

BRUNSWICK TOWN COUNCIL
September 21, 2009
Executive Session: 6:30 P.M.
7:00 P.M.
Municipal Meeting Room
Maine Street Station
16 Station Avenue

Executive Session: Acquisition of Real Estate 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) Council Committee Updates
- (b) Recognizing William Collins, Retiring Police Detective
- (c) Introduction of Susan Cole, new Executive Director of People Plus
- (d) Update on Weymouth Street property purchase
- (e) Update on Midcoast Council of Government loan for Scarlet Begonias, Inc.

PUBLIC HEARINGS:

135. The Town Council will hear public comments on the following Automobile Graveyard and Junkyard License application, and will take any appropriate action. (Manager)

Shawn Letourneau
D/B/A: Brunswick Auto Recycling, LLC
117 Bath Road

HEARING/ACTION

136. The Town Council will hear public comments on a CDBG grant in order to accept \$40,000 on behalf of Coastal Counties Workforce, Inc to fund a WorkReady Credential Training Program, and will take any appropriate action. (Manager)

HEARING/ACTION

137. The Town Council will hear public comments on Zoning Ordinance amendments regulating the use of small wind energy systems, and will take any appropriate action. (Manager)

HEARING/ACTION

TABLED ITEMS:

128. The Town Council will consider setting a public hearing to amend the Cooks Corner TIF, and will take any appropriate action. (Manager)

ACTION

NEW BUSINESS:

138. The Town Council will consider setting a public hearing on Traffic Ordinance amendments regulating parking regulations for Station Avenue, and will take any appropriate action. (Manager)

ACTION

139. The Town Council will hear a report on the Police Station from the Police Station Subcommittee, and will determine if any future action is required. (Councilor King, Councilor Watson and Councilor Tucker)

DISCUSSION

140. The Town Council will discuss enacting Drug Free Zones in Brunswick, and will take any appropriate action. (Manager)

ACTION

141. The Town Council will consider adopting a Resolution For an Emergency Appropriation of \$55,000 From Unappropriated Available General Fund Revenues to Provide Additional Funding for Maine Street Station Meeting Space, and will take any appropriate action. (Manager)

ACTION

142. The Town Council will consider entering into a Municipal Station Agreement with the National Railroad Passenger Corporation, Northern New England Passenger Rail Authority, and the Town of Brunswick, and will determine if any future action is necessary. (Manager)

DISCUSSION

143. The Town Council will consider adopting a Motion to adopt a Resolution Authorizing the Extension of a Master Service Agreement for Municipal Services Provided to Northeast Housing LLC., and will take any appropriate action. (Manager)

ACTION

144. The Town Council will consider joining the Gateway One Steering Committee, and will take any appropriate action. (Manager)

ACTION

145. The Town Council will discuss actions surrounding the proceeds of the sale of the Harbor Technology Building and use of the funds, and will determine if any future action is necessary. (Councilor Klatt)

DISCUSSION

CONSENT AGENDA

- (a) Approval of the Minutes of September 8, 2009

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

Brunswick Town Council
Agenda
September 21, 2009
Council Notes and Suggested Motions

Executive Session: Acquisition of real estate Per 1 M.R.S.A. §405(6)(C)

Motion to go into executive session to discuss Acquisition of Real Estate Per 1 M.R.S.A. §405(6)(C).

MANAGER'S REPORT:

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

Suggested Motion: No Motion Required.

- (b) Recognizing William Collins, Retiring Police Detective: This is to recognize retiring Police Detective William Collins' twenty years of service to the Town.

Suggested Motion: No Motion Required.

- (c) Introduction of Susan Cole, new Executive Director of People Plus: Charlie Frizzle from the People Plus Board will be at your meeting to introduce Susan Cole, the new Executive Director for this organization.

Suggested Motion: No Motion Required.

- (d) Update on Weymouth Street property purchase: Manager Brown will update the Council and public on this recent purchase.

Suggested Motion: No Motion Required.

- (e) Update on Midcoast Council of Government loan for Scarlet Begonias, Inc.: Dave Markovchick will update the Council on this loan, which will assist a local business to expand. The new Maine Street Station location will allow Scarlet Begonias to more than double its seating capacity, and includes a bar/lounge area. This expansion is expected to necessitate an increase in staff, creating additional jobs in the community.

Suggested Motion: No Motion Required.

PUBLIC HEARINGS:

135. This item is the public hearing on the renewal of an Automobile Graveyard and Junkyard License for Brunswick Auto Recycling, LLC on 117 Bath Road. The facility is being inspected this week and a report will be provided to the Council as soon as it is ready. A copy of the public hearing notice and application are included in your packet.

Suggested motion:

Motion to approve an application for Automobile Graveyard and Junkyard License for Brunswick Auto Recycling, LLC.

136. This item is the public hearing required under the CDBG program for a \$40,000 grant on behalf of Coastal Counties Workforce, Inc to fund a WorkReady Credential Training Program. Once the hearing is held, the Council can allow the Town to accept and expend this awarded grant. Brian Dancause has provided a memo that outlines this project and he will be at your meeting to answer any questions. Copies of a public hearing notice and Brian's memo are included in your packet.

Suggested motion:

Motion to accept and expend a CDBG grant in the amount of \$40,000 on behalf of Coastal Counties Workforce, Inc. to fund a WorkReady Credential Training Program.

137. This item is for the public hearing and adoption of Zoning Ordinance amendments regulating the use of small wind energy systems. Kris Hultgren, Town Planner, has provided additional information on this item including links for sites that have information on these systems, with a video you should view prior to the meeting. Copies of the public hearing notice, a memo from the Planner, the proposed language, and an email with the links are included in your packet.

Suggested motion:

Motion to adopt Zoning Ordinance amendments regulating the use of small wind energy systems.

TABLED ITEMS:

128. This item was tabled from last meeting to allow time for the information to be prepared. It acts to begin the process of amending the Cooks Corner TIF in order to meet the following goals:
- Reduce the geographic size and adjust the boundaries so that the amended TIF will cover the area between Thomas Point Road and Old Bath Road. This is to coincide with the Bath Road improvements already authorized by bond ordinance.
 - Extend the TIF life. It is due to expire at the end of October 2009, because that is the last payment due on the Bath Road Sewer bonds issued in 1990. By law, the TIF can only be extended for 10 years.
 - Capture sufficient incremental valuation to pay the 10 year debt service on the bonds to be issued for the Bath Road improvements. Capturing the value will allow us to enjoy the valuation "shifts" that help us with Education Aid, Revenue Sharing, and the County tax.

The first action the Council will need to take is to set a public hearing for October 5, 2009. John Eldridge will be at your meeting to answer any questions you may have. A copy of a memo from Mr. Eldridge is included in your packet. The full application will be coming as soon as it is completed.

Suggested motion:

Motion to set a public hearing for October 5, 2009, relative to amending the Cooks Corner TIF agreement.

