a map of the area, and draft Planning Board minutes are included in your packet.

Suggested Motion:

Motion to set a public hearing for April 9, 2012, on Zoning Ordinance amendments to the 10 Mason Street property, changing its zone from TR2 to TC1.

41. This item is for an additional application for a Sellers of Prepared Food on Public Ways on the Brunswick Mall. The Little Red Wagon has not been on the mall in the past, but there is still one vacant spot for this year. They will be selling cold/hot subs, French fries, onion rings, and soda/water. Copies of their application and pictures of the cart are included in your packet.

Suggested Motion:

Motion to approve a request for Sellers of Prepared Food on Public Ways on the Brunswick Mall for the Little Red Wagon.

42. This item is for the Council to consider a request to authorize the submission of an application to the MDOT for a municipal partnership initiative for funding to improve the travel surface on Bath Road from the Merrymeeting Plaza signal to the Cooks Corner intersection. The project will also resurface a short section (500') of Gurnet Road. Other aspects of the project include changing the signals to a video controlled system. The request is an after-the-fact request as the deadline for submittal for this round of funding was Friday, March 9. The Town was contacted on Monday, March 5 by MDOT and strongly encouraged to apply for these funds for this project. The funding that MDOT has for this type of partnership is nearly gone. If the Council chooses not to authorize the application, the Town will advise MDOT and withdraw its request. Copies of memos from Manager Brown and Mr. Foster, along with the MDOT Municipal Guide, are included in your packet.

Suggested Motion:

Motion to authorize the Town to apply for a MDOT Municipal Partnership Initiative to fund 50% of the work to resurface Bath Road/Cooks Corner.

43. This item is sponsored by Councilor Knight and is for the Council to consider adopting a resolution in support of BDA's application for a Main Street Maine designation. This item is being requested by the BDA as there are many advantages to obtaining this designation for both them and the Town. A copy of the resolution is included in your packet.

Suggested Motion:

Motion to adopt the "Resolution in support of the Brunswick Downtown Association application for the Main Street Maine Designation."

CONSENT AGENDA

- (a) Approval of the Minutes of March 5, 2012: A copy of the minutes is included in your packet.
- (b) Approval of a Quitclaim Deed for property described as Map 001 Lot 035 Sub 000 Typ 000: This item will deed a property back to its owners as they have paid owed taxes. A copy of the Quitclaim Deed is included in your packet.
- (c) Approval of a Quitclaim Deed for property described as Map U06 Lot 044 Sub 000 Typ 000: This item will deed a property back to its owners as they have paid owed taxes. A copy of the Quitclaim Deed is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT - A
NO BACK UP MATERIALS
IN COUNCIL PACKETS
BUT ON LINE

FOR 2012 08

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/> 10 General Government <hr/>							
11000 Administration	392,515	392,515.00	296,092.36	32,630.93	.00	96,422.64	75.4%
11100 Finance Department	650,894	650,894.00	400,597.40	49,199.97	1,000.00	249,296.60	61.7%
11150 Technology Services Dept	255,238	255,238.00	165,145.52	7,086.02	9,274.00	80,818.48	68.3%
11200 Municipal Officers	115,415	115,415.00	66,714.89	2,563.81	.00	48,700.11	57.8%
11220 Municipal Building	177,939	184,882.00	118,464.58	16,813.63	30,062.00	36,355.42	80.3%
11230 Risk Management	428,550	428,550.00	312,587.52	6,557.54	.00	115,962.48	72.9%
11240 Employee benefits	0	.00	.00	.00	.00	.00	.0%
11250 Cable TV	85,655	85,655.00	54,469.12	6,165.41	363.07	30,822.81	64.0%
11300 Assessing	247,033	247,033.00	150,188.98	18,318.57	1,449.06	95,394.96	61.4%
11400 Codes Enforcement	0	.00	.00	.00	.00	.00	.0%
11600 Town Clerk & Elections	329,488	329,488.00	188,824.44	21,056.68	.00	140,663.56	57.3%
11900 Planning Department	427,944	435,140.53	263,312.66	31,504.58	2,933.61	168,894.26	61.2%
11950 Economic Development Dept	162,775	190,575.00	130,837.38	11,659.31	1,000.00	58,737.62	69.2%
TOTAL General Government	3,273,446	3,315,385.53	2,147,234.85	203,556.45	46,081.74	1,122,068.94	66.2%
<hr/> 20 Public Safety <hr/>							
12100 Fire Department	2,796,745	2,799,687.40	1,758,180.78	206,282.06	46,668.97	994,837.65	64.5%
12200 Police Department	3,574,510	3,574,510.00	2,206,529.84	230,285.55	697.95	1,367,282.21	61.7%
12210 Police Special Detail	0	.00	17,597.22	2,214.76	.00	-17,597.22	100.0%
12220 Emergency Services Dispatc	687,442	687,442.00	420,673.29	47,897.21	.00	266,768.71	61.2%
12310 Streetlights	190,000	190,000.00	105,936.28	15,664.05	.00	84,063.72	55.8%
12320 Traffic Signals	27,600	27,600.00	18,806.22	1,864.76	.00	8,793.78	68.1%
12330 Hydrants	365,885	365,885.00	187,142.85	.00	.00	178,742.15	51.1%
12340 Civil Emergency Preparedne	2,000	2,000.00	1,074.98	.00	.00	925.02	53.7%
TOTAL Public Safety	7,644,182	7,647,124.40	4,715,941.46	504,208.39	47,366.92	2,883,816.02	62.3%
<hr/> 30 Public Works <hr/>							
13100 Public Works Administratio	389,222	389,222.00	242,831.29	30,728.03	11,589.00	134,801.71	65.4%
13110 PW General Maintenance	735,295	747,795.00	347,028.96	2,209.14	53,254.78	347,511.26	53.5%
13120 PW Winter Maintenance	821,853	821,853.00	465,109.54	126,122.38	135,951.97	220,791.49	73.1%
13130 Refuse Collection	587,353	587,353.00	312,901.75	41,813.65	130,955.25	143,496.00	75.6%
13140 Recycling	261,148	261,148.00	158,918.80	21,720.67	104,103.35	-1,874.15	100.7%

FOR 2012 08

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13150 PW Central Garage	621,748	621,748.00	366,032.84	63,939.35	32,695.00	223,020.16	64.1%
TOTAL Public Works	3,416,619	3,429,119.00	1,892,823.18	286,533.22	468,549.35	1,067,746.47	68.9%
<hr/> 40 Human Services <hr/>							
14100 General Assistance	148,848	148,848.00	113,666.13	17,358.31	4,618.82	30,563.05	79.5%
14120 Health & Social Services	2,701	2,701.00	1,356.75	678.20	.00	1,344.25	50.2%
TOTAL Human Services	151,549	151,549.00	115,022.88	18,036.51	4,618.82	31,907.30	78.9%
<hr/> 45 Education <hr/>							
14500 School Department	33,301,672	33,301,672.00	15,269,777.45	2,126,562.53	.00	18,031,894.55	45.9%
TOTAL Education	33,301,672	33,301,672.00	15,269,777.45	2,126,562.53	.00	18,031,894.55	45.9%
<hr/> 50 Recreation and Culture <hr/>							
15000 Recreation Administration	408,643	408,643.00	245,785.40	30,580.55	368.56	162,489.04	60.2%
15050 Rec Buildings and Grounds	620,335	627,728.00	361,628.56	35,428.85	7,002.59	259,096.85	58.7%
15310 People Plus	75,000	75,000.00	75,000.00	.00	.00	.00	100.0%
15400 Curtis Memorial Library	1,087,355	1,087,355.00	727,403.32	89,987.92	3,487.00	356,464.68	67.2%
TOTAL Recreation and Culture	2,191,333	2,198,726.00	1,409,817.28	155,997.32	10,858.15	778,050.57	64.6%
<hr/> 60 Intergovernmental <hr/>							
16000 County tax	1,187,020	1,187,020.00	1,187,020.00	.00	.00	.00	100.0%
TOTAL Intergovernmental	1,187,020	1,187,020.00	1,187,020.00	.00	.00	.00	100.0%
<hr/> 70 Unclassified <hr/>							

FOR 2012 08

70	Unclassified	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
17000	Promotion and Development	141,758	141,758.00	113,645.47	11.15	.00	28,112.53	80.2%
17010	Additional School Assistan	10,000	10,000.00	10,000.00	.00	.00	.00	100.0%
17020	Cemetery Care	3,000	3,000.00	1,250.00	.00	.00	1,750.00	41.7%
17030	Wage Adjustment Account	40,000	40,000.00	.00	.00	.00	40,000.00	.0%
17051	Longfellow School Building	0	100,000.00	23,212.32	1,583.01	.00	76,787.68	23.2%
17052	School Master Plan	0	200,000.00	44,796.39	18,850.47	84,810.41	70,393.20	64.8%
	TOTAL Unclassified	194,758	494,758.00	192,904.18	20,444.63	84,810.41	217,043.41	56.1%
80 Debt Service								
18010	2003 High School Refunding	0	.00	962,212.50	.00	.00	-962,212.50	100.0%
18020	2006 CIP G/O Bonds	276,000	276,000.00	240,000.00	.00	.00	36,000.00	87.0%
18030	2011 GO CIP Bonds	282,643	282,643.00	618,933.33	.00	.00	-336,290.33	219.0%
18050	2010 Elementary School Bon	0	.00	1,364,180.85	.00	.00	-1,364,180.85	100.0%
	TOTAL Debt Service	558,643	558,643.00	3,185,326.68	.00	.00	-2,626,683.68	570.2%
	GRAND TOTAL	51,919,222	52,283,996.93	30,115,867.96	3,315,339.05	662,285.39	21,505,843.58	58.9%

** END OF REPORT - Generated by Julie Henze **

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2012/ 8
Sequence 1	2	Y	N	Print revenue as credit: Y
Sequence 2	9	Y	N	Print totals only: Y
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Double space: N
Report title: FEBRUARY 2012 EXPENDITURE REPORT
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2012/ 4
To Yr/Per: 2012/ 6
Include budget entries: N
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: N
Format type: 2
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N

FOR 2012 08

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>10 Taxes</u>						
111190 41101 Property Taxes	30,052,142	30,052,142.00	30,395,146.31	1,776.00	-343,004.31	101.1%*
111190 41103 Deferred Property Taxe	-200,000	-200,000.00	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000.00	-223,147.87	-10,921.21	148,147.87	297.5%*
111190 41105 Interest on Taxes	65,000	65,000.00	34,384.75	7,623.04	30,615.25	52.9%*
111190 41106 Tax Lien Costs Revenue	10,000	10,000.00	13,192.11	35.00	-3,192.11	131.9%*
111190 41107 Tax Lien Interest Reve	0	.00	16,194.04	.00	-16,194.04	100.0%*
111190 41109 Payment in Lieu of Tax	205,000	205,000.00	203,794.21	.00	1,205.79	99.4%*
111190 41197 BETE reimbursement	113,257	113,257.00	138,393.00	.00	-25,136.00	122.2%*
111190 41198 Homestead exemption re	319,697	319,697.00	255,182.00	.00	64,515.00	79.8%*
111191 41110 Excise Tax - Auto	2,475,000	2,475,000.00	1,669,850.00	180,756.81	805,150.00	67.5%*
111191 41111 Excise Tax Boat/ATV/Sn	24,000	24,000.00	4,926.65	646.10	19,073.35	20.5%*
TOTAL Taxes	32,989,096	32,989,096.00	32,507,915.20	179,915.74	481,180.80	98.5%
TOTAL REVENUES	32,989,096	32,989,096.00	32,507,915.20	179,915.74	481,180.80	
<u>20 Licenses & Fees</u>						
121111 42207 Passport Fees	8,000	8,000.00	4,725.00	800.00	3,275.00	59.1%*
121111 42208 Postage Fees	0	.00	387.55	131.35	-387.55	100.0%*
121111 42209 Passport Picture Reven	1,700	1,700.00	1,080.00	192.00	620.00	63.5%*
121411 42100 Building Permits	150,000	150,000.00	68,890.46	8,729.90	81,109.54	45.9%*
121411 42101 Electrical Permits	23,000	23,000.00	25,912.64	977.74	-2,912.64	112.7%*
121411 42102 Plumbing Permits	11,000	11,000.00	12,641.25	1,020.00	-1,641.25	114.9%*
121411 42103 Zoning Board Fees	0	.00	225.00	75.00	-225.00	100.0%*
121611 42200 Hunting & Fishing Lice	1,430	1,430.00	799.75	64.00	630.25	55.9%*
121611 42201 Dog License Fee	2,402	2,402.00	2,277.00	176.00	125.00	94.8%*
121611 42202 Vital Statistics	48,000	48,000.00	34,902.00	4,355.40	13,098.00	72.7%*
121611 42203 General Licenses	22,635	22,635.00	15,230.00	6,375.00	7,405.00	67.3%*
121611 42204 Victulars Licenses	20,775	20,775.00	2,162.50	325.00	18,612.50	10.4%*
121611 42205 Shellfish Licenses	19,200	19,200.00	400.00	.00	18,800.00	2.1%*
121611 42206 Neutered/Spayed Dog Li	4,210	4,210.00	4,092.00	294.00	118.00	97.2%*
121611 42208 Postage Fees	0	.00	33.85	.45	-33.85	100.0%*
121911 42300 Planning Board Appl Fe	15,000	15,000.00	6,182.40	450.00	8,817.60	41.2%*
122121 42400 Fire Permits	900	900.00	670.00	.00	230.00	74.4%*
122221 42500 Conc Weapons Permits R	600	600.00	470.00	130.00	130.00	78.3%*
123131 42600 Public Works Opening F	500	500.00	928.00	824.00	-428.00	185.6%*
TOTAL Licenses & Fees	329,352	329,352.00	182,009.40	24,919.84	147,342.60	55.3%
TOTAL REVENUES	329,352	329,352.00	182,009.40	24,919.84	147,342.60	