NEW BUSINESS:

138. This item is to set a public hearing to amend Chapter 15 to address parking issues on Station Avenue, the new street going through Maine Street Station. The amendments are based on the recommendations of the Planning Board, Public Works Director and Police Department. A copy of the proposed amendments is included in your packet.

Suggested motion:

Motion to set a public hearing for October 5, 2009, on Chapter 15 Traffic Ordinance amendments regulating parking regulations for Station Avenue.

139. This item is an opportunity for the Police Station Sub-Committee members to present their findings after reviewing the feasibility of converting the former Times Record building into a police station. After study and discussions, it is the unanimous belief of the committee that it is not in the best interest of the Town to pursue this location. The findings of the committee are in their report, which is included in your packet.

Suggested motion:

There is no suggested motion since this is a discussion item.

140. This item comes back from the Council after it was discussed at your July 6 meeting, at which the Council requested the Police gather additional information, which is addressed in a memo from Commander Kevin Schofield. The Town Council can now further discuss setting Drug Free Zones in Brunswick recreational and park areas. Copies of Commander Schofield's memo, along with the information that had been provided at your July meeting, are included in your packet.

Suggested motion:

Motion to have the Police take the necessary steps to designate the following locations as Drug Free Zones: Coffin Pond, Edwards Field, Lishness Field, Hambleton Avenue Playground, Nathaniel Davis Park, Shulman Field, Wildwood Field, Coffin Ice Pond, Upper/Lower Mall, Spanish War Triangle, and Androscoggin River bicycle path.

141. Manager Brown informed the Council at your last meeting of the increased cost to fit out the Council Chambers and Cable TV3 at their new location. This item is to ask the Council to authorize an additional \$55,000 to fund these costs, which includes fixed seating, Council dais, and relocating TV3. Copies of the proposed Resolution, along with the one you adopted on June 1, 2009, are included in your packet.

Suggested motion:

Motion to adopt a Resolution for an Emergency Appropriation of \$55,000 from Unappropriated Available General Fund Revenues to Provide Additional Funding for Maine Street Station Meeting Space.

142. This item is to begin the discussion of the Town entering into a Municipal Station Agreement among the National Railroad Passenger Corporation, Northern New England Passenger Rail Authority, and the Town of Brunswick. This agreement is a requirement of AMTRAK and is in place at other train stations. The document has been submitted to legal counsel for review and will also be compared to other agreements at other locations for consistency. A copy of the Draft Municipal Station Agreement is included in your packet.

Suggested motion:

There is no suggested motion since this is a discussion item.

143. This item will begin the process of extending the Master Service Agreement with Balfour regarding services provided to Navy Housing. In October 2004 the Town entered this five-year agreement with GMH, which was in charge of the housing at the time. It provided funds to offset the cost to provide public safety services to the Navy housing after it became privatized. The extension will be for a period of one year, under the same terms as set out in the current agreement, but also includes a provision to allow for payments through the 2009-2010 Fiscal Year even if the property becomes taxable on April 1, 2010. Copies of the Resolution and draft agreement are included in your packet.

Suggested motion:

Motion to adopt a Resolution Authorizing the Extension of a Master Service Agreement for Municipal Services Provided to Northeast Housing LLC.

144. This item is to discuss the Town's role continuing in the Gateway 1 Corridor Action Plan. The Gateway 1 Corridor Steering Committee, of which Brunswick was a member, completed the Corridor Action Plan in July 2009 and a presentation was made by the Project Team at the recent Pleasant Street Committee meeting. The initial phase provides for the creation of a new Interim Steering Committee to oversee plan implementation. For the Town to participate in this committee, we need to sign the joint Cooperative Start-Up Agreement by October 31. Anna Breinich has prepared a memo that outlines this request and will give the Council a brief presentation at your meeting. Copies of her memo, Gateway 1 Action Plan/Gateway 1 Corridor Coalition information, Start-Up Agreement for the Implementation of the Gateway 1 Corridor Action Plan, and a timeline for implementation are included in your packet.

Suggested motion:

Motion to authorize the Town Manager, Gary Brown, to sign the attached Start-up Agreement for the Implementation of the Gateway 1 Corridor Action Plan and move towards formally adopting the Gateway 1 Corridor Action Plan as an addendum to the 2008 Comprehensive Plan Update within 12 months.

145. Councilor Klatt requested that this item be placed on the agenda so the Council could discuss the proceeds of the sale of the Harbor Technology Building and have a discussion surrounding the use of those proceeds for projects. Copies of minutes and a memo that discuss the possible use of the funds are included in your packet.

Suggested motion:

There is no suggested motion since this is a discussion item.

CONSENT AGENDA

- (a) Approval of the Minutes of September 8, 2009: A copy of the minutes are included in your packet.

Suggested motion:

Motion to approve the Consent Agenda.

Suggested motion:

Motion to adjourn the meeting.

MANAGER'S REPORT

A – E

NO BACK UP MATERIALS

ITEM # 135

BACK UP MATERIALS

Town of Brunswick, Maine

INCORPORATED 1739

Town Clerk's Department

28 Federal Street, Ste. 2,
Brunswick, Maine 04011-1583

207-725-6658
207-725-6663 FAX



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 9/21/2009 on the following license applications:

Automobile Graveyard and Junkyard

Shawn Letourneau
D/B/A: Brunswick Auto Recycling, LLC
117 Bath Rd.

Shawn Letourneau

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: Shawn Letourneau

Partnership-Partner's Names: _____

Corporation-Corporation Name: _____

Incorporation Date: _____ Incorporation State: _____

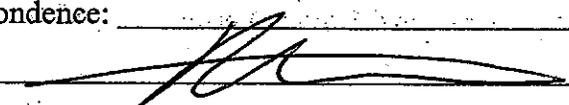
New License: Opening Date _____ Renewal License: Expiration Date: 10-1-2009

Business Name: Brunswick Auto Recycling LLC

Business Address: 117 Bath Rd Business Phone Number: 725-4199

Name of Contact Person: Paula Letourneau Contact's Phone Number: 725-4199

Mailing Address for Correspondence: _____

Signature of Applicant:  Date: _____

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

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

Corporations Please Complete:

Address of Incorporation: _____ 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: Junk Yard Paid Fee: \$150.00 Cash Check Date: 9-8-09

Grave Yard 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)

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

Pawnbroker (\$75) Exp. June 30th

Peddler:

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

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

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

Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)
Location: _____ Exp. 1st PH in March

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

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

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

Describe in detail kind and nature of entertainment- _____

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

Signature of Owner, officer, partner or agent: _____

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

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

Statement of Standards
Brunswick Code of Ordinance and Title 30A, sub 3755-A

Standards. No permit shall be issued for an automobile graveyard, junkyard, or automobile recycling business unless the municipal officers of the Town of Brunswick find the following standards have been met:

1. The automobile graveyard, junkyard, or recycling business must be enclosed by a visual screen at least six (6) feet high and built in accordance with rules adopted by the Maine Department of Transportation in pursuant to Title 30A, Section 3759.
2. No vehicle, machine or equipment with an intact engine or motor may be stored within one hundred (100) feet of any body of water or freshwater or coastal wet land in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
3. No vehicle, machine or equipment may be dismantled or stored within five hundred (500) feet of a school, church, cemetery, or public playground or park in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
4. No vehicle, machine or equipment may be dismantled or stored over a sand and gravel aquifer or aquifer recharge area in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
5. No vehicle, machine or equipment containing fluids may be dismantled or stored within the one hundred-year floodplain in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
6. No vehicle, machine or equipment may be dismantled or stored in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection within one hundred (100) feet of a well that serves as a public or private water supply, excluding a private well which serves only the automobile graveyard, junkyard or automobile recycling business or the owner or operators abutting residence.

7. The yard, field or other area used for the automobile graveyard, junkyard, or automobile recycling business is owned by fee title without any encumbrances. In the alternative, the person may present notarized, written permission for the establishment, operation or maintenance of the automobile graveyard, junkyard or recycling business from the person owning the encumbrances.

8. No vehicle, machine, equipment or junkyard junk may be located, stored or dismantled closer than twenty (20) feet from any lot line unless the person has notarized written permission from the abutting property owner.

9. The following standards must be performed when dismantling any vehicle, machine or equipment:

i. The battery must be removed.

ii. Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.

iii. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground. The person establishing, operating or maintaining the automobile graveyard, junkyard or automobile recycling business must comply with all applicable federal or state laws related to hazardous material must be complied with.

10. Before a permit is issued, the municipal officers designee shall inspect the premises and issue a report to the municipal officers regarding compliance with this subsection and any other applicable local, state or federal laws, ordinances, rules and regulations. No permit shall be issued if the person seeking the permit refuses to grant permission for this inspection.

I, Paula Letourneau have read the above and I am
Please print

in compliance with the standards.



Signature

#135

Brunswick Police Marine
Resources/Harbor Master Unit

Office Memo



To: Fran Smith, Town Clerk
From: Daniel R. Devereaux MRO/HM
CC: Cmdr. Hagan, Brunswick Town Council
Date: 09/17/2009
Re: Brunswick Recycling/Auto Graveyard LLC.

Fran,

Please be advised that I have conducted an on site inspections of the Brunswick Recycling/Auto Recycling Corporation located on the Bath Rd. They have been found in compliance with all Brunswick ordinances as well as the State and Federal environmental regulations that pertain to recycling and auto graveyards. If you have any questions please feel free to contact me.

Regards,

Daniel R. Devereaux MRO/HM
Brunswick Police

**Automobile Graveyard
Inspection Record**

Brunswick Auto Recycling LCC

Business/Company

**117 Bath Rd.
Brunswick, ME 04011**

Address

**Daniel R. Devereaux MRO/HM
Brunswick Police Department**

Name of inspector



41-2A

Map / Lot Number

725-4199

Telephone Number

September 17, 2009

Date of inspection

Standards

1. Was the automobile junkyard/recycling business enclosed by a visual screen at least six feet high and built according to MDOT rules pursuant to Title 30A, Section 3759?
2. Were any vehicles, machines or equipment w/ an intact engine or motor stored within 100 feet of any body of water or freshwater or coastal wetland?
3. Were any vehicles, machines or equipment being dismantled or stored within 500 feet of a school, church, cemetery, or public playground or park?
4. Were any vehicles, machines or equipment being dismantled or stored over any sand or gravel aquifers or aquifer recharge areas?
5. Were any vehicles, machines or equipment containing fluids being dismantled or stored within the 100-year flood plain?
6. Were any vehicles, machines or equipment being dismantled or stored within 100 feet of a well that serves as a public or private water supply?
7. Was the area used for the business owned by fee title without any encumbrances?
8. Were any vehicles, machines, equipment or junk located, stored or being dismantled any closer than 20 feet from any lot line?

Yes	No
✓	
	✓
	✓
	✓
	✓
	✓
✓	
	✓

**Automobile Graveyard
Inspection Record**

Standards

- 9. Were batteries removed from dismantled vehicles?
- 10. Were engine lubricants, transmission fluids, brake fluids and engine coolants drained from vehicles into a watertight, covered container and either are being recycled or disposed of in accordance with Federal or State laws, rules or regulations?
- 11. Were fluids from any vehicle being permitted to flow or be discharged into or onto the ground in any way?

Yes	No
✓	
✓	
✓	

NOTES

No Discrepancies Noted
EXCESSIVE amount of Vehicles being prepared for dismantle

I, Daniel Devereaux, have inspected the premises of Brunswick Auto Recycling and found the business to be in compliance with all Local, State and Federal regulations.

9/17/2009

Date



Daniel Devereaux MRO/HM

Brunswick Police Department/Natural Resources

ITEM # 136

BACK UP MATERIALS

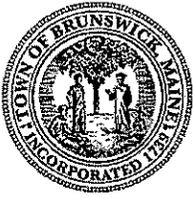
Town of Brunswick

Public Hearing

The Brunswick Town Council will hold a Public Hearing at their regular meeting on Monday, September 21, 2009 at 7:00 PM in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue to discuss acceptance of a Public Services Grant under the Maine Community Development Block Grant program. The purpose of the grant is to support Coastal Counties Workforce, Inc.'s delivery of WorkReady™ Credential training to individuals who have barriers to employment and/or little work experience. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase of the CDBG process. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Brian Dancause at 28 Federal Street, Brunswick, ME 04011 at any time prior to the Public Hearing. TDD/TTY users may call 771. If you are physically unable to access any of the Town's programs or services, please call Brian Dancause at 721-0292, so that accommodations can be made.

Fran Smith, Town Clerk
Brunswick, Maine

Times Record: September 11, 2009



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

MEMORANDUM

TO: Town Council
Gary Brown, Town Manager

FROM: Brian K. Dancause *BKD*

DATE: September 16, 2009

SUBJ: Public hearing to accept a \$40,000 Community Development Block Grant on behalf of Coastal Counties Workforce, Inc. to fund a WorkReady™ Credential training program

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION PROCESS:

- ✓ The Maine Department of Economic and Community Development has invited the Town of Brunswick into the project development phase of the Community Development Block Grant application process, reserving \$40,000 for our project (summarized below) under the CDBG Public Service program.
- During the project development phase of the application process, the Town must hold a public hearing to give members of the community an opportunity to comment on the project. (Note: Following a CDBG grant award and during program implementation, an additional public hearing must be held to allow residents to comment on the project's progress.)
- The Town Council must approve the project by formally voting to accept CDBG funds.
- DECD's Office of Community Development executes a grant contract with the Town, upon completion of the project development phase.