FOR 2012 08

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>30 Intergovernmental</u>						
131122 43505 FD EMPG grant	0	.00	8,130.92	.00	-8,130.92	100.0%*
131122 43506 FD SAFER grant	20,000	20,000.00	14,086.25	5,417.50	5,913.75	70.4%*
131132 43103 Highway Grant Fund	200,000	200,000.00	161,310.00	53,770.00	38,690.00	80.7%*
131142 43104 State General Assistan	20,000	20,000.00	17,262.80	5,608.89	2,737.20	86.3%*
131190 43102 State Tax Exemption Re	25,000	25,000.00	1,161.47	.00	23,838.53	4.6%*
131192 43101 State Revenue Sharing	1,450,000	1,450,000.00	1,062,418.85	120,555.81	387,581.15	73.3%*
131192 43105 Emergency Management	0	.00	4,288.07	.00	-4,288.07	100.0%*
131192 43106 Snowmobile Receipts	1,500	1,500.00	1,681.48	.00	-181.48	112.1%*
134546 43120 State Education Subsid	12,406,261	12,406,261.00	8,257,564.52	789,501.02	4,148,696.48	66.6%*
134546 43121 State Adult Educ. Subs	31,000	31,000.00	32,539.39	.00	-1,539.39	105.0%*
134546 43150 Federal Education Subs	97,500	97,500.00	157,944.93	17,133.15	-60,444.93	162.0%*
TOTAL Intergovernmental	14,251,261	14,251,261.00	9,718,388.68	991,986.37	4,532,872.32	68.2%
TOTAL REVENUES	14,251,261	14,251,261.00	9,718,388.68	991,986.37	4,532,872.32	
<u>40 Charges for services</u>						
141111 44110 Agent Fee Auto Reg	37,500	37,500.00	27,542.00	-6,822.00	9,958.00	73.4%*
141111 44111 Agent Fee Boat/ATV/Sno	1,500	1,500.00	627.00	99.00	873.00	41.8%*
141611 44131 Advertising Fees	0	.00	1,453.03	193.12	-1,453.03	100.0%*
142121 44155 Ambulance Service Fees	700,000	700,000.00	584,619.69	69,956.02	115,380.31	83.5%*
142121 44166 Special Detail - Fire	500	500.00	1,198.08	.00	-698.08	239.6%*
142221 44161 Witness Fees	3,500	3,500.00	2,340.30	700.00	1,159.70	66.9%*
142221 44162 Police Reports	3,600	3,600.00	2,000.50	201.50	1,599.50	55.6%*
142221 44163 School Resource Office	73,987	73,987.00	73,987.00	73,987.00	.00	100.0%*
142221 44165 Special Detail - Polic	11,000	11,000.00	18,999.50	2,430.00	-7,999.50	172.7%*
142221 44167 Dispatch Services fees	131,274	131,274.00	91,361.00	21,361.00	39,913.00	69.6%*
143131 44174 PW Labor & Materials	0	.00	964.51	.00	-964.51	100.0%*
143431 44175 Recycling Revenue	18,000	18,000.00	23,334.09	977.50	-5,334.09	129.6%*
144545 44100 School Tuition, etc	433,600	433,600.00	238,773.79	217,379.27	194,826.21	55.1%*
TOTAL Charges for services	1,414,461	1,414,461.00	1,067,200.49	380,462.41	347,260.51	75.4%
TOTAL REVENUES	1,414,461	1,414,461.00	1,067,200.49	380,462.41	347,260.51	
<u>50 Fines & Penalties</u>						
151621 45103 Unlicensed Dog Fines	10,000	10,000.00	3,675.00	2,950.00	6,325.00	36.8%*

FOR 2012 08

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
152121 45104 False Alarm Fire	2,000	2,000.00	650.00	.00	1,350.00	32.5%*
152121 45107 Fire Code Violation Fi	0	.00	700.00	200.00	-700.00	100.0%*
152221 45100 Ordinance Fines	600	600.00	.00	.00	600.00	.0%*
152221 45101 Parking Tickets	9,000	9,000.00	3,045.00	250.00	5,955.00	33.8%*
152221 45102 Leash Law Fines	500	500.00	475.00	.00	25.00	95.0%*
152221 45105 False Alarm Police	700	700.00	125.00	.00	575.00	17.9%*
TOTAL Fines & Penalties	22,800	22,800.00	8,670.00	3,400.00	14,130.00	38.0%
TOTAL REVENUES	22,800	22,800.00	8,670.00	3,400.00	14,130.00	
<hr/> 60 Interest earned						
161193 46100 Interest Earned	100,000	100,000.00	2,460.55	596.05	97,539.45	2.5%*
TOTAL Interest earned	100,000	100,000.00	2,460.55	596.05	97,539.45	2.5%
TOTAL REVENUES	100,000	100,000.00	2,460.55	596.05	97,539.45	
<hr/> 70 Donations						
171952 47000 BDC Contrib to Econ De	75,000	75,000.00	.00	.00	75,000.00	.0%*
171952 47001 MRRRA grant	65,000	65,000.00	44,162.00	4,166.00	20,838.00	67.9%*
TOTAL Donations	140,000	140,000.00	44,162.00	4,166.00	95,838.00	31.5%
TOTAL REVENUES	140,000	140,000.00	44,162.00	4,166.00	95,838.00	
<hr/> 90 Other						
191011 49000 Administration Miscell	0	.00	10.00	.00	-10.00	100.0%*
191111 49000 Finance Miscellaneous	2,500	2,500.00	1,002.96	1,527.16	1,497.04	40.1%*
191111 49105 Postage & Handling	2,500	2,500.00	1,655.46	176.00	844.54	66.2%*
191111 49106 W/C Proceeds	0	.00	5,476.92	3,118.61	-5,476.92	100.0%*
191111 49210 Insurance Proceeds	0	.00	4,819.10	3,228.00	-4,819.10	100.0%*
191192 49100 Cable Television	205,000	205,000.00	102,918.28	51,439.82	102,081.72	50.2%*
191194 49150 Gen Govt Asset Sales	0	.00	150,000.00	.00	-150,000.00	100.0%*
191411 49000 Codes Miscellaneous	0	.00	55.03	.00	-55.03	100.0%*
191611 49000 Town Clerk Miscellaneous	1,300	1,300.00	891.50	176.00	408.50	68.6%*
191911 49000 Planning Miscellaneous	300	300.00	136.00	4.50	164.00	45.3%*
192121 49000 Fire Miscellaneous	10,500	10,500.00	10,061.72	.00	438.28	95.8%*

FOR 2012 08

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
192221 49000 Police Miscellaneous	11,800	11,800.00	10,573.65	548.65	1,226.35	89.6%*
192294 49153 Police Vehicle Sales	18,500	18,500.00	12,673.64	688.94	5,826.36	68.5%*
193131 49000 Public Works Miscellan	0	.00	450.55	.00	-450.55	100.0%*
194141 49103 General Assistance Rec	0	.00	1,029.88	.00	-1,029.88	100.0%*
194545 49000 School Miscellaneous R	74,500	74,500.00	181,684.00	83,355.14	-107,184.00	243.9%*
195051 49000 Recreation Miscellaneo	0	.00	199.75	.00	-199.75	100.0%*
199980 48100 General Fund Transfer	200,000	200,000.00	200,000.00	.00	.00	100.0%*
TOTAL Other	526,900	526,900.00	683,638.44	144,262.82	-156,738.44	129.7%
TOTAL REVENUES	526,900	526,900.00	683,638.44	144,262.82	-156,738.44	
GRAND TOTAL	49,773,870	49,773,870.00	44,214,444.76	1,729,709.23	5,559,425.24	88.8%

** END OF REPORT - Generated by Julie Henze **

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2012/ 8
Sequence 1	5	Y	N	Print revenue as credit: N
Sequence 2	0	N	N	Print totals only: N
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Double space: N
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2012/ 4
To Yr/Per: 2012/ 6
Include budget entries: N
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1

Report title:
FEBRUARY 2012 REVENUE REPORT

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: Y
Format type: 2
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N

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

MANAGER'S REPORT - C BACK UP MATERIALS

Brunswick Parks and Recreation Department

Memo

To: Members of the Brunswick Town Council

From: Thomas M. Farrell, Director of Parks and Recreation 

CC: Gary Brown, Town Manager
Tom Fair, President, Brunswick Farmers Market
Peter Baecher, Parks and Facilities Manager

Date: 3/14/2012

Re: *Proposed Lower Mall Turf Restoration Project and Corresponding Relocation of the Brunswick Farmers Market for the 2012 Season.*

The Lower Mall is in need of a focused effort to reclaim the former turf area located in front of the existing gazebo that has been used to support the seasonal Brunswick Farmers Market since 2001. This same area supports numerous large scale community events each year and also serves as the location of one of the Town's community ice skating rinks during winter months. Collectively, the impact of these events and uses on the landscape is considerable and has contributed to the degradation and loss of the turf in this higher intensity use location.

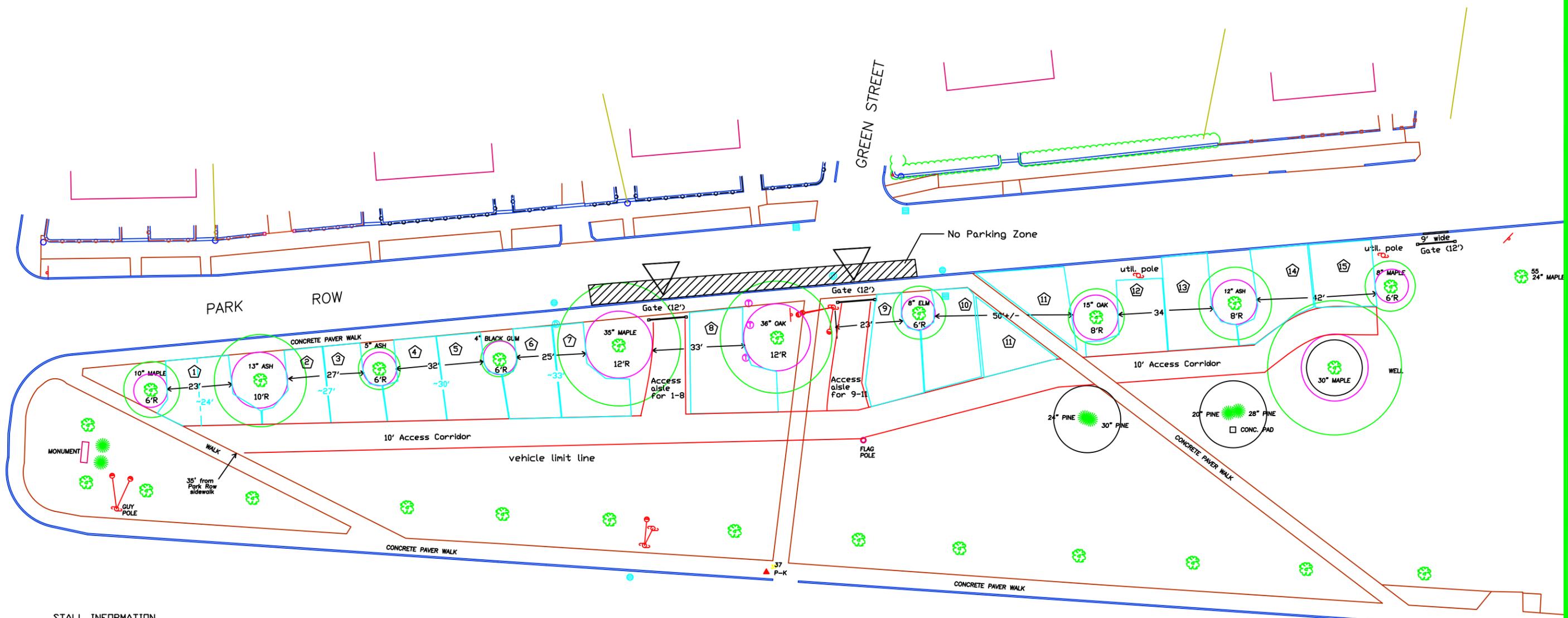
In the fall of 2011, Town Manager, Gary Brown, Parks and Facilities Manager, Peter Baecher and I discussed the need to restore the grass in those areas that have become void of turf. In order for the department to perform the work necessary to restore the turf in this area, the Farmers Market would require relocation for the entire 2012 season. During the months of October, November and December of 2011 Peter and I met with Brunswick Farmers Market President, Tom Fair and other members of the organization to investigate various locations where the market might relocate. In doing so, we revisited recommendations that were made as part of the 2001 Mall Management Plan for possible alternate locations both on and adjacent to the Lower Mall. We also discussed that the Mall Management Plan recommended possible relocation of the Farmers Market to the Maine Street Station site if and when it were to be redeveloped. As you are aware, this did not occur although it was discussed during the initial stages of planning for the site.

In order to restore a healthy stand of turf in the current Farmers Market and ice rink location we are recommending that this section of the Lower Mall be closed to public use for a period of four weeks to begin at a time to be determined in April once we can obtain a quality sod source. We propose to contract this work which would involve rototilling the entire 21,000 square foot area, bringing in supplemental loam to shim areas where necessary and leveling the subgrade with a laser level prior to the installation of the sod. Once installed, the newly sodded area will be fenced to keep the public from accessing the area. Sod will be kept saturated for the first week after installation and irrigated with approximately one inch of irrigation per week until sod is fully rooted and established. If conditions permit and a quality sod source can be identified we would hope to do this work in late April with the intent to remove the fencing the day prior to the annual Memorial Day festivities which take place in the area each spring.

The proposed project would also involve installation of granite posts either side of existing curb cuts along Park Row which permit vehicular access to this area. Black coated chain would be connected to the two posts at each location to preclude vehicles from driving on the newly restored area during the upcoming summer.

We would propose to use funds remaining in the current budget to perform this work. The savings are derived primarily from funds that have not been expended on maintenance of the outdoor athletic fields at Brunswick Landing and the Harriet Beecher Stowe Elementary School. The Brunswick Landing fields have yet to be conveyed to the Mid Coast Regional Redevelopment Authority and as such cannot be used. The Brunswick School Department has not officially accepted the lighted athletic field as it required reseeding by the contractor last summer due to poor initial grass catch. The contractor remains responsible for maintaining the field until the Brunswick School Department acceptance.

Accompanying this memo is a plan depicting the layout of the proposed relocation of the Farmers Market to the northerly end of the Lower Mall. Peter Baecher, Tom Fair and I will be at the Council meeting on Monday to address any questions you may have about the proposal.