CDBG PROJECT:

WorkReady™ Credential is a 60-hour training curriculum, which simulates an actual workplace environment and trains participants in foundational employment-related soft skills. The program will target individuals who have barriers to employment and/or little work experience, particularly those who are homeless or dependent upon public assistance. Coastal Counties Workforce, Inc. is partnering with Merrymeeting Adult Education, Tedford Housing, Goodwill and the Maine Advanced Technology Center/Southern Maine Community College to deliver this training program.

ITEM # 137

BACK UP MATERIALS



**TOWN OF BRUNSWICK
PUBLIC HEARING**

THE BRUNSWICK TOWN COUNCIL will hold a public hearing at their regular meeting on Monday, September 21, 2009, 7:00 p.m. in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to receive public comment regarding a proposed zoning ordinance amendment regulating the siting of small wind energy systems in all zoning districts.

For more information contact the Planning Office at 725-6660 or go to <http://www.brunswickme.org/planning/index.htm>

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

Fran Smith, Town Clerk
Brunswick, Maine

Times Record: September 11, 2009



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

PHONE: 207-725-6660

FAX: 207-725-6663

September 15, 2009

Memo to: Brunswick Town Council
Gary Brown, Town Manager
From: Kris Hultgren, Town Planner
Subject: Supplemental Information about Small Wind
Energy Systems

This memo and supplemental materials are intended to provide additional information to the Town Council in advance of the public hearing on September 21 to consider adopting a zoning ordinance amendment regulating the siting of small wind energy systems in all zoning districts. The information in this memo includes a description of small wind projects in Winter Harbor and Kittery and additional comments on the proposed noise standard. The attached documents provide pictures and descriptions of different types of small wind energy systems and specifications on a typical residential wind turbine produced by a leading manufacturer. Finally, an email to Councilors is provided that shows wind resource maps for Maine and a video about the wind turbine project in Winter Harbor.

The Town of Winter Harbor installed a small wind energy system in 2007 to help mitigate the cost of electricity at a subsidized elderly housing complex. The system has a rated capacity of 10 kW and a 100 foot tower which is about how big the biggest system could be in Brunswick. The maximum height of a system in Brunswick's rural areas is 125 feet to the systems highest point. The Winter Harbor system offers a good example of what is possible in Brunswick's rural areas. Attached to this memo is a news article about the town's experience with the wind turbine.

The Town of Kittery installed a 50 kW wind turbine at the municipal's transfer station in 2008 and by June of 2009 decided to cancel the project. The Kittery project provides a good example of the challenges in picking an appropriate site to install a wind turbine, something that each business and resident of Brunswick will have to consider carefully before making the investment. Generally, wind turbines need between 8 – 10mph of consistent wind to begin to produce energy. A news article about the Kittery experience is attached to this memo.

The noise standard being proposed for small wind energy systems was carefully considered by the Planning Board. The Board decided to recommend that the existing noise ordinance used by the town and outlined in Section 109.4 of the Zoning Ordinance remain the standard for wind turbines. The noise ordinance details appropriate maximum decibel levels at the property line for

any noise producing activity. The Planning Department worked with local sound engineer Rob Rand of Rand Acoustics in Brunswick to help develop an appropriate noise standard for wind turbines. We hope to have Mr. Rand at your meeting on September 21 to answer questions about the impact of noise created by small wind energy systems.

I will be available at the Town Council meeting to answer questions.

Fran Smith

From: Kris Hultgren [khultgren@brunswickme.org]
Sent: Tuesday, September 15, 2009 2:56 PM
To: 'Fran Smith'
Subject: Town Council web links

Hi Fran,

Here are the web links I would like to include with my submittal to the Town Council regarding the Public Hearing on Small Wind Energy Systems.

Wind Resource Maps: http://www.windpoweringamerica.gov/wind_maps.asp

Winter Harbor Article and Video: <http://ellsworthmaine.com/site/index.php/2008081416241/Re-energizing-Maine/In-Winter-Harbor-Wind-Turbines-Effect-Has-Been-Electrifying.html>

I will bring the remainder of the information over to you shortly.

Thank you,

Kris

Kris Hultgren
Town Planner
Brunswick, Maine
28 Federal Street
Brunswick, Me 04011

207-725-6660, ext.222 (V)
207-725-6663 (F)
www.brunswickme.org

Proposed Amendments to the Brunswick Zoning Ordinance to Implement the Use of Small Wind Energy Systems (SWES) in all zoning districts, *as recommended by the Brunswick Planning Board, August 4, 2009.*

Section 111 Definitions:

Small Wind Energy System (SWES). A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

306.24 Small Wind Energy Systems

Small Wind Energy Systems (SWES) shall be reviewed according to the following:

For lots located in the Rural Area the following standards apply:

- A. An SWES shall have a maximum height of 125 feet from the ground level to the systems highest point.
- B. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 25 feet.
- C. On lots less than three (3) acres in size, no more than one (1) SWES installation shall be allowed. On lots of three (3) acres or more, up to three (3) systems shall be allowed.

For lots located in the Growth Area the following standards apply:

- A. An SWES shall have a maximum height of 80 feet from the ground level to the systems highest point.
- B. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 15 feet.
- C. One SWES per lot shall be allowed.

The following standards apply to Small Wind Energy Systems located in both Rural and Growth Areas:

- A. A building permit from the Codes Enforcement Officer is required prior to installation.
- B. All parts of an SWES shall be setback from all property lines, public rights-of-way, overhead utility lines and all dwelling units a minimum distance equal to the total height of the system measured from the ground to the systems highest point or the minimum setback of the district in which the system is located, whichever is greater.

- C. An SWES shall not exceed the noise standards set forth in Section 109.4 of the Zoning Ordinance.
- D. An SWES shall not be lighted and shall not display any signs, writing, symbols or graphic representations of any kind except appropriate manufacturer's or installer's identification and warning signs.
- E. The minimum distance between the ground and all blades of an SWES shall be 25 feet as measured at the lowest arc of the blades.
- F. The SWES shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.
- G. An SWES which is not generating and has not generated electricity for twelve (12) consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the town unless the SWES is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one (1) year if the owner is actively pursuing the repair of the system for future use.
- H. An SWES shall be equipped with both manual and automatic over-speed controls.
- I. An SWES must comply with applicable town, state and federal regulations, including any necessary approvals for installations within FAA regulated zones.
- J. All roof-mounted small wind energy systems must be approved by an architectural engineer prior to installation.

The following submission requirements for a building permit apply for Small Wind Energy Systems located in both Rural and Growth Areas:

- A. Description of the project including specific information on the type, size, tower type and height, rotor material and diameter, rated power output, performance, safety and noise, manufacturer and model of SWES.
- B. Evidence that the proposed height of the SWES does not exceed the height recommended by the manufacturer of the system.
- C. Structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Codes Enforcement Officer shall be submitted.
- D. If connection to the publicly regulated utility grid is proposed, evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
- E. Photographs of the proposed site.

- F. A site plan depicting setbacks to all property lines.
- G. Any additional information deemed necessary by the Codes Enforcement Officer.

This is an example of a residential wind turbine design that would be possible in Brunswick if the proposed ordinance was adopted. The system pictured here would likely have to be setback further from the dwelling unit in the foreground but the look and height of the turbine are consistent with various residential wind turbines.





This is another example of a small scale wind turbine that is possible for businesses or residents. It is relatively short but appears to be an appropriate distance above any structure or tree to help mitigate wind turbulence that can disrupt the efficiency of small wind systems. This turbine would meet the setback standard because the structure to the left is not a dwelling unit.



This example helps to show what a small wind turbine would look like in the rural areas of town. There is nothing in the immediate vicinity of the system to adversely impact the wind resource. It is unlikely that noise from the system is heard beyond the property line.

This is an example of an industrial size wind turbine that is **not** allowed by the proposed ordinance. The turbines below are similar to what is installed at wind farms around the state like Mars Hill and Stetson.

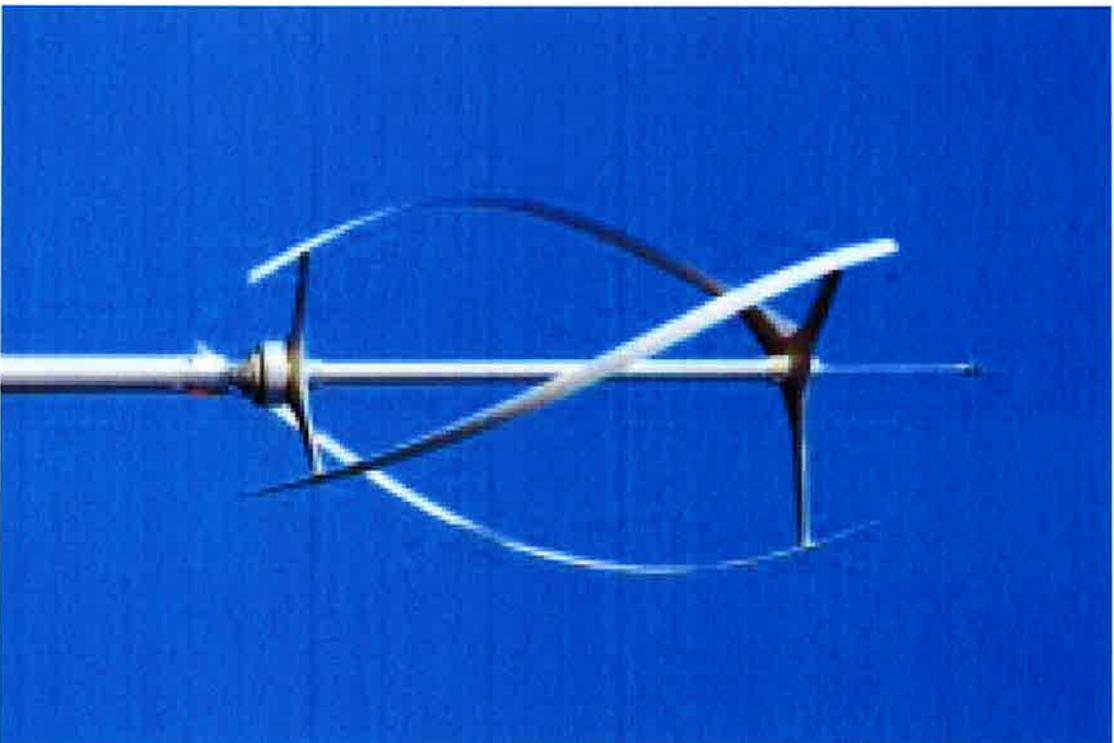


Wind turbines like this that are in downtown areas within falling distance of homes are not allowed in the proposed ordinance because the installation must be setback a minimum distance equal to the height of the system from all property lines, public ROWs and dwelling units.





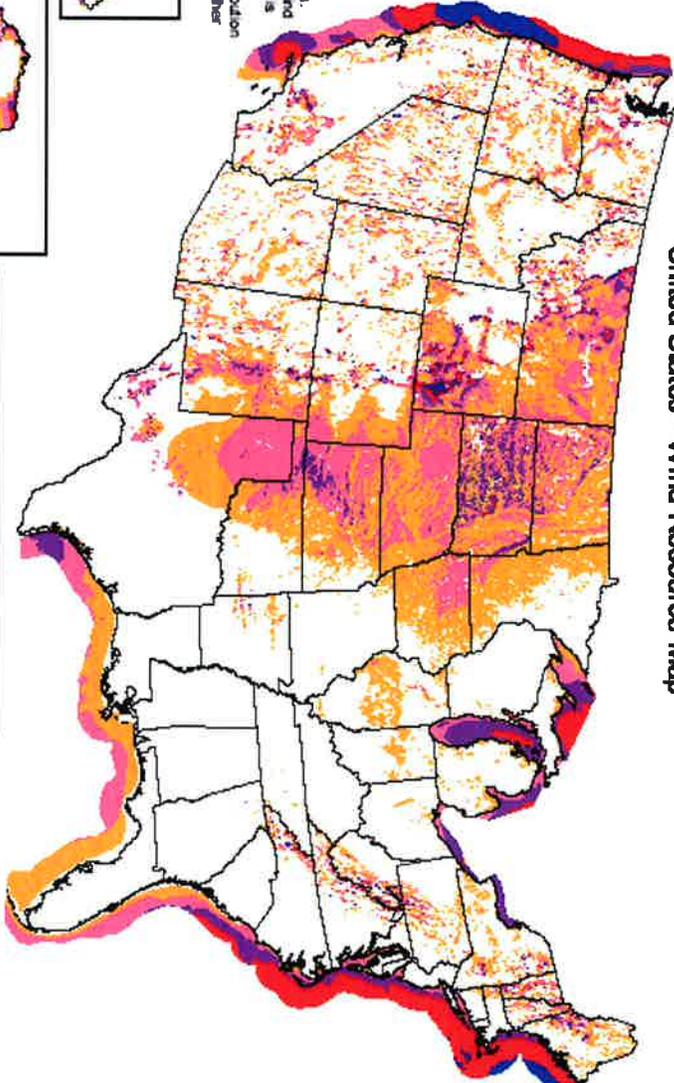
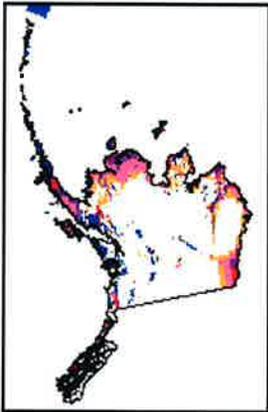
This example of a roof-mounted wind turbine would need to be certified by an architectural engineer to confirm it will not harm the structure it sits atop and cause a dangerous situation to occur. This type of installation is exempt from height standards per Section 305.4 of the Zoning Ordinance.



This is a small wind energy system that does not use the typical rotor blades to produce energy. This design works more efficiently in areas with turbulent winds created by structures and trees. As a result, this type of small wind turbine may be more appropriate for urban areas that have existing structures that create wind turbulence.