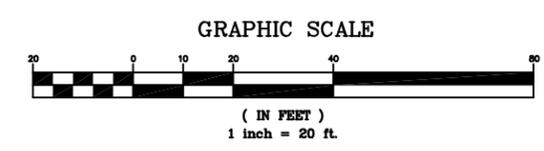
STALL INFORMATION

Stall #	Area	Notes
1	645	back in to space?
2	539	
3	454	
4	533	
5	579	
6	537	
7	569	
8	902	
9	604	
10	619	
11	879	suitable for car only
12	510	egress concerns
13	640	egress concerns
14	614	egress concerns
15	508	egress concerns

- KEY**
- = protected area
 - = approximate tree canopy
 - 4 = # of Farmer's Market stall
 - = Vehicle access locations
 - = Vehicle access gate

- NOTES**
1. Some relocation of parking signage may be required.
 2. Relocation of park benches and a couple litter receptacles will be required.
 3. Consider alternative unloading and set up in very wet weather.

Farmer's Market Relocation Possibilities
Option #1 -- Along Park Row



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

MANAGER'S REPORT - E BACK UP MATERIALS

Fran Smith

From: Captain Mark Waltz [mwaltz@brunswickpd.org]
Sent: Monday, March 12, 2012 11:46 AM
To: Gary Brown
Cc: 'Chief Richard Rizzo'; Fran Smith; "Marc Hagan"; tgarrepy@brunswickpd.org; John Eldridge
Subject: Permission to Apply for Grant to Purchase Traffic Cones

TM Brown –

We would like to purchase some replacement/additional traffic cones for EVOG (emergency vehicle operation training). The cones must be periodically supplemented/replaced as some get destroyed and many get damaged each training. We also use the cones for events like the air show, OUI road blocks and the bicycle rodeo.

Lt. Garrepy would like to purchase 245 cones at the price of \$12.11 each. The total cost is \$2,966.95. He would like permission to apply for a Maine Municipal Association grant to fund the purchase. The grant is a 2:1 match. We propose to use surplus funds from an EVOG Instructor school we hosted in September to pay for the Town's portion of the match. In September our EVOG instructors taught officers from other departments how to become EVOG instructors. A fee was charged to cover any overtime costs incurred by our department when it provided the training instructors and there was a surplus of \$1143.00 once the overtime bill was paid.

In sum we would like permission to expend the majority of the "profit" from the EVOG instructor school as the matching funds for a Maine Municipal grant to purchase traffic cones. The deadline to apply for the MMA grant is the end of March.

Thanks,

Mark

Captain Mark M. Waltz
Brunswick Police Department
28 Federal Street
Brunswick, ME 04011
(207) 725-5521
(207) 725-6627 (Fax)

MANAGER'S REPORT – F BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: March 13, 2012

RE: Proposed change in meeting schedule

As the budget for the Police Station project nears completion and we are facing our budget development and adoption schedule, a revised meeting schedule is recommended by staff.

A reconciled budget for the Police Station project will be presented to the Building Committee on March 27th. We are proposing a **special Town Council meeting** that evening for the sole purpose of scheduling a public hearing to adopt the Bond Ordinance. The Public Hearing will be scheduled for April 9th. We would have our next regular meeting on April 30th.

This schedule also provides the School Board the appropriate time for their budget development as they are planning to adopt their budget at a meeting on April 25th.

If approved by the Council, the following meetings will be on the specified dates:

4:00 PM Tuesday March 20th: Police Station Building Committee meeting. The respective project budgets prepared by Donham 7 Sweeney and Ledgewood will be presented to the Committee.

4:00 PM Tuesday, March 27th: Police Station Building Committee meeting. A reconciled project budget will be presented. This will be the result of Donham & Sweeney and Ledgewood working together to arrive at a common project budget.

7:00 PM Tuesday, March 27th: A special Town Council meeting to set a public hearing on a proposed bond ordinance to fund the Police Station Project.

7:00 PM Monday, April 9th. Regular Town Council meeting, including a public hearing on the proposed bond ordinance for the Police Station.

6:00 PM Wednesday, April 25th: Brunswick School Board budget adoption.

7:00 PM Monday April 30th: Town Council meeting, submission of budget.

ITEM 36

BACK UP MATERIALS



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

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 3/19/2012 on the following Alcoholic Beverage license applications:

Full-Time Spirituous, Vinous & Malt

JIMBO'S CATERING
D/B/A: 1898 BAR & GRILL
165 RIVER RD

JAMES GALLANT

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

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

Fran Smith
Town Clerk

**Department of Public Safety
Division**

Liquor Licensing & Inspection



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

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

NEW
PRESENT LICENSE EXPIRES 3/23/12

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input checked="" type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>JIMBO'S CATERING</u> DOB: _____	2. Business Name (D/B/A) <u>JIMBO'S CATERING DBA / 1898 BAR & Grill</u>
<u>JAMES E. GALLANT</u> DOB: <u>7/23/52</u>	<u>165 RIVER RD</u>
Address <u>5 CENTER ST.</u>	Location (Street Address) <u>BRUNSWICK, MAINE 04011</u>
City/Town <u>RICHMOND, MAINE 04357</u>	City/Town <u>5 CENTER ST.</u>
State <u>207 837-4172</u>	State <u>RICHMOND, MAINE 04357</u>
Zip Code <u>207 837 4172</u>	Zip Code <u>207 837 4172</u>
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. # <u>32-0158286</u>	Seller Certificate #

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 160,000 LIQUOR \$ 90,000
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: JAMES EGALLANT / CHERYL WRIGHT
8. If business is NEW or under new ownership, indicate starting date: 3/23/12
Requested inspection date: 3/15/12 Business hours: 10:00 - 6:00pm
9. Business records are located at: 165 RIVER RD BRUNSWICK, ME 04011
10. Is/are applicants(s) citizens of the United States? YES NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
JAMES E. GALLANT	7/23/52	PORTLAND
ANTHONY KAVANAUGH ANTHONY WRIGHT	2/13/57	BATH
ANTHONY KAVANAUGH	3/28/81	BRUNSWICK
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
JAMES RICHMOND, ME	Charley	BRUNSWICK, ME
ANTHONY TOPSHAM, ME		

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

Name: JAMES E. GALLANT Date of Conviction: 2007

Offense: OUT OUT OUT Location: BRUNSWICK

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner:
BRUNSWICK GOLF CLUB MEMBER 165 RIVER PD BRUNSWICK

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) BANQUET ROOM LOUNGE, DECK @ THE BRUNSWICK GOLF CLUB

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mi Which of the above is nearest? _____

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

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

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

Dated at: _____ on _____, 20____
Town/City, State Date

James E. Gallant
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)



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

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 3/19/2012 on the following Special Amusement license applications:

Special Amusement

JIMBO'S CATERING
D/B/A: 1898 BAR & GRILL
165 RIVER RD

James Gallant

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

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

Fran Smith
Town Clerk

TOWN OF BRUNSWICK

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor-Owner's Name: JIMBO'S CATERING
JAMES E GALLANT

Partnership-Partner's Names: _____

Corporation-Corporation Name: _____

Incorporation Date: _____ Incorporation State: _____

New License: Opening Date 3/23/12 Renewal License: Expiration Date: _____

Business Name: 1898 BAR & GRILL E-Mail: CHEF JIMBO BGC@gmail.com

Business Address: 165 RIVER RD BRUNSWICK Business Phone Number: 725 8224

Name of Contact Person: JAMES E. GALLANT Contact's Phone Number: 837-4172

Mailing Address for Correspondence: 5 CENTER ST. RICHMOND, ME 04357

Signature of Applicant: James E Gallant Date: 4/27/12

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

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

Corporations Please Complete:

Address of Incorporation: _____ Phone #: _____

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

Town Clerk Use Only

Approvals: Finance Codes Health Officer Council Police

Codes Officer Signature: _____ Health Officer Signature: _____

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

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

Waiting on: _____ Mailed or Issued Date: _____ PH Date: _____

Type of License: Special Paid Fee: \$ 100.00 Cash Date: 2-27-12
Amusement 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 0 Automobile Graveyard (\$50 each, both Exp. Oct. 1st) Auto Recycling (\$250-5 Yrs)
Plus \$25 application fee for each type _____

Pawnbroker (\$75) Exp. June 30th

Peddler:

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

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

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

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

Location: _____ Exp. 1st PH in March

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

(Signature of owner, officer, partner or agent)

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

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

Describe in detail kind and nature of entertainment- DJ'S, BANDS, COMEDY

WEDDING RECEPTIONS

Describe in detail room or rooms to be used under this permit- BANQUET ROOM 40x60'

W/DANCE FLOOR, LOUNGE 26x60'

Signature of Owner, officer, partner or agent James E. Ballant

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

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

ITEM 37

BACK UP MATERIALS



**TOWN OF BRUNSWICK
PUBLIC HEARING**

THE BRUNSWICK TOWN COUNCIL will hold public hearing at their regular meeting on Monday, March 19, 2012, 7:00 p.m. in the Municipal Meeting Room (Room 217), Brunswick Station, 16 Station Avenue, to receive public comment on the following amendments:

Item 1. .The Town Council will hear public comments on amendments to the Zoning Ordinance to permit Warehousing and Storage Use in the Industry 1 (I1) and Mixed Use 5 (MU5) Zoning Districts, and will take any appropriate action.

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

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

Fran Smith, Town Clerk
Brunswick, Maine

Times Record – March 6, 2012



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

February 17, 2012

Memo to: Brunswick Town Council
Gary Brown, Town Manager

From: Kris Hultgren, Town Planner

Subject: Zoning Ordinance Amendment: Warehousing and Storage Use

The Planning Board voted unanimously (6-0) at its February 7, 2012 meeting to recommend to the Town Council that a Warehousing and Storage Use¹ be permitted by right in the Industry 1 (I1) and Mixed Use 5 (MU5) Zoning Districts. Currently, this use is not allowed in the I1 zone and requires a Special Permit in MU5.

The change improves the consistency of uses in these two zoning districts. An Industry Class I use² is permitted by right in both zones and is a similar type of land use as warehousing and storage. This change improves the zoning in these two districts.

Accompanying this memo is a table showing the proposed changes.

Anna Breinich will attend the February 27 Town Council meeting to answer questions. Thanks.

¹ Warehousing and Storage Definition – A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

² Industry Class I Definition - Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space not to exceed 20,000 square feet and where no more than 25 employees typically occupy the space at any given time.

Industry and Warehousing/Storage Uses by Selected Zoning Districts

Standard/District	FFI	CP1&2	R5	TC1	TC2	TR1	MU1	MU2	MU4	MU5	MU6	I1	I2, I3, I4	CC	HC1	HC2
Industry Class I	X	X	X	X	P	X	SP	P	SP	P	SP	P	P	SP	SP	X
Industry Class II	X	X	X	X	P	X	SP	SP	X	SP	SP	P	P	SP	X	X
Warehousing/ Storage	SP	SP	SP	Acc	P	Acc	SP	P	SP	*SP to P	SP	*X to P	P	SP	SP	SP

*Amend to Permitted Uses

ITEM 38

BACK UP MATERIALS

Town of Brunswick, Maine

Incorporated 1739

Brunswick Fire Department



"Working Today for a Safer Tomorrow"



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

21 TOWN HALL PLACE
BRUNSWICK, ME 04011
TELEPHONE 207-725-5541
FAX # 207-725-6638
WWW.BRUNSWICKME.ORG

February 16, 2012

Members of the Brunswick Town Council

RE: Outdoor Wood Boiler Moratorium

It was recently brought to our attention that the Town of Brunswick would be considering lifting the moratorium on the installation of new outdoor wood boilers during its February 27th meeting. In preparation for this meeting Jeff Hutchinson (Town of Brunswick Code Enforcement Officer) and I have put together some information that should be helpful with your decision process. We have also included ordinance changes that we believe reflect the direction that we received.

As an overview, many of the regulation changes put forward by the State of Maine rule 150 have come to fruition. Currently only boilers receiving a "Phase 2" status from the US EPA would be acceptable for new installation.

The current language in the Ordinance regulating existing Outdoor Wood Boilers has been modified slightly for housekeeping purposes. It should also be noted that for new installations, additional setback requirements are found under 3C *Stack Height Requirements* and the new installation proposal has no seasonal restrictions.

If you have any questions, or would like any additional information, please feel free to let us know. We both plan to attend the meeting on the 27th.

Respectfully Submitted,

Jeff Emerson
Deputy Chief
Fire Prevention Division

Sec. 7-29. Outdoor wood boiler/hydronic heaters. (CHANGES REMOVED)

I. New Outdoor Wood Boilers

SUMMARY: This regulation establishes particulate emission standards, siting criteria and labeling requirements for outdoor wood boilers, including outdoor pellet boilers.

1. Applicability

A. This regulation applies to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler, in the Town of Brunswick that meets the definition of an outdoor wood boiler and to any person who installs, relocates, replaces, operates or owns an outdoor wood boiler, including an outdoor pellet boiler.

B. This regulation applies to outdoor wood boilers, including outdoor pellet boilers, with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Department of Environmental Protection Regulations.

2. Definitions

The following terms, as used in this Section, have the following meanings:

- A. Clean wood.** “Clean wood” means wood that has no paint, stain, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.
- B. Commercial outdoor wood boiler.** “Commercial outdoor wood boiler” means any outdoor wood boiler, except for those outdoor wood boilers used solely for space heating or domestic hot water, used to service a commercial establishment.
- C. Distribute or sell.** “Distribute or sell” means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the Town of Brunswick.
- D. Manufacturer.** “Manufacturer” means any person who constructs or imports for the distribution or sale into the United States an outdoor wood boiler.
- E. New outdoor wood boiler.** “New outdoor wood boiler” means an outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this Section.
- F. Nuisance.** “Nuisance” means emission of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that may be injurious to human, plant or animal life or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.
- G. Opacity.** “Opacity” means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.
- H. Outdoor wood boiler.** “Outdoor wood boiler” (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device that: (1) is designed to burn wood, biomass fuel products or

other approved solid fuels; (2) the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., sheds) or is an indoor-rated device housed in a modular or containerized structure; and (3) heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device.