United States - Wind Resource Map

This map shows the annual average wind power estimate at a height of 50 meters. It is a combination of high resolution and low resolution datasets produced by NREL and other organizations. The data was processed to eliminate areas unlikely to be developed onshore due to land use or environmental issues. In many states, the wind resource on this map is visually enhanced to better show the distribution on ridge crests and other features.



Wind Power Class	Resource Potential	Wind Power Density at 60 m W/m ²	Wind Speed ^a at 60 m m/s	Wind Speed ^a at 60 m mph
3	Fair	300 - 400	6.4 - 7.0	14.3 - 15.7
4	Good	400 - 600	7.0 - 7.5	15.7 - 16.6
5	Excellent	600 - 800	7.5 - 8.0	16.6 - 17.9
6	Outstanding	800 - 1000	8.0 - 8.8	17.9 - 19.7
7	Superb	1000 - 1600	8.8 - 11.1	19.7 - 24.6

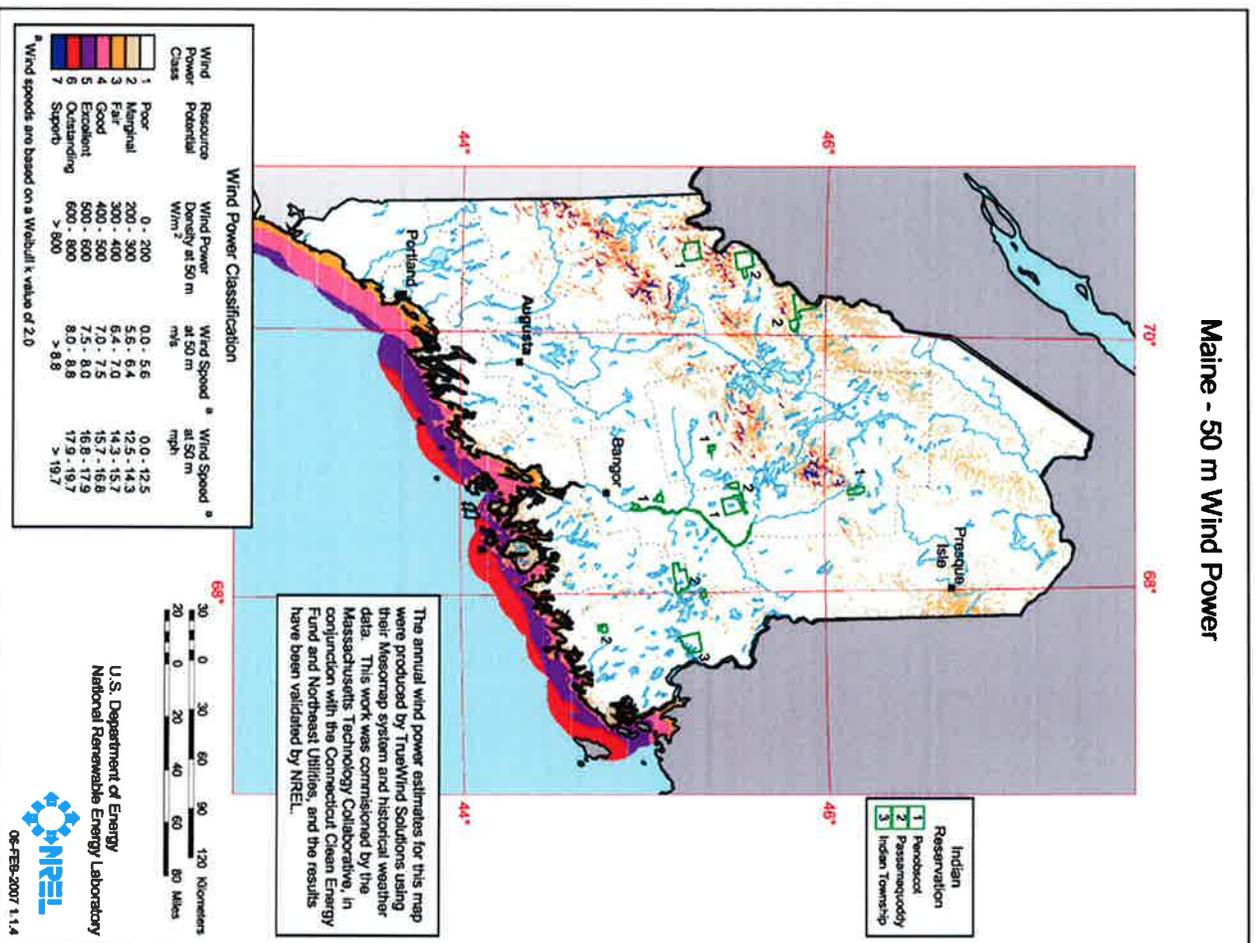
^aWind speeds are based on a Weibull k value of 2.0

U.S. Department of Energy
National Renewable Energy Laboratory



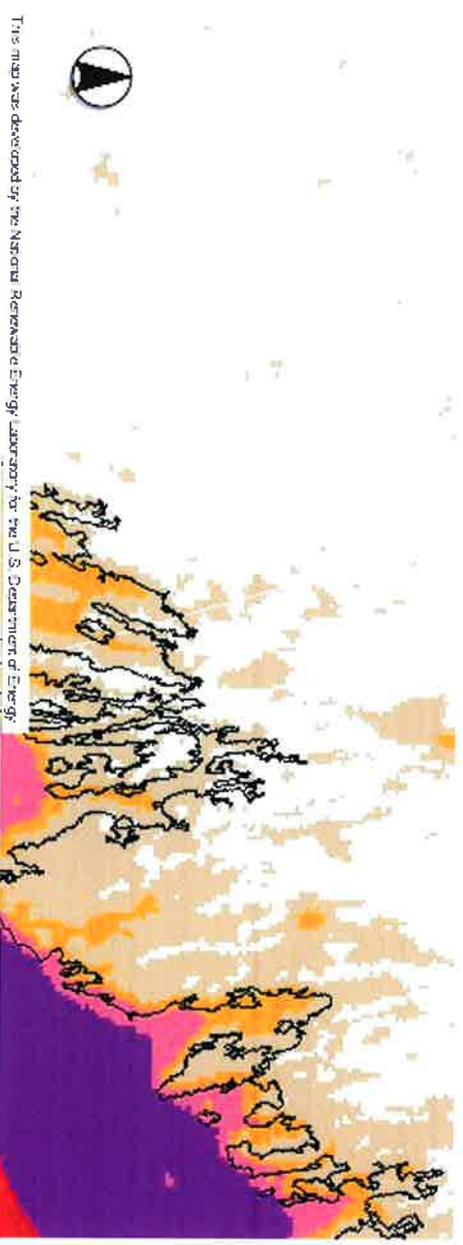
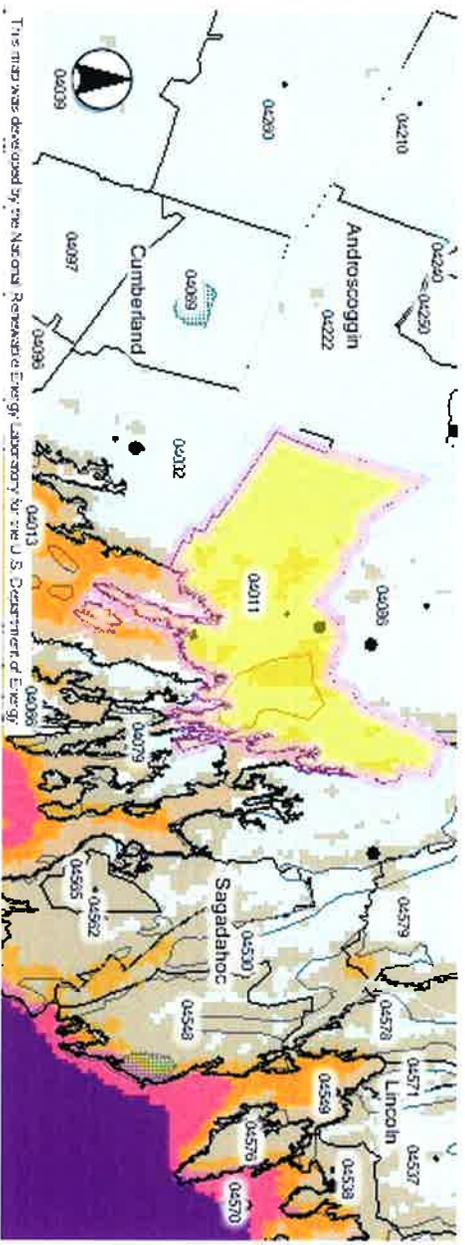
This map shows the places in the United States that have the best wind resource.