- I. Outdoor pellet boiler.** “Outdoor pellet boiler” means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated according to the manufacturer’s specifications and burns only pellet fuel.
- J. Particulate matter or PM.** “Particulate matter or PM” means particulate matter PM₁₀ and PM_{2.5} including the condensable fraction.
- K. Sale.** “Sale” means the transfer of ownership or control.

3. Requirements for the Sale, Installation and Operation of New Outdoor Wood Boilers and Outdoor Pellet Boilers

A. Particulate Matter Emission Standards for Outdoor Wood Boilers

(1) Phase II Particulate Emission Standard for Outdoor Wood Boilers and Outdoor Pellet Boilers. No person shall distribute or sell, lease, import, supply, relocate, replace, or install an outdoor wood boiler or outdoor pellet boiler after the effective date of this Section unless it has been certified under Subsection 3(E) to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output. Outdoor wood boilers and outdoor pellet boilers meeting the Phase II limit must be installed according to the applicable setback and stack height requirements as defined in Subsection 3(B) and 3(C) of this Section.

(2) Voluntary Technology-forcing Particulate Emission Standard for Outdoor Wood Boilers. An outdoor wood boiler meeting a particulate matter emission limit of 0.06 lbs/MMBtu heat output is not subject to a setback requirement under this Section as long as it meets the stack height requirements described in Subsection 3(C)(3) of this Section.

B. Setback Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers

(1) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with Section 3(E) of this Section, unless the outdoor wood boiler or outdoor pellet boiler is installed at least 100 feet from the nearest property line or at least 140 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.

(2) Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with Subsection 3(E) of this Section, unless the outdoor pellet boiler is installed at least 40 feet from the nearest property line or at least 80 feet from the nearest dwelling that is not on the same property as the outdoor pellet boiler.

(3) Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable setback specified in Subsection 3(B) of this Section for the

original particulate emission limit certification of the outdoor wood boiler, determined in accordance with Subsection 3(E) of this Section.

C. Stack Height Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers

- (1) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.
 - (a) No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with Subsection 3(E) of this Section, unless the outdoor wood boiler or outdoor pellet boiler:
 - (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
 - (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler.
- (2) Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.
 - (a) No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with Section 3(E) of this Section, unless the outdoor pellet boiler:
 - (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
 - (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if an abutting residence is located less than 100 feet from the outdoor pellet boiler.
- (3) Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable stack height specified in Subsection 3(C) of this Section for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with Subsection 3(E) of this Section.
- (4) In the case that there is no structure, such as but not limited to swimming pools or hot tubs, being served by an outdoor wood boiler or outdoor pellet boiler subject to Subsection 3(C), the owner or operator of the outdoor wood boiler or outdoor pellet boiler shall extend the stack two feet higher than the peak of the roof of the nearest building to the outdoor wood boiler or outdoor pellet boiler.

D. Commercial Outdoor Wood Boiler, Commercial Outdoor Pellet Boiler, Outdoor Wood Boiler or Outdoor Pellet Boiler with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

- (1) Any person intending to install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler, or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation, report and installation recommendations performed by a qualified professional, including a licensed professional engineer or a master solid fuel burner technician, that includes the following information:
 - (a) What type of application will the outdoor wood boiler or outdoor pellet boiler be used for;

- (b) A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler or outdoor pellet boiler to ensure the unit is properly sized;
- (c) The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler or outdoor pellet boiler;
- (d) The stack height; and
- (e) Recommendations for the proper outdoor wood boiler or outdoor pellet boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler or outdoor pellet boiler, stack height and stack location.

(2) No person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it is installed according to the recommendations of the evaluation report in Subsection 3(D)(1). In any case, no person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it meets the minimum setback and stack height requirements stated in Subsection 3(B) and 3(C) of this Section.

E. Certification of Outdoor Wood Boilers and Outdoor Pellet Boilers. No person shall supply, distribute, sell, lease, offer for sale, or allow the installation of an outdoor wood boiler or an outdoor pellet boiler in the Town of Brunswick unless the outdoor wood boiler or outdoor pellet boiler has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program. The certification shall demonstrate that the outdoor wood boiler or outdoor pellet boiler meets the applicable particulate emission standard in Subsection 3(A) of this Section. The manufacturer of any such outdoor wood boiler or outdoor pellet boiler shall conduct testing via the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program until EPA replaces the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program with the Environmental Technology Verification Program. The Department of Environmental Protection may approve an alternative certification program.

F. Labeling Requirements. New outdoor wood boilers and outdoor pellet boilers shall be labeled in accordance with the labeling requirements of the U.S. Environmental Protection Agency Outdoor Wood-Fired Hydronic Heater Program. Requirements of this program are located at www.epa.gov/woodheaters/index.htm.

G. Rain Cap Prohibition. No person shall operate a new outdoor wood boiler or outdoor pellet boiler using a rain cap unless this device is required by the manufacturer specifications.

4. General Provisions and Requirements For All Outdoor Wood Boilers and Outdoor Pellet Boilers

A. Prohibited fuels. No person shall burn any of the following items in an outdoor wood boiler:

- (1) any wood that does not meet the definition of clean wood;
- (2) garbage;
- (3) tires;
- (4) lawn clippings or yard waste;
- (5) materials containing plastic;
- (6) materials containing rubber;
- (7) waste petroleum products;
- (8) paints and paint thinners;
- (9) chemicals;
- (10) glossy or colored papers;
- (11) construction and demolition debris;

- (12) plywood;
- (13) particleboard;
- (14) salt water driftwood and other previously salt-water saturated materials;
- (15) manure;
- (16) animal carcasses;
- (17) asphalt products;
- (18) materials containing asbestos;
- (19) materials containing lead, mercury, or other heavy or toxic metals; and
- (20) coal, unless the outdoor wood boiler is specifically designed to burn coal.

B. Fuel Requirements

- (1) No person that operates an outdoor wood boiler shall use a fuel other than the following:
 - (a) Clean wood;
 - (b) Wood pellets made from clean wood;
 - (c) Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter or supplemental fuels for dual-fired outdoor wood boilers; and
 - (d) Other fuels as approved by the Department.
- (2) No person that operates an outdoor pellet boiler shall use a fuel other than the following:
 - (a) Wood pellets made from clean wood;
 - (b) Corn; and
 - (c) Other fuels as approved by the Department.

5. Nuisance Conditions

A. Standard. No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions, measured as any opacity totaling twelve minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined by the Department of Environmental Protection pursuant to EPA Method 22 Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40CFR60, Appendix A).

B. Prohibition. No person shall operate an outdoor wood boiler or an outdoor pellet boiler, in such a manner as to create a nuisance.

6. Effective date

Unless otherwise noted, compliance with all applicable provisions of this Section is the effective date of the regulation.

7. **Severability** Each Subsection of this Section shall be deemed severable, and in the event that any Subsection of this Section is held invalid, the remainder shall continue in full force and effect.

II. Existing outdoor wood boilers

Any outdoor wood boiler in existence upon the effective date of Section I. of this ordinance shall be allowed to remain provided the owner adheres to the following regulations:

- (1) *Months of operation.* Outdoor wood boilers may be operated only between October 1 and April 30 of each year.
- (2) *Permitted fuels.* These fuels are defined under the Chapter 150 Section I, Subsection 4(b) in Chapter 7 of the Town of Brunswick Ordinance 4, as referenced below.

III. Regulatory references

In addition to provisions in this section, rule Chapter 150 Control of Emissions from Outdoor Wood Boilers as adopted and amended by the Maine Department of Environmental Protection, along with any other state or federal regulations and rules regarding outdoor wood boilers apply.

IV. Penalties

A person who violates any provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

(Ord. of 4-23-07; Ord. of 12-17-07; Ord. of 10-6-08)

Sec. 7-29. Outdoor wood boiler/hydronic heaters.

- ~~(a) Ban on outdoor wood-fired boiler (OWB).~~
- ~~(1) There shall be no construction, installation, modification, operation, replacement, or use of any OWB in the Town of Brunswick that is not installed and/or operational at the registered location of use as of the effective date of this section.~~
- ~~(2) For the purposes of this subsection (2), an OWB is defined as:~~

~~"Outdoor wood-fired boiler (OWB)" or "outdoor wood-fired furnace" means an accessory structure or appliance capable of being installed out of doors and designed to transfer or provide heat, via liquid or other means, through the burning of wood or any other nongaseous or non-liquid fuels for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-fired boiler or furnace" does not include a fire pit, wood-fired barbecue, or chiminea.~~

I. New Outdoor Wood Boilers

SUMMARY: This regulation establishes particulate emission standards, siting criteria and labeling requirements for outdoor wood boilers, including outdoor pellet boilers.

1. Applicability

~~A. This regulation applies statewide.~~

~~B. A. This regulation applies to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler, in the State of Maine Town of Brunswick that meets the definition of an outdoor wood boiler and to any person who installs, relocates, replaces, operates or owns an outdoor wood boiler, including an outdoor pellet boiler.~~

~~C. B. This regulation applies to outdoor wood boilers, including outdoor pellet boilers, with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Department of Environmental Protection Regulations.~~

2. Definitions

The following terms, as used in this Chapter Section, have the following meanings:

A. **Clean wood.** "Clean wood" means wood that has no paint, stain, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

- B. Commercial outdoor wood boiler.** “Commercial outdoor wood boiler” means any outdoor wood boiler, except for those outdoor wood boilers used solely for space heating or domestic hot water, used to service a commercial establishment.
- C. Distribute or sell.** “Distribute or sell” means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the State of Maine **Town of Brunswick**.
- D. Manufacturer.** “Manufacturer” means any person who constructs or imports for the distribution or sale into the United States an outdoor wood boiler.
- E. New outdoor wood boiler.** “New outdoor wood boiler” means an outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this **Chapter Section**.
- F. Nuisance.** “Nuisance” means emission of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that may be injurious to human, plant or animal life or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.
- G. Opacity.** “Opacity” means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.
- H. Outdoor wood boiler.** “Outdoor wood boiler” (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device that: (1) is designed to burn wood, biomass fuel products or other approved solid fuels; (2) the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., sheds) or is an indoor-rated device housed in a modular or containerized structure; and (3) heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device.
- I. Outdoor pellet boiler.** “Outdoor pellet boiler” means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated according to the manufacturer’s specifications and burns only pellet fuel.
- J. Particulate matter or PM.** “Particulate matter or PM” means particulate matter PM₁₀ and PM_{2.5} including the condensable fraction.
- K. Sale.** “Sale” means the transfer of ownership or control.

3. Requirements for the Sale, Installation and Operation of New Outdoor Wood Boilers and Outdoor Pellet Boilers

A. Particulate Matter Emission Standards for Outdoor Wood Boilers

~~(1) Phase I Particulate Emission Standard for Outdoor Wood Boilers and Outdoor Pellet Boilers. No person shall distribute or sell, lease, import, supply or install an outdoor wood boiler after April 1, 2008 or an outdoor pellet boiler after April 1, 2009 unless it has been certified under Section 3(E) to meet a particulate matter emission limit of 0.60 lbs/MMBtu heat input. Outdoor wood boilers and outdoor pellet boilers meeting the Phase I limit must be installed according to the applicable setback and stack height requirements as defined in Section 3(B) and 3(C) of this Chapter.~~

- ~~(2)~~ (1) Phase II Particulate Emission Standard for Outdoor Wood Boilers and Outdoor Pellet Boilers. No person shall distribute or sell, lease, import, supply, ~~relocate, replace,~~ or install an outdoor wood boiler or outdoor pellet boiler after ~~April 1, 2010~~ the effective date of this Section unless it has been certified under Subsection 3(E) to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output. Outdoor wood boilers and outdoor pellet boilers meeting the Phase II limit must be installed according to the applicable setback and stack height requirements as defined in Subsection 3(B) and 3(C) of this Chapter Section.
- ~~(3)~~ (2) Voluntary Technology-forcing Particulate Emission Standard for Outdoor Wood Boilers. An outdoor wood boiler meeting a particulate matter emission limit of 0.06 lbs/MMBtu heat output is not subject to a setback requirement under this ~~Chapter~~ Section as long as it meets the stack height requirements described in Subsection 3(C)(3) of this Chapter Section.

B. Setback Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers

- ~~(1)~~ (1) ~~Outdoor wood boilers and outdoor pellet boilers with particulate emission limits greater than 0.60 lbs/MMBtu heat input or with no certification. No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate emission limit greater than 0.60 lbs/MMBtu heat input or has no certification, determined in accordance with Section 3(E) of this Chapter, unless the outdoor wood boiler or outdoor pellet boiler is installed at least 250 feet from the nearest property line or at least 270 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.~~
- ~~(2)~~ (2) ~~Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.60 lbs/MMBtu heat input. No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.60 lbs/MMBtu heat input, determined in accordance with Section 3(E) of this Chapter, unless the outdoor wood boiler or outdoor pellet boiler is installed at least 100 feet from the nearest property line or at least 120 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.~~
- ~~(3)~~ (1) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with Section 3(E) of this Chapter Section, unless the outdoor wood boiler or outdoor pellet boiler is installed at least 50 100 feet from the nearest property line or at least 70 140 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.
- ~~(4)~~ (2) Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with Subsection 3(E) of this Chapter Section, unless the outdoor pellet boiler is installed at least 20 40 feet from the nearest property line or at least 40 80 feet from the nearest dwelling that is not on the same property as the outdoor pellet boiler.
- ~~(5)~~ (3) Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable setback specified in Subsection 3(B) of this Chapter Section for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with Subsection 3(E) of this Chapter Section.