Maine - 50 m Wind Power



This map details the wind resource across the state of Maine. Not surprisingly the best wind sites are off the coast. More information about these maps can be found here:

http://www.windpoweringamerica.gov/wind_maps.asp



This map was developed by the National Renewable Energy Laboratory for the U.S. Department of Energy.

Here is a close up on the mapped wind resources in Brunswick. The brown shaded areas provide the best wind in town according to the US Department of Energy.

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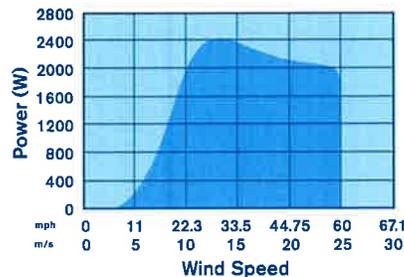
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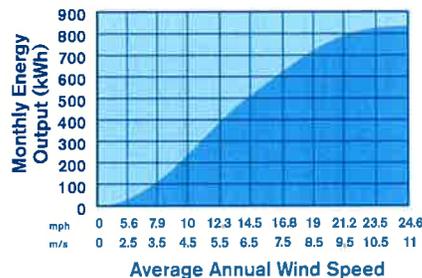
Technical Specifications

Rated Capacity	2.4 kW
Rotor Diameter	12 ft (3.72 m)
Weight	170 lb (77 kg)
Swept Area	115.7 ft ² (10.87 m ²)
Type	Downwind rotor with stall regulation control
Direction of Rotation	Clockwise looking upwind
Blades	(3) Fiberglass reinforced composite
Rated Speed	50 - 330 rpm
Maximum Tip Speed	216.5 ft/s (66 m/s)
Alternator	Slotless permanent magnet brushless
Yaw Control	Passive
Grid Feeding	120/240 VAC Split 1 Ph, 60 Hz 120/208 VAC 3 Ph compatible, 60 Hz (Check with dealer for other configurations)
Battery Charging	Battery Charge Controller kit available for battery charging systems
Braking System	Electronic stall regulation with redundant relay switch control
Cut-in Wind Speed	8 mph (3.5 m/s)
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The Ellsworth American.

In Winter Harbor Wind Turbine's Effect Has Been Electrifying

Written by Tom Walsh

Thursday, August 14, 2008

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WINTER HARBOR — A once-controversial wind turbine is now humming away with the help of the shoreline breezes along Schoodic Point.

It's been a year since the 10-kilowatt turbine mounted on a 100-foot tower began generating electricity for a building within the Millstream Heights Apartments, a subsidized elderly housing complex on Hillside Drive.



Millstream Heights, an affordable living center in Winter Harbor, gives alternative energy a try, installing a windmill. The windmill was a cooperative effort of Maine Housing, Efficiency Maine, The Washington Hancock Community Action Agency, and the town of Winter Harbor.

Funded through a \$60,000 Residential Energy Assistance Challenge Grant, the wind turbine supplies electricity to the building that houses the community room, the laundry room and a few of Millstream Heights' 14 one-bedroom and two two-bedroom apartment units.

The federal grant was secured by the Washington Hancock Community Agency (WHCA).

"We needed to be trying different things, because we have electric heat here," said Richard Fickett, who manages the property. "And utility costs were requiring that we increase the rents here, year after year. The utility allowance that gives [tenants] some relief had to be increased almost annually."

After the Winter Harbor Planning Board approved WHCA's proposal to erect the wind turbine, the town's code enforcement officer denied a building permit on the grounds that the 100-foot radio tower on which the turbine is mounted exceeds a 40-foot height limit on structures. The town's Appeals Board subsequently reversed that decision, deeming the project a "tower" instead of a "structure."

There was some local hand-wringing about the turbine's appearance and concern that it would prove noisy, Fickett said.

"As it turned out, even the neighbors on the street behind the project, who didn't express a lot of opposition, said they would monitor it closely because they were concerned about the noise," Fickett said.

Among those neighbors was Neil Buffett, whose home at 13 Barnacle Lane is within a long Tom

Brady pass of the turbine tower and its fenced enclosure.

"Occasionally, we can hear it, but it's no bother at all," Buffett said. "I haven't heard any complaints. I think some of the original complaints were almost as much over the aesthetics of having that thing up there as the sound."

For the first six months of this year, the turbine has provided about 21 percent of the electricity used in the building that it supplies. That building is energy-intensive: its laundry room houses electric clothes dryers and a large electric water heater. When compared with grid-supplied consumption during the first six months of last year, the savings have amounted to about \$100 a month, Fickett said.

"We'll have no out-of-pocket expenses for this project for the first three years," Fickett said. "It's all positive. I just wish that we were able to generate more power and have it be a bigger portion of what's required here."

No one has commented on this article.