C. Stack Height Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers

~~(1) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emissions limits of greater than 0.60 lbs/MMBtu heat input or with no certification.~~

~~(a) No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate emission limit of greater than 0.60 lbs/MMBtu heat input or has no certification, determined in accordance with Section 3(E) of this Chapter, unless the outdoor wood boiler or outdoor pellet boiler:~~

~~(1) has an attached stack with a minimum stack height of 10 feet above ground level; or~~

~~(2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than 500 feet from the outdoor wood boiler or outdoor pellet boiler.~~

~~(b) No person shall operate any outdoor wood boiler or outdoor pellet boiler, installed after the effective date of this Chapter, that has been certified to meet a particulate emission limit of greater than 0.60 lbs/MMBtu heat input or with no certification, determined in accordance with Section 3(E) of this Chapter, if an abutting residence is located less than 500 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler.~~

~~(2) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.60 lbs/MMBtu heat input.~~

~~(a) No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.60 lbs/MMBtu heat input, determined in accordance with Section 3(E) of this Chapter, unless the outdoor wood boiler or outdoor pellet boiler:~~

~~(1) has an attached stack with a minimum stack height of 10 feet above ground level; or~~

~~(2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler.~~

~~(b) No person shall operate any outdoor wood boiler or outdoor pellet boiler, installed after the effective date of this Chapter, that has been certified to meet a particulate emission limit of 0.60 lbs/MMBtu heat input, determined in accordance with Section 3(E) of this Chapter, if an abutting residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler.~~

~~(3) (1) Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.~~

~~(a) No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with Subsection 3(E) of this Chapter Section, unless the outdoor wood boiler or outdoor pellet boiler:~~

- (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
- (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler.

~~(b) No person shall operate any outdoor wood boiler or outdoor pellet boiler, installed after the effective date of this Chapter, that has been certified to meet a particulate emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with Subsection 3(E) of this Chapter, if an abutting residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler.~~

~~(4) (2) Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.~~

~~(a) No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with Section 3(E) of this Chapter Section, unless the outdoor pellet boiler:~~

- (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
- (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if an abutting residence is located less than 100 feet from the outdoor pellet boiler.

~~(b) No person shall operate any outdoor pellet boiler, installed after the effective date of this Chapter, that has been certified to meet a particulate emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with section 3(E) of this Chapter, if an abutting residence is located less than 100 feet from the outdoor pellet boiler, unless the outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler.~~

~~(5) (3) Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable stack height specified in Subsection 3(C) of this Chapter Section for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with Subsection 3(E) of this Chapter Section.~~

~~(6) (4) In the case that there is no structure, such as but not limited to swimming pools or hot tubs, (e.g. swimming pool or hot tub) being served by an outdoor wood boiler or outdoor pellet boiler subject to Subsection 3(C), the owner or operator of the outdoor wood boiler or outdoor pellet boiler shall extend the stack two feet higher than the peak of the roof of the nearest building to the outdoor wood boiler or outdoor pellet boiler.~~

D. Commercial Outdoor Wood Boiler, Commercial Outdoor Pellet Boiler, Outdoor Wood Boiler or Outdoor Pellet Boiler with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

(1) Any person intending to install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler, or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation, report and installation recommendations performed by a qualified professional, including a licensed professional engineer or a master solid fuel burner technician, that includes the following information:

- (a) What type of application will the outdoor wood boiler or outdoor pellet boiler be used for;
 - (b) A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler or outdoor pellet boiler to ensure the unit is properly sized;
 - (c) The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler or outdoor pellet boiler;
 - (d) The stack height; and
 - (e) Recommendations for the proper outdoor wood boiler or outdoor pellet boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler or outdoor pellet boiler, stack height and stack location.
- (2) No person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it is installed according to the recommendations of the evaluation report in Subsection 3(D)(1). In any case, no person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it meets the minimum setback and stack height requirements stated in Subsection 3(B) and 3(C) of this Chapter Section.

E. Certification of Outdoor Wood Boilers and Outdoor Pellet Boilers. No person shall supply, distribute, sell, lease, offer for sale, or allow the installation of an outdoor wood boiler or an outdoor pellet boiler in the State of Maine ~~Town of Brunswick~~ unless the outdoor wood boiler or outdoor pellet boiler has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program. The certification shall demonstrate that the outdoor wood boiler or outdoor pellet boiler meets the applicable particulate emission standard in Subsection 3(A) of this Chapter Section. The manufacturer of any such outdoor wood boiler or outdoor pellet boiler shall conduct testing via the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program until EPA replaces the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program with the Environmental Technology Verification Program. The Department of Environmental Protection may approve an alternative certification program.

~~**F. Sell-through exemption for Outdoor Wood Boilers.** No person shall sell or offer for sale any outdoor wood boiler with a particulate emission rate greater than 0.60 lbs/MMBtu heat input as certified in accordance with Section 3(E) of this Chapter unless the outdoor wood boiler was purchased, paid for in full and received in the State of Maine before April 1, 2008 and the outdoor wood boiler meets all of the applicable requirements of this Chapter. Compliance with this Section must be demonstrated by keeping records of the purchase date and receipt date of their inventory as of the effective date of this Chapter. These records shall be kept for at least 5 years and shall be made available to the Department upon request. This exemption is effective until April 1, 2009.~~

G. F.Labeling Requirements. New outdoor wood boilers and outdoor pellet boilers shall be labeled in accordance with the labeling requirements of the U.S. Environmental Protection Agency Outdoor Wood-Fired Hydronic Heater Program. Requirements of this program are located at www.epa.gov/woodheaters/index.htm.

H. G.Rain Cap Prohibition. No person shall operate a new outdoor wood boiler or outdoor pellet boiler using a rain cap unless this device is required by the manufacturer specifications.

4. General Provisions and Requirements For All Outdoor Wood Boilers and Outdoor Pellet Boilers

A. Prohibited fuels. No person shall burn any of the following items in an outdoor wood boiler:

- (1) any wood that does not meet the definition of clean wood;
- (2) garbage;
- (3) tires;
- (4) lawn clippings or yard waste;
- (5) materials containing plastic;
- (6) materials containing rubber;
- (7) waste petroleum products;
- (8) paints and paint thinners;
- (9) chemicals;
- (10) glossy or colored papers;
- (11) construction and demolition debris;
- (12) plywood;
- (13) particleboard;
- (14) salt water driftwood and other previously salt-water saturated materials;
- (15) manure;
- (16) animal carcasses;
- (17) asphalt products;
- (18) materials containing asbestos;
- (19) materials containing lead, mercury, or other heavy or toxic metals; and
- (20) coal, unless the outdoor wood boiler is specifically designed to burn coal.

B. Fuel Requirements

- (1) No person that operates an outdoor wood boiler shall use a fuel other than the following:
 - (a) Clean wood;
 - (b) Wood pellets made from clean wood;
 - (c) Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter or supplemental fuels for dual-fired outdoor wood boilers; and
 - (d) Other fuels as approved by the Department.
- (2) No person that operates an outdoor pellet boiler shall use a fuel other than the following:
 - (a) Wood pellets made from clean wood;
 - (b) Corn; and
 - (c) Other fuels as approved by the Department.

~~**C. Visible Emission Standard.** No person shall cause or allow the emission of a smoke plume from any outdoor wood boiler or outdoor pellet boiler to exceed an average of 30 percent opacity on a six minute block average basis, except for no more than two six minute block averages in a 3-hour period. Opacity under this subsection shall be determined pursuant to EPA Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources (40CFR60, Appendix A).~~

~~**D. Enforcement and Preemption.** This rule is subject to enforcement pursuant to 38 MRSA §347-A. Nothing in Chapter 150 may be construed as pre-empting any otherwise applicable, statute, regulation, local ordinance or otherwise applicable private common law cause of action.~~

E. Notice to Buyers

- ~~(1) No outdoor wood boiler or outdoor pellet boiler subject to the requirements of this Chapter shall be offered, sold, offered for retail sale, or leased within the State of Maine unless prior to any sales or lease agreement, the seller or dealer provides the prospective buyer or lessee with a copy of this Chapter and a written notice that:
 - ~~(a) It is unlawful to burn garbage, treated or painted wood, plastic and plastic products, rubber products, yard waste, lawn clippings, glossy or colored papers, construction and demolition debris, materials containing asbestos, materials containing lead, mercury, or other heavy or toxic metals, plywood, particleboard, salt water driftwood and other previously salt water saturated materials, manure, animal carcasses, asphalt products, coal, unless the outdoor wood boiler is specifically designed to burn coal, waste petroleum products, paints, chemicals or any substance that normally emits dense smoke or obnoxious odors;~~
 - ~~(b) Installation of an outdoor wood boiler or outdoor pellet boiler may be subject to other applicable State and local stack height and setback requirements;~~
 - ~~(c) The applicable distance and stack height requirements provided in Section 3(B) and 3(C) of this Chapter may not be adequate in some areas due to terrain that could render the operation of an outdoor wood boiler or outdoor pellet boiler to be a nuisance or public health hazard; and~~
 - ~~(d) States the specific results of the average and maximum emission rates of particulate matter for the outdoor wood boiler or outdoor pellet in grams per hour per the testing determined in accordance with Section 3(E) of this Chapter and the average delivered heating efficiency as found in the test reports that were used for certification of the units or a statement that the outdoor wood boiler or outdoor pellet boiler has not been tested or certified;~~~~
- ~~(2) The written notice specified above shall be signed by the buyer or lessee at the time of purchase or lease to indicate receipt of notice. Said notice shall contain the names; addresses; telephone number of both the seller or dealer and the buyer or lessee; the location where the outdoor wood boiler or outdoor pellet boiler will be installed; and the make and model of the outdoor wood boiler or outdoor pellet boiler. The dealer shall keep these records for 5 years and provide them to the Department upon request.~~

F. Owner's Manual. Each outdoor wood boiler or outdoor pellet boiler offered for sale or lease must be accompanied by an owner's manual that shall contain all the information listed below:

- ~~(1) Thermal output capacity;~~
- ~~(2) Proper installation information;~~
- ~~(3) Operation and maintenance information to minimize emissions;~~
- ~~(4) Wood loading procedures, recommendations on wood selection, and warnings on improper fuels;~~
- ~~(5) Fire starting procedures;~~
- ~~(6) Proper use of air flow devices, if applicable;~~
- ~~(7) Ash removal procedures;~~

~~(8) For catalytic models, information pertaining to maintaining catalyst performance, maintenance procedures, procedures for determining catalyst failure or deterioration, procedures replacement, and information on warranty rights.~~

~~(9) Language stating: Improper use or failure to maintain the outdoor wood boiler or outdoor pellet boiler may cause nuisance conditions. Persons operating this outdoor wood boiler or outdoor pellet boiler are responsible for operation of the outdoor wood boiler or outdoor pellet boiler so as not to cause a nuisance condition. Even proper use and maintenance of the outdoor wood boiler or outdoor pellet boiler, and meeting the distance and stack height recommendations and requirements in State and local regulations may not always be adequate to prevent nuisance conditions in some areas due to terrain or other factors.~~

5. Nuisance Conditions

A. Standard. No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions, measured as any opacity totaling twelve minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined by the Department of Environmental Protection pursuant to EPA Method 22 Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40CFR60, Appendix A).

B. Prohibition. No person shall operate an outdoor wood boiler or an outdoor pellet boiler, in such a manner as to create a nuisance.

6. Third Party Sales

~~As of the effective date of this Chapter, an outdoor wood boiler or outdoor pellet boiler that has been owned by an individual and was in use in Maine prior to the effective date of this Chapter may be distributed or sold to another individual for his or her own personal use. The outdoor wood boiler or outdoor pellet boiler shall be subject to the applicable setback and stack height requirements specified in Section 3(B) and 3(C). If the particulate emission limit is not known, the outdoor wood boiler or outdoor pellet boiler must meet the setback and stack height requirements of Section 3(B)(1) and 3(C)(1).~~

7.6. Effective date

Unless otherwise noted, compliance with all applicable provisions of this Chapter Section is the effective date of the regulation.

8.7. Severability

Each Subsection of this Chapter Section shall be deemed severable, and in the event that any Subsection of this Chapter Section is held invalid, the remainder shall continue in full force and effect.

II. (b) Existing outdoor wood boilers. Any outdoor wood boiler in existence upon the effective date of Section I. of this ordinance shall be allowed to remain provided the owner adheres to the following regulations:

~~(1) Registration. A registration shall be required through the office of fire prevention within thirty (30) days at no cost. Prior to registration, plans shall be submitted to and reviewed by the office~~

of fire prevention. The plan shall include, but not be limited to any or all of the following:

- ~~a. Setback distances;~~
- ~~b. Property boundaries;~~
- ~~c. Existing stack height;~~
- ~~d. Manufacture's installation specifications;~~
- ~~e. Appropriate license information from the installer.~~

~~As part of the registration process each unit shall require a site visit from the fire prevention office.~~

- ~~(2)~~ (1) *Months of operation.* Outdoor wood boilers may be operated only between October 1 and April 30 of each year.
- ~~(3)~~ (2) *Permitted fuels.* These fuels are defined under ~~the Chapter 150~~ **Section I, Subsection 4(b) in Chapter 7 of the Town of Brunswick Ordinance 4**, as referenced below.
- (e) **III. Regulatory references.** In addition to provisions in this section, rule Chapter 150 Control of Emissions from Outdoor Wood Boilers as adopted and amended by the Maine Department of Environmental Protection, along with any other state or federal regulations and rules regarding outdoor wood boilers apply.
- (d) **IV. Penalties.** A person who violates any provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense.
(Ord. of 4-23-07; Ord. of 12-17-07; Ord. of 10-6-08)

ITEM 39

BACK UP MATERIALS

Town of Brunswick, Maine

Incorporated 1739

CODES ENFORCEMENT OFFICE

CODES ENFORCEMENT: 207-725-6651
FAX NUMBER: 207-725-6663
JHUTCHINSON@BRUNSWICKME.ORG
WWW.BRUNSWICKME.ORG



JEFF HUTCHINSON
CODES ENFORCEMENT OFFICER
28 FEDERAL STREET
BRUNSWICK, ME 04011

To: Brunswick Town Council
Gary Brown, Town Manager

Cc: John Eldridge, Finance Director
Anna Breinich, Director of Planning and Development

From: Jeff Hutchinson, Codes Enforcement Officer

Date: January 23, 2012

Re: Brunswick Building Permit Fee Schedule

This memo and attached proposed permit fees are being offered to the Town Council by the Codes Enforcement Office requesting to set a public hearing to recommend an update to the Town's building permit fees regarding mobile homes and open air-unattached structures.

When the Town adopted/revised new construction fees in 2009 the BOCA National Building Codes were still in effect and the installations of Mobile Homes were regulated whether it be in a park or on an individually owned lot. It was important that we inspect the installation of new and used mobile homes for a Certificate of Occupancy therefore; a permit fee was introduced and accepted by the Town Council to help defray the cost of processing and inspecting mobile homes. The Town has always required Electrical and Plumbing hookup permits and this applies when a mobile home is moved onto a lot and is hooked up to existing or new utilities.

Since that time, the State of Maine adopted (mandating its enforcement at the local level) the new "Maine Uniform Building and Energy Code (MUBEC) and while this new code regulated mobile homes, the State Legislature elected to exempt the appendix regulating the installation of mobile homes.

Most recently we have learned that the Maine Manufactured Housing Board (MMHB) has revised their mobile home installation regulations which essentially created two Chapters...#890 for new mobile homes and Chapter 900 for used homes and staff

recommends that the Town adopt Chapters 890 and 900 of the MMHB's regulations for both new and used mobile homes in Brunswick.

Staff has become aware that for a \$300.00 fee, the MMHB is now inspecting the installation of new mobile homes in a mobile home park and issuing Certificate of Occupancy permits. Apparently, the park owners/managers have been requested by the MMHB to contact the Board when a new home is to be installed and it only applies to the initial installation of new, not used mobile homes in a park.

The biggest concern for this office is the condition of used mobile homes that are being moved into the Town, and due to the lack of MMHB inspections staff feels that it's the Town's obligation to inspect the used home's installation to confirm that life safety features are still in place and in good working condition. Upon a successful inspection for code compliance, a Certificate of Occupancy permit may then be issued by this office.

In view of the above, I am proposing revised permit fees (see attached) for the installation of mobile homes. Because the MMHB is inspecting the installation of new homes in a mobile home park for occupancy and to prevent a redundancy of inspections, I would recommend the Town discontinue the permitting of new mobile homes in a park while continuing the permit process for used mobile homes being installed in a park at a fee of one-hundred dollars (\$100.00) per home.

We will continue the permit process for used and new mobile homes installed on privately owned lots as there are usually additional construction and zoning regulations involved however; staff proposes to reduce the permit fee from thirty-five cents (\$0.35) per square foot to twenty cents (\$0.20) per square foot due in part by less inspections needed as compared to a stick built home.

In addition to the fees for mobile homes, staff proposes a reduction of permit fees for specific unattached, unenclosed and unheated structures with at least two open-air walls. Such structures can include, but not be limited to, pole barns, carports, decks, porches, and lumber racks. We have found that due to the simplicity of these structures as compared to fully enclosed, heated and occupied living spaces, full permit fees are not warranted. Staff proposes a fee of twenty cents (\$0.20) per square foot of roof or floor area of the structure rather than the existing full fee of thirty five cents (\$0.35) per square foot. All other construction permit fees will remain as is.

DIVISION 2. BUILDING CONSTRUCTION

Sec. 5-51. Building code.

1. The standards and specifications for the design, construction, alteration, installation, enlargement, repair, addition, move, extension, change of occupancy, and demolition of all buildings and structures and their service equipment shall comply with the Maine Uniform Building and Energy Code (MUBEC) adopted by the State of Maine on June 1, 2010, pursuant to 10 M.R.S. Sec. 9721. The codes enforcement officer, or his/her designee, shall administer and enforce the MUBEC pursuant to 30-A M.R.S. Sec. 4451. The town clerk shall keep on file in the clerk's office one (1) copy of the MUBEC available for public use, inspection and examination.

2. The standards and specifications for the installation of new and used mobile homes in the Town of Brunswick shall comply with Chapters 890 and 900 of the Maine Manufactured Home Installation (MMHI) Standards, as revised, pursuant to 10 M.R.S.A. Sections 9005-A and 9006. The Town Clerk shall keep on file in the Clerk's office one (1) copy of the MMHI standards available for public use, inspection and examination.

(Ord. of 1-4-89, § 1; Ord. of 12-16-91; Ord. of 10-18-10)

Sec. 5-52. Building permit fees.

1. The minimum fee for all building permits shall be forty-five dollars (\$45.00).

2. For each square foot of floor area, excluding basements, for one- and two-family dwellings including modular ~~and mobile~~ homes, and accessory structures thirty-five cents (\$0.35) per square foot.

3. For each square foot of floor area of a new or used mobile home to be located on a single-privately owned lot, twenty cents (\$0.20) per square foot.

4. For any installation of a used mobile home within a legally existing mobile home park, one-hundred dollars (\$100.00).

5. For any unenclosed and unheated structure with at least two (2) open-air walls such as, but not limited to, pole barns, car ports, decks, porches, or lumber racks; twenty cents (\$0.20) per square foot of the roof or floor area of the structure.

~~3.~~ 6. All other use groups set forth in Chapter 3 of the MUBEC, forty cents (\$0.40) per square foot.

4. 7. Alterations and/or renovations to one- and two-family dwellings (including modular and mobile homes) and unusual structures not conducive to square footage measurements: six dollars (\$6.00) per one thousand dollars (\$1,000.00) of estimated construction value.

~~5.~~ 8. Alterations and/or renovations to all other use groups set forth in Article 3 of the MUBEC: nine dollars (\$9.00) per one thousand dollars (\$1,000.00) of estimated construction value.

6. 9. Foundation only, forty cents (\$0.40) per square foot. Square footage will be figured on the exterior of the building for new construction and the affected area within the building for alterations.

7. 10. Demolition permit fees: Fifty dollars (\$50.00) per structure.

Sign fees:

1--10 square feet . . . \$10.00

11--25 square feet . . . \$15.00

26--50 square feet . . . \$25.00

51--100 square feet . . . \$45.00
Over 100 square feet . . . \$45.00
Plus, per square foot . . . \$0.50

Fee computations are to be rounded to the nearest dollar.

8. 11. Double fee: Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

9. 12. A re-inspection fee of fifty dollars (\$50.00) will be charged for each subsequent inspection determined by the codes official to be necessary because the building or site being inspected has not been completed or is not eligible for a certificate of occupancy.

10. 13. Add the following sentence to the end of the second paragraph of 3109.2 of the MUBEC:

All such pools shall remain empty until the Code Enforcement Officer has inspected the property and determines that the pool enclosure requirements of Section 3109 of the 2003 International Building Code have been met.

(Ord. of 1-4-89, § 3; Ord. of 12-16-91; Ord. of 7-7-03; Ord. of 7-21-08(1); Ord. of 9-2-08(1); Ord. of 3-15-10; Ord. of 4-26-10; Ord. of 10-18-10)

Secs. 5-53--5-75. Reserved.

DIVISION 3. ELECTRICAL INSTALLATION STANDARDS*

***Cross references:** Fire prevention and protection, Ch. 7; housing, Ch. 8; housing code, § 8-26 et seq.; minimum standards for lighting and electrical installation under the housing code, § 8-89.

State law references: Electrical installations, 30-A M.R.S.A. § 4151 et seq.; electricians, 32 M.R.S.A. § 1101 et seq.

Sec. 5-76. Code adopted.

The National Electrical Code, 1990 Edition, as published by the National Fire Protection Association, is enacted as the electrical code of the town, with the addition of chapter 10. A copy of this code is on file in the town clerk's office.

(Ord. of 1-19-88; Ord. of 12-16-91)

State law references: Codes adopted by reference, 30-A M.R.S.A. § 3003.

Sec. 5-77. Amendments adopted.

The following amendments to the code adopted in section 5-76 are hereby adopted:

(1) *Chapter 10, Enforcement, Fees, Penalties* is added to read as follows:

"ARTICLE 1000 - Enforcement

"1000-1. *Enforcement.* The Electrical Inspector shall enforce this code.

"1000-2. *Scope.* This code applies to (a) original installations of electrical systems and to (b) alterations of or additions to existing electrical systems in the Town of Brunswick.

"1000-3. *Permit.* Any person who desires to install original electrical systems or to alter or add to existing electrical systems as provided in this code must first obtain a permit. Authorized persons include (A) property owner doing said work or (B) State of Maine licensed electrician.

"1000-4. *Inspections.* The electrical inspector shall inspect all wiring at appropriate times during its installation to see that it is in compliance with this code.

"The electrical inspector may enter and examine any premises at any reasonable time in the discharge of his official duties.

"The electrical contractor or property owner shall notify the electrical inspector forty-eight (48) hours before an electrical installation is ready for inspection. Electrical installations, alterations, or additions for which a permit is required may not be used until after inspection and approval by the electrical inspector.

"1000-5. *Schedule of fees.* The codes enforcement officer shall collect electrical inspection fees from applicants for permits under article 1000-3, as follows:

"A. General:

1. Minimum fee shall be . . . \$ 45.00
2. Reinspection for code violation . . . 30.00
3. All fees are to be rounded to the nearest dollar.

"B. Original Installations:

"1. Residential: For one-family or two-family dwellings, six cents (\$0.06) per square foot of floor area.

"2. All use groups listed in section 301.1 of the BOCA National Building Code, 1990, except one- and two-family dwellings, nine cents (\$0.09) per square foot.

"3. All use groups listed in section 310 of the BOCA National Building Code, 1990, from 1 to 10 fixtures or outlets . . . \$6.00

11--20 fixtures or outlets . . . 9.00

21--31 fixtures or outlets . . . 12.00

Over 30 fixtures or outlets . . . 25.00.

"C. Additions and Alterations:

"1. Service and meter or replacement . . . \$ 45.00

Each additional meter on same service . . . 5.00

"2. Installations for appliances, water heaters, dryer, disposal, etc. . . . 5.00

"3. Swimming pools . . . 45.00

Plus each appliance . . . 3.00

"4. One electrical sign or lighting standard . . . 5.00

Plus each additional sign or standard . . . 1.00

"5. Hazardous location as defined in Chapter 5 of the National Electrical Code 1990 Edition . . . 10.00

Plus an addition for each unit changed or added (pumps, fixtures, etc.) . . . 5.00

"6. From 1 to 20 fixtures or outlets . . . 45.00

Over 20 fixtures or outlets, the fee shall be computed on a square foot basis set forth under article 1000-5(B) based upon the area of the addition or alteration.

"1000-6. *Classification of occupancies.* For purpose of establishing fees for electrical permits, classification of occupancies of building structures, or portions thereof, as set forth in article 3 of BOCA National Building Code, 1990 Edition, shall be observed.

"1000-7. *Double fee provisions.* Any person who begins any work for which a permit is required without first having obtained it shall pay double the permit fee for the work. This does not apply to emergency work where in the opinion of the electrical inspector it was not practical to obtain a permit before beginning the work. In emergency cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining the permit, the applicant shall pay a double fee.

"1000-8. *Penalties.* A person who violates any of the provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00). If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided. Each day the violation continues after a written notice is served on the responsible person shall be deemed to be a separate offense."

(Ord. of 1-19-88; Ord. of 12-16-91; Ord. of 4-18-95; Ord. of 3-15-10)

DIVISION 4. INTERNAL PLUMBING INSTALLATION FEES

Sec. 5-78. Internal plumbing.

Nine dollars (\$9.00) per fixture with a minimum permit of thirty-six dollars (\$36.00).

(Ord. of 3-15-10)

DIVISION 5. SUBSURFACE WASTEWATER DISPOSAL FEES

Sec. 5-79. Subsurface wastewater disposal.

Fees shall be a base fee of one hundred fifty (150) percent of the Maine State minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules.

(Ord. of 3-15-10)

ITEM 40

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

March 13, 2012

Memo to: Town Council
Gary Brown, Town Manager
From: Kris Hultgren, Town Planner
Subject: Zoning Amendment: 10 Mason Street

At the Planning Board meeting on February 28, 2012, the Board voted unanimously (4-0) to recommend to the Town Council a Zoning Ordinance Amendment for property at 10 Mason Street (Map U13, Lot 131). The amendment would change the zoning district of this parcel from Town Residential 2 (TR2) to Town Center 1 (TC1). The applicant, Elaine Salch, made the request to facilitate a retail use (antique shop) in the structure currently on the property. The property at 10 Mason Street is split by the zoning district line of TR2 and TC1 but the regulations of TR2 govern the entire property based of ordinance section 303 stipulating that "when a lot less than ten acres is divided by a district boundary, the provisions of the zoning district in which the larger portion of the lot lies govern the use, density, lot area and dimensional requirements of the lot. As the attached map shows, the larger portion of the 0.31 acre lot at 10 Mason Street lot is clearly in the Town Residential 2 zone. The TR2 zone does not permit retail uses.

At the Planning Board public hearing on February 28, the only public comment received was from the owners of Blessings across the street and they spoke in favor of the zone change.