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Dreams of dollars blown away: Kittery wind turbine turns out to be an underperformer

By Charles McMahon
Wednesday, June 3, 2009

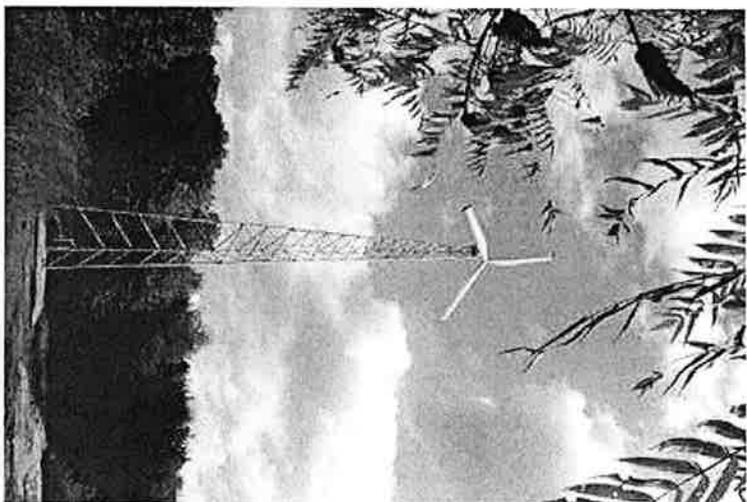
KITTERY, Maine — Eight months after installing a 50 kilowatt wind turbine on top of a hill at the Kittery Waste Transfer Station town officials have chosen to call it quits on the alternative energy project due to its "underperformance."

Town Manager Jon Carter announced Tuesday the town will look to sell the turbine back to the manufacturer, Entegry Wind Systems, and will in turn recoup the \$191,028 in funds used for the turbine, the tower and installation costs.

Having recently received results from the eight-month wind energy demonstration project, Carter said analysis of the real-time data provided by the wind turbine shows that over the time period from October 2008 to May 2009, the actual production of electricity was only 15 percent of what was originally anticipated.

The reason for its underperformance according to Carter, is most likely due to "ground clutter causing significant wind turbulence."

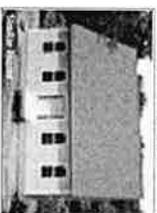
"The moral of the story is we thought we did enough



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work to figure out the wind patterns and we thought we had a site that worked, but we didn't realize it was not high enough to not be affected by tree turbulence," Carter said.

As a result, Entegriety Wind Systems of Boulder, Colo., has agreed to refund the town the entire cost of project and once the community has been compensated, the company will remove the turbine and the tower, and ship the unit to a location west of the Mississippi.

"While the performance of the wind turbine was disappointing, the project clearly demonstrated that the 50 kw Entegriety performs well below expectations when installed in areas with considerable wind turbulence resulting from trees and buildings," Carter said in a statement.

Calling it a "natural disappointment," Carter said the project had built up quite a bit of support in the community.

The town's decision to install the unit followed months of wind testing at the Transfer Station and was aided by a grant from the Maine Public Utilities Commission aimed at bringing new sources of energy online to help reduce reliance on fossil fuels linked to global warming.

"We could've left it up and it could've been an icon to the work we're attempting to do in Kittery," said Carter.

The ultimate decision was to "face reality," he said and realize the turbine wasn't reducing the cost of electricity at the rate originally expected.

Luckily the contract the town and Entegriety came to terms with involved certain performance stipulations that would allow the town to back out under the current scenario.

"What we did do right was select a company with a lot of experience in warranties, that stood behind it and I think it was a valuable demonstration," he said.

For now the turbine will remain where it is until December, said Carter and once Entegriety fully repays the town the turbine will come down and be shipped out West. Carter said he anticipates that will be sometime in January.

Once that happens, all of the town money used on the project will return to the original account. Then the town will have to wait to hear from the state about how they want the grant money to be used.

Meanwhile Carter said the town will continue to evaluate energy efficiency and renewable energy projects to reduce energy costs in the future.

END

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ITEM # 128

BACK UP MATERIALS

MEMORANDUM

TO: Town Council

FROM: John Eldridge, Finance Director

DATE: September 17, 2009

SUBJECT: Bath Road TIF Development/TIF District
Second Amendment

AMENDMENT SUMMARY

The Town of Brunswick originally created the Bath Road TIF in 1989. The TIF district was designed to capture sufficient tax revenues to pay up to 80% of the debt service on a sewer extension. The first amendment to the TIF in 1989 was a technical amendment to bring the total valuation of the TIF district within the statutory maximums. The Town now seeks this second amendment of the TIF in order to fund the anticipated debt service on a portion of the estimated cost to reconstruct the Bath Road between Thomas Point Road and Old Bath Road. The Town intends to modify both the TIF District boundaries and the Development Program Financial Plan.

DISTRICT BOUNDARY

This amendment proposes to redraw the boundaries of the District to reduce the geographic area in the TIF. Essentially the western boundaries of the TIF will remain the same. The eastern boundary of the district is now proposed to terminate near the intersection of Bath Road and Old Bath Road. This will allow the re-drawn TIF district to cover most of the area of the proposed Bath Road infrastructure and traffic improvements as proposed, and as authorized, by an ordinance adopted in June 2008. Approximately 750 feet of those improvements will be outside the new district boundaries. However, it is clear that development in the district has impacted that portion of the Bath Road and costs relating to its reconstruction should be eligible components of the amended development program.

FINANCIAL PLAN

This second amendment to the financial plan proposes to extend the life of the TIF district to the full thirty (30) years allowed under Maine law. Beginning in 2010-11, there will be eight (8) years of life remaining in the district. The financial plan anticipates capturing sufficient TIF revenues over those eight (8) years in order to pay the anticipated debt service on bonds authorized for the infrastructure and traffic improvements on the Bath Road between Thomas Point Road and the Old Bath Road. Given the value that already exists in the area proposed to be included in the re-defined district, there will be sufficient captured tax revenues to fund the debt service. As the result of sheltering value within the district, the estimated tax shifts show there will be significant financial benefit to the Town as the result of this second amendment.

ACTION REQUIRED

A complete amendment application is being prepared and should be available shortly. Should the Town Council wish to proceed with the amendment application, a public hearing is required and should be scheduled for October 5, 2009. Staff should be directed to complete an application for submission of the amended program/district to the Department of Economic and Community Development. Since the existing Bath Road TIF district will terminate later in October, when the debt service it was intended to fund will have been retired, it is important to move quickly on this second amendment if the Town is to preserve the benefits that can be achieved through sheltering value within the district.

ITEM # 138

BACK UP MATERIALS



**Adopted Ordinance Amendments
Relative To Parking at Station Avenue
Drafted – 09/14/2009
Public Hearing –
Adopted –
Effective –**

**Chapter 15
TRAFFIC AND VEHICLE**

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

Sec. 15-47. Through streets.

The following public ways are designed as through streets: ...

Station Avenue beginning at Maine Street and continuing to Union Street.

Sec. 15-50. Right turn only.

A right turn only movement is required at the following locations and intersections:...

~~(3) At the junction of Maine Street and the exit from Maine Street Station Avenue where it where it intersects Maine Street so-called, such exit being forty (40) feet southerly from the tracks