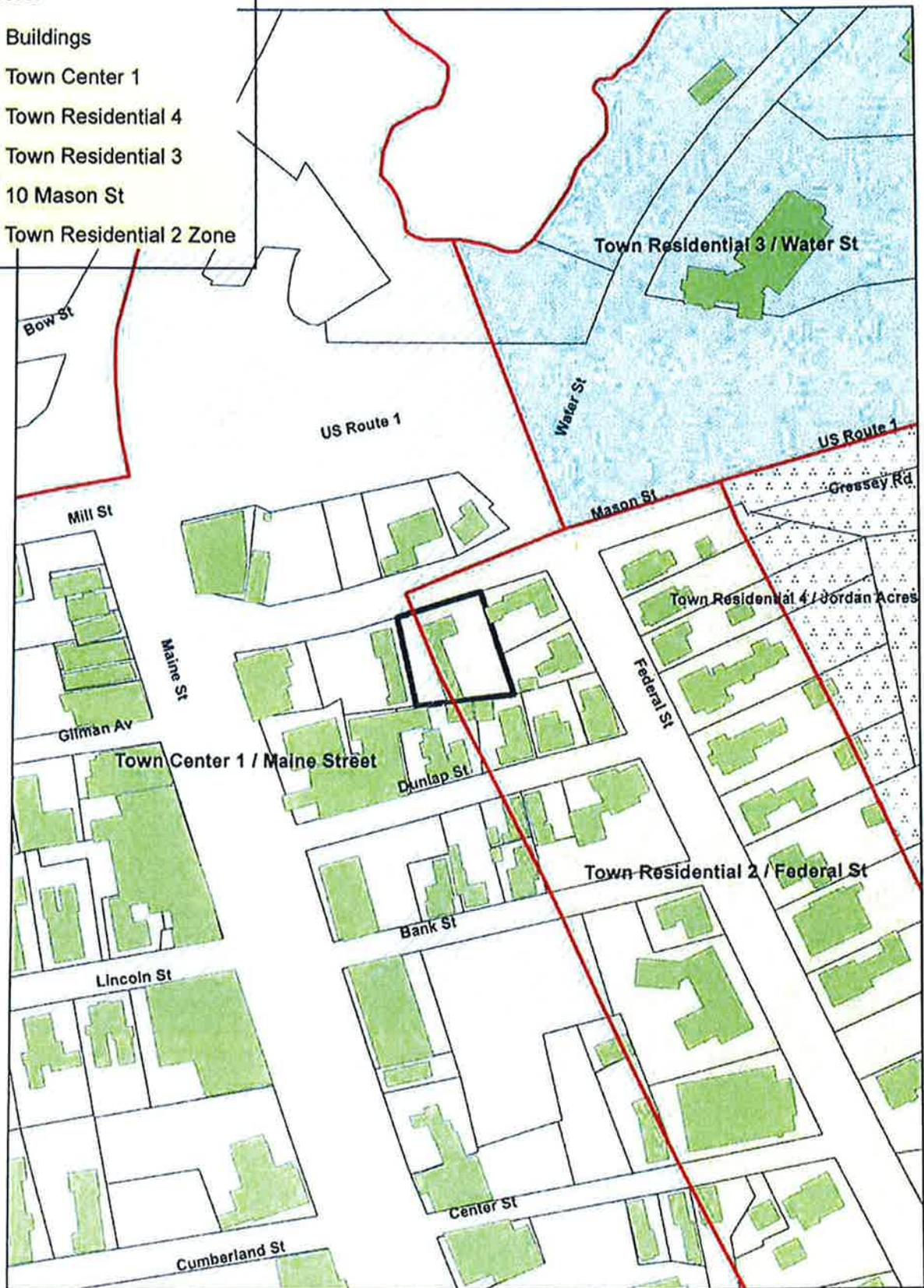
Staff requests the Town Council move to set a public hearing for the final adoption of the zoning amendment.

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

10 Mason St

Legend

- Buildings
- Town Center 1
- Town Residential 4
- Town Residential 3
- 10 Mason St
- Town Residential 2 Zone



**BRUNSWICK PLANNING BOARD
TUESDAY, FEBRUARY 28, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, and Jeff Peters

STAFF PRESENT: Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, February 28, 2012 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

Public Hearing – Rezoning Request: The Planning Board will hold a public hearing on a rezoning request from Elaine Salch to change the zoning of the parcel at 10 Mason Street (Map U13, Lot 131) from Town Residential 2 to Town Center 1.

Kris Hultgren reviewed the application for the 10 Mason Street rezoning request and stated that the applicant is seeking a zone change from Town Residential 2 to Town Center 1. Kris stated that at this time the lot is split by these two zoning districts and the applicant wishes to be included entirely in the Town Center 1 district so that she may open an antique retail business.

Mrs. Salch, the applicant, stated that it would be wonderful if she was able to open this shop and noted that there are several antique shops in the area; this would make a great addition and it would fit in the area. Mrs. Salch stated that there is plenty of parking.

Jeff Peters asked if this request would just change the property line and Charlie Frizzle replied that for this request, the boundary line will be moved to the east to accommodate 10 Mason Street only.

Chairman Charlie Frizzle opened the public hearing.

Dominic Vella, owner of Blessings at 11 Mason Street, stated that it would be a huge help if Mrs. Salch was granted this request as it would draw more walking traffic to this area. He supports Mrs. Salch's request.

Chairman Charlie Frizzle closed the public hearing.

MOTION BY CHARLIE FRIZZLE TO ASK TOWN COUNCIL TO CONSIDER CHANGING THE BOUNDARY LINE FOR 10 MASON STREET TO BE INCLUDED INTO TOWN CENTER 1. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Other

- Anna Breinich stated that changes have been made and included into the newest draft and staff is working on the structure of the document. Anna stated that staff hopes to have materials completed and ready for review by the March 13th meeting.
- There will be no meeting held on March 6, 2012.
- Reminder of the webinar on March 7, 2012 at 1:00 PM at Brunswick Station on pedestrian bicycle safety on roundabouts.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 7:11 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

ITEM 41

BACK UP MATERIALS



Town Clerk's Department
207-725-6658

Fran Smith, Town Clerk

MEMO

To: Town Council
From: Fran Smith, Town Clerk
Date: March 12, 2012
Re: **SELLERS OF PREPARED FOOD ON PUBLIC WAYS** application

The Town Clerk's Office has received a request for a **SELLERS OF PREPARED FOOD ON PUBLIC WAYS** license for the Brunswick Mall from:

Little Red Wagon

Please consider this request at your March 19, 2012 Council Meeting.

TOWN OF BRUNSWICK

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor-Owner's Name: Cindy Pushard

Partnership-Partner's Names: _____

Corporation-Corporation Name: _____

Incorporation Date: _____ Incorporation State: _____

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

Business Name: Little Red Wagon E-Mail: _____

Business Address: 76 GUSTIN ROAD LITCHFIELD Business Phone Number: 333-2368

Name of Contact Person: CINDY PUSHARD Contact's Phone Number: 333-2368

Mailing Address for Correspondence: 76 GUSTIN ROAD LITCHFIELD ME 04350

Signature of Applicant: Cindy J Pushard Date: 3-12-2012

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

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

Corporations Please Complete:

Address of Incorporation: _____ Phone #: _____

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

Town Clerk Use Only

Approvals: Finance Codes Health Officer Council Police

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: Seller Paid Fee: \$ 1500.00 Cash/Check Date: 3-12-12

of prepared food 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 0 Automobile Graveyard (\$50 each, both Exp. Oct. 1st) **Auto Recycling** (\$250-5 Yrs)
Plus \$25 application fee for each type _____

Pawnbroker (\$75) Exp. June 30th

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

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

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

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

Rowx
ins
comins.
vict.
coming.

Special Amusements (\$100)-Exp. w/Alcohol License
Describe in detail kind and nature of entertainment- _____

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

Signature of Owner, officer, partner or agent: _____

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

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



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ITEM 42

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: March 13, 2012

RE: MDOT/MPI application

The Council will be discussing a request to authorize the submission of an application to the Maine Department of Transportation (MDOT) for a **municipal partnership initiative (MPI)** for funding to improve the travel surface on Bath road from the Merry Meeting plaza signal to the Cooks Corner intersection. The project will also resurface a short section (500') of the Gurnet Road. Other aspects of the project include changing the signals to a video controlled system. The request is an after-the-fact request as the deadline for submittal for this round of funding was Friday, March 9. I was contacted on Monday March 5 by MDOT and strongly encouraged to apply for these funds for this project. The funding that MDOT has for this type of partnership is nearly gone. If the Council chooses not to authorize the application, we will advise MDOT and withdraw our request.

We would utilize existing funds in the road reconstruction capital project account so there is not a need for a supplemental appropriation.

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD
jfooster@brunswickme.org

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654 (Ext. 17)
FAX (207) 725-6655
www.brunswickme.org/dpw

March 5, 2012

Kyle Hall, PE, Region 1 Engineer
Maine Department of Transportation
51 Pleasant Hill Road
Scarborough, Maine 04070-0358

SUBJECT: Project Application for Municipal Partnership Initiative Funding

Dear Kyle:

The Town of Brunswick is submitting this letter application to seek funding under MaineDOT's Municipal Partnership Initiative (MPI) Program. We are seeking to partner with MaineDOT to make improvements to a section of Route 24 within the Compact Urban Limit that has not been resurfaced for well over 25 years. The section of roadway we are looking to improve includes our Cooks Corner intersection that had a 15,690 AADT in 2010. The general scope of work for our project is to upgrade several traffic signals to video detection before milling out the existing loops and then we propose a mill and fill to improve the travel surface. Because of the high volume of traffic and the number of businesses that abut the work area we are proposing that the majority of work be done at night.

In accordance with your MPI guidelines we are providing the following information for our application/request for funding:

Project Selection Factors:

1. **Safety:** The high volume of traffic on this section of Route 24 has caused significant rutting and deterioration to the existing paved surface that results in ponding and icing in the ruts in the winter months. The proposed work will improve the road surface and reduce related issues caused by deteriorated pavements.
2. **Economic Development:** The section of road we plan to improve abuts many businesses and is the main access to the Brunswick Landing redevelopment site. In order to attract new businesses to the former naval air station site and to keep existing businesses viable we need to improve this section of roadway.
3. **Degree of Betterment:** Since the existing road has not been repaved in over 25 years the roadway has many ruts and utility repairs that make the roadway very rough and uncomfortable to travel for users. The new paved surface will greatly improve the ride quality and help attract more visitors and customers to the adjacent commercial properties.
4. **Percentage of Local Match:** The Town of Brunswick is committed to improving this section of roadway. Our attached project cost estimate for the needed work is \$700,000 and the Town is committed to funding up to 50% of the estimated cost and is seeking the remaining \$350,000 from MaineDOT under this program.
5. **Record of Requests:** The Town has consistently sought funding under the MaineDOT BTIP process for improvements to this section of roadway but it has not been funded to date.
6. **Customer Benefit:** The project will enhance our winter maintenance efforts and give the travelling public a smooth and safer ride year round.

Letter to: Kyle Hall, PE, Region 1 Engineer, MaineDOT
SUBJECT: Project Application for Municipal Partnership Initiative Funding
5 March, 2012
page 2

7. **Prior MPI Awards:** The Town of Brunswick has not applied for or received any MPI funding for other projects.

Grant Requirements:

- A. **Professional Engineer Certified:** The Town Engineer along with a consultant to be selected will design the project and will certify the project's compliance with plans and specifications upon completion.
- B. **10 Year Useful Life:** The project as envisioned will have a useful life in excess of 10 years before any maintenance surface need be applied.
- C. **Deliverability:** The Town of Brunswick is anxious to get this project designed and built in 2012 and Town staff along with a professional consultant will be utilized to insure the work gets completed in accordance with MPI guidelines.
- D. **Public Involvement:** The Town of Brunswick will take action to involve the public in the project design and construction phase by presenting the project at a public meeting of the Town Council and by direct mailings to all abutters to the project.
- E. **Betterment to the State Transportation System:** The roadway to be improved is part of State Route 24 and the proposed work is not part of any Traffic Movement Permit. The improvement work is solely intended to benefit the existing travelling public and to address a roadway deficiency that has been long identified.
- F. **Multiple Party Agreements:** The Town of Brunswick understands we will be required to enter into an agreement whereby the MPI Grant amount is capped based on the project estimates prior to construction. The Town anticipates assuming responsibility for any cost increases and the Town is prepared to continue maintenance responsibility for this section of roadway.
- G. **Right-of-Way Acquisition:** All work will be done within the existing right-of-way and the Town does not anticipate having to purchase any right-of-way as part of this project. If temporary construction easements are needed, the Town will secure those easements on an as needed basis.

The Town of Brunswick looks forward to the opportunity to participate in the MaineDOT Municipal Partnership Initiative. We believe our project is an excellent candidate to partner with MaineDOT and help the Town revitalize the Cooks Corner area to help local businesses and redevelopment of Brunswick Landing. If you have any questions please do not hesitate to call me at 725-6654.

Sincerely,

TOWN OF BRUNSWICK



John A. Foster,
Town Engineer/Director PWD
Enclosure (Cost Estimate for Project Dated 3/5/2012)
cc: Gary Brown, Town Manager
John S. Eldridge, Finance Director

Estimate of Probable Cost
Town of Brunswick
Bath Road (Route 24) Improvements
 West of Merrymeeting Plaza thru Cooks Corner Intersection

Project Description: Upgrade three existing traffic signals to video detection to replace existing loop detection system. Mill existing pavement (approx. 3,000 l.f.) and adjust and repair existing catch basin structures as required. Provide and install a shim course and top course pavement. Install temporary and permanent pavement markings. Due to high traffic volumes all paving and milling work will be done at night to minimize disruption to public.

Estimate by: J. Foster, Town Eng.

Print Date: March 05, 2012

Item Description	Quantity	Unit	Unit Price	Estimated Total Cost
Upgrade existing traffic signal loops to video detection	10	ea.	\$ 4,000	\$ 40,000
Mill Existing Pavement	23,889	s.y.	\$ 5.00	\$ 119,444
Provide Temporary Pavement Markings		L.S.		\$ 2,500
Adjust/Repair Existing Catch Basins	12	ea.	\$ 400	\$ 4,800
Install Shim Course Paving	1,642	tons	\$ 100	\$ 164,236
Mill at Driveways to provide tapers	504	s.y.	\$ 25	\$ 12,600
Install Final Top Course Paving	2,102	tons	\$ 120	\$ 252,267
Install Driveway Tapers (handwork)	55	tons	\$ 160	\$ 8,870
Police Detail for Construction Work	120	hrs	\$ 65	\$ 7,800
Variable Message Boards, 4 ea, 3 weeks	84	days	\$ 100	\$ 8,400
Mobilize/Demobilize		L.S.		\$ 8,000
Work Zone Signage, Flaggers		L.S.		\$ 15,000
Temporary Pavement Markings		L.S.		\$ 2,500
Final Pavement Markings		L.S.		\$ 14,000
Sub-Total for Construction Cost:				\$ 660,000
Consultant for Design Work				\$ 16,000
Consultant for Contract Administration				\$ 24,000
Total Project Cost:				\$ 700,000

MaineDOT's Municipal Partnership Initiative

Municipal Guide

Purposes of the Initiative

MaineDOT's Municipal Partnership Initiative (MPI) is intended to be a demand response program, which can rapidly react to Municipal requests, such as responding to changing local transportation needs on State and State-Aid highways, developing economic opportunities, and safety concerns on or adjacent to these highways.

The program is designed to promote partnerships between MaineDOT and municipalities, public utilities, private businesses and other entities by leveraging additional resources on a voluntary basis to match limited state resources. It will make improvements to State and State-Aid highways often utilizing more flexible project delivery methods when the nature of the highway and project allow.

MPI Grant Requirements

In order to be eligible, each project must meet the following criteria:

- √ *Professional Engineer Certified:* Unless waived by MaineDOT's Chief Engineer, all projects must be designed by an engineer licensed in Maine and once constructed, the engineer of record must certify that the project was constructed in accordance with the plans and specifications.
- √ *10-Year Useful Life:* Unless waived by MaineDOT's Chief Engineer, the work must have a minimum 10-Year useful life.
- √ *Deliverability:* Usually construction will be administered by the municipality, when this is the case the municipality must demonstrate to MaineDOT that they have the ability or can obtain the ability to administer the project. Construction must commence within twelve (12) months and construction must be certified complete in twenty four (24) months from when a Cooperative Agreement is signed. If timelines are not met MaineDOT may reallocate funding to other eligible projects in other communities.
- √ *Public Involvement:* The municipality is responsible to lead the public involvement process consistent with all laws, including Maine's Sensible Transportation Policy Act. The value and extent of documented community support will be considered a project benefit.
- √ *Betterment to the State Transportation System:* The work covered must be betterment to the state transportation system above and beyond the requirement of any law or permit condition. For instance, investments must be improvements above and beyond mitigation for a traffic movement permit or above and beyond the legal requirements of a highway opening permit.
- √ *Multiple Party Agreements:* The municipality and all involved parties must be willing to enter into an agreement whereby the MPI Grant amount is capped based on project estimates prior to construction. This agreement will also list future maintenance responsibilities.
- √ *Right-of-Way Acquisition:* MPI grants will only reimburse for the right of way required for the transportation betterment. Most projects are expected to be within existing right of way, however, the municipality may be asked to secure any needed property rights in accordance with all applicable State and Federal Law.

MaineDOT's Municipal Partnership Initiative

Municipal Guide

Funding

Unless waived by the Commissioner, the MaineDOT MPI funding contribution for a project will be capped at \$500,000. If a MPI project is an add-on to an existing MaineDOT project (other than Maintenance Surface Treatment) the MPI funding portion will only count as MaineDOT's additional contribution beyond what was previously programmed.

State funding for the MPI is limited by available state funding, which is impacted by revenue projections, Legislative budget deliberations, bid prices, and the severity of winter weather. For the FY-12-13 biennium, MaineDOT anticipates having about \$7 million for the MPI. Funding shares will be negotiated on a case by case basis, depending on the extent of regional or statewide benefits. Generally, MaineDOT's share will be capped at 50% or less. Consideration will be given to the impact a project has on eliminating the need for current and future projects and maintenance needs. Municipalities may propose shifting long-term maintenance responsibilities as part of their share.

Project Selection

MaineDOT will continuously accept project applications and eligible projects will be selected on a first come first serve basis. Additional project selection factors include the following:

- *Safety*: The improvement will impact a direct safety need such as infrastructure improvements that address an area with a high crash history or potential for hazardous conditions.
- *Economic Development & Job Creation*: Preference will be given to projects that allow for job growth and facilitate economic development.
- *Degree of Betterment*: Projects that provide a greater infrastructure benefit than others such as reducing maintenance costs, ride quality, or increasing mobility will be given a higher priority.
- *Percentage of Local Match*: The greater the percentage of non-state funding, the greater the likelihood the project will be selected.
- *Record of Requests*: The proposed project is something that the municipality has requested MaineDOT to improve over a number of years but State transportation resources have not been sufficient to make the improvement.
- *Customer Benefit*: Preference will be given to projects based on the amount and degree of benefit that travelers will realize from the benefit.
- *Prior MPI Awards*: MaineDOT will seek to fund eligible projects in all interested municipalities prior to issuing multiple grants to the same one.

Project Administration

Project administration will be project specific and detailed in the Cooperative Agreements. In general, projects are intended to be administered by a municipality, as a grant, with MaineDOT reviewing products at key milestones such as completion of

MaineDOT's Municipal Partnership Initiative

Municipal Guide

design and construction. The focus of MaineDOT's review will be insuring that the project will achieve the benefits listed in the above bullets and will not degrade safety. MaineDOT will reimburse entities once the work is complete to the satisfaction of MaineDOT. For large projects and subject to available funding, MaineDOT will consider partial payments based on project progress.

Application Process

To apply for a grant simply:

- √ Review the program criteria in this guide.
- √ Be prepared to discuss each item at some detail, and
- √ Contact the Region Engineer or Region Manager in your local field office
(see http://www.maine.gov/mdot/aboutmainedot/pdf/Region_page_2010a.pdf or call (207)624-3600 for contact information)

ITEM 43

BACK UP MATERIALS



**Town of Brunswick
Town Council
Resolution in support of the Brunswick Downtown Association application
for Main Street Maine Designation.**

WHEREAS, The Brunswick Downtown Association has been a member of the Maine Street Network and;

WHEREAS, The Brunswick Downtown Association has been working to meet the goals and objectives of becoming a member of the Main Street Maine Association and;

WHEREAS, The Town of Brunswick has a long-standing partnership with the Brunswick Downtown Association and;

WHEREAS, The vitality of the service area of the Brunswick Downtown Association is critically important to all sectors of the town of Brunswick and;

WHEREAS, The goal of being named a Main Street Maine community was a recommendation in the Downtown Brunswick and Outer Pleasant Street Corridor Master Plan unanimously adopted by the Town Council in January 2011 and;

WHEREAS, The Town Council endorses the application of the Brunswick Downtown Association to have Brunswick designated as a Main Street Maine community and;

WHEREAS, That we, the Town Council, are very pleased at the prospect that Brunswick will be the Main Street Maine Program's 10th community.

NOW THEREFORE be it resolved that the Brunswick Town Council endorses and supports the application by the Brunswick Downtown Association to become a member of the Main Street Maine Program.

Given under our hands this 19th day of March, 2012.

Joanne T. King
Chair, Brunswick Town Council

Attest: _____
Town Clerk

Intentionally left blank

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
March 5, 2012

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Kenneth Brilliant, Fire Chief; Anna Breinich, Director of Planning and Development; Brian Dancause, Economic Development Specialist; Jeff Hutchinson, Codes Enforcement Officer; Marc Hagan, Deputy Police Chief; Denise Clavette, Special Projects Assistant; Terry Goan, Police Officer; and TV video crew

Chair King called for the Pledge of Allegiance and asked the Town Clerk for roll call.

Public Comment:

Dewitt Kimball, 24 Oak Street, spoke about the train and comments made by Ms. Quinn stating that the train would come even if there were no layover facility. He questioned why the Council would support having this facility in a neighborhood.

Lindy Ost, 22 Riverview Drive, spoke about the layover facility and cost discrepancies compared with others that have been built.

Correspondence:

Councilor Knight said citizens can bring in unwanted prescription drugs and drop them off at a drop box at the Police Station.

Councilor Pols thanked John Bald, who provided the photographs that are displayed in the Council Chamber.

Councilor Favreau announced that the Brunswick High School class of 2014 is looking for donations of old cell phones; there is more information in the Times Record newspaper.

Councilor Perreault said if someone with an antique vehicle would like to receive registration reminders, to let the finance department know.

Adjustments to the Agenda: None

Town Council Minutes

March 5, 2012

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MANAGER'S REPORT:

(a) Council Committee Updates

A report was given on the Recreation Trails and Open Space Committee.

(b) Update on People Plus activities

Stacy Frizzle, Executive Director, provided this update. She responded to a question from Councilor Perreault.

(c) Update on MRRA activities

Steve Levesque, Executive Director, provided this update. He responded to a question from Chair King.

Councilor Pols spoke regarding this item.

(d) Update on Time Record tax status

Manager Brown provided this update and responded to questions from Councilor Wilson and Councilor Pols.

TABLED ITEMS

24. The Town Council will hear public comments on an application for an Alcohol License, and will take any appropriate action. (Manager)

Full-Time Spirituous, Vinous & Malt

JJ & M LLC

D/B/A: Benchwarmers Sports Pub

Jennifer Lewis

212 Maine Street

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

Councilor Knight asked a question, to which Deputy Chief Hagan responded.

Councilor Favreau moved, Councilor Wilson seconded, to approve an Alcohol License for Benchwarmers Sports Pub, located at 212 Maine Street. The motion carried with nine (9) yeas.

25. The Town Council will hold a public hearing for a CDBG-Economic Development Program grant for Integrated Marine Systems, and will take any appropriate action. (Manager)

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

Town Council Minutes

March 5, 2012

Page 3

Manager Brown spoke on this item.

William Peterson, owner of Integrated Marine Systems confirmed information from Manager Brown regarding the letter of credit.

Councilor Perreault asked a question to which Mr. Levesque responded.

Councilor Watson spoke regarding this item.

Councilor Favreau moved, Councilor Watson seconded, to adopt a “Council Resolution – Community Development Block Grant Program” for Integrated Marine Systems. The motion carried with nine (9) yeas.

(A copy of the public hearing notice, proposed resolution, a memo from Brian Dancause, and the letter from DECD will be attached to the official minutes.)

NEW BUSINESS

31. The Town Council will consider setting a public hearing for March 19, 2012, on amendments to the Municipal Code of Ordinances, Chapter 7 Fire Prevention and Protection that would allow installation of outdoor wood boilers that meet certain standards and setbacks, and will take any appropriate action. (Councilor Wilson and Councilor Perreault)

Councilor Pols spoke on this item and asked a question, to which Chair King responded.

Councilor Wilson, Councilor Favreau and Councilor Tucker spoke regarding this item.

Manager Brown also spoke regarding this item.

John Libby, 16 Collinsbrook Road, spoke regarding this item.

Councilor Watson moved, Councilor Tucker seconded, to set a public hearing for March 19, 2012, on amendments to Municipal Code of Ordinances, Chapter 7 Fire Prevention and Protection allowing installation of outdoor wood boilers that meet certain standards and setback requirements. The motion carried with nine (9) yeas.

32. The Town Council will consider setting a public hearing for March 19, 2012, on amendments to the Municipal Code of Ordinances, Chapter 5 Buildings and Building Regulations to update building permit language and fees regarding mobile homes and open air-unattached structures, and will take any appropriate action. (Manager)

Manager Brown spoke on this item.

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

Councilor Wilson moved, Councilor Watson seconded, to set a public hearing for March 19, 2012, on amendments to the Code of Ordinance Chapter 5 Buildings and Building Regulations to update building permit language and fees regarding mobile homes and open air-unattached structures. The motion carried with nine (9) yeas.

33. The Town Council will consider the following requests for Sellers of Prepared Food on Public Ways on the Brunswick Mall, and will take any appropriate action. (Manager)

Wrappers
Lola's Taqueria
Danny's Dogs
Farmer's Market

Councilor Perreault spoke regarding this item.

Councilor Tucker moved, Councilor Wilson seconded, to approve licenses for Sellers of Prepared Food on Public Ways for the Brunswick Mall for the Farmer's Market, Danny's Dogs, Lola's Taqueria, and Wrappers. The motion carried with nine (9) yeas.

34. The Town Council will consider a request for Sellers of Prepared Food on Public Ways for outdoor seating, and will take any appropriate action. (Manager)

Great Impasta, 42 Maine Street
Flipside, 111 Maine Street
Gelato Fiasco, 74 Maine Street

Councilor Favreau moved, Councilor Knight seconded, to approve licenses for Sellers of Prepared Food on Public Ways on a Sidewalk for the Great Impasta, 42 Maine Street; Flipside, 111 Maine Street; and Gelato Fiasco, 74 Maine Street. The motion carried with nine (9) yeas.

35. The Town Council will consider authorizing the Town Manager to enter into a contract with Ledgewood Construction to be the Construction Manager for the proposed Police Station building, and will take any appropriate action. (Manager)

Manager Brown spoke regarding this item.

Councilor Perreault and Councilor Pols spoke on this item and asked questions, to which Manager Brown responded.

Councilor Favreau spoke regarding this item.

Councilor Knight asked a question, to which Manager Brown and Chair King responded.

Town Council Minutes

March 5, 2012

Page 5

Councilor Tucker moved, Councilor Watson seconded, to authorize the Town Manager to enter into a contract with Ledgewood Construction to be the Construction Manager for the proposed Police Station project. The motion carried with nine (9) yeas.

(A copy of a memo from Manager Brown summarizing the contract and copy of the contract, once signed, will be attached to the official minutes.)

36. The Town Council will consider appointments to Town Boards and Committees, and will take any appropriate action. (Appointment's Committee)

Councilor Watson nominated Charles Frizzle and Dann Lewis to the Planning Board. The Council appointed them with nine (9) yeas.

CONSENT AGENDA

(a) Approval of the Minutes of February 27, 2012

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

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

The meeting adjourned at 8:25 p.m.

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

*Frances Smith
Town Clerk/Assistant to the Town Manager
March 6, 2012*

March 19, 2012
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 28 Federal Street, Brunswick, Maine, by and through its Town Manager duly authorized by the Town Council on March 19, 2012, for consideration paid, release to **Kelli Pooters** of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
28009	331	August 23, 2010	2009
28904	277	August 22, 2011	2010

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

A certain parcel of land with any buildings depicted as Map 001 Lot 035 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2009 and April 1, 2010.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 19th day of **March 2012**.

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

TOWN OF BRUNSWICK

Witness

Gary L. Brown
Town Manager

STATE OF MAINE
Cumberland, ss.

March 19, 2012

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

Before me,

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

CONSENT AGENDA - C BACK UP MATERIALS

MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 28 Federal Street, Brunswick, Maine, by and through its Town Manager duly authorized by the Town Council on March 19, 2012, for consideration paid, release to **Hyde, Robert C & Marie JT** of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
27187	253	August 18, 2009 NOVEMBER 30 2009	2008
28010	171	August 23, 2010 TEBET JARVIS ES	2009
28904	260	August 22, 2011 TOPS SUPPLY ONLINE	2010

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

A certain parcel of land with any buildings depicted as Map U06 Lot 044 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2008, April 1, 2009 and April 1, 2010.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this **19th** day of **March 2012**.

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

TOWN OF BRUNSWICK

Witness

Gary L. Brown
Town Manager

STATE OF MAINE
Cumberland, ss.

March 19, 2012

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

Before me,

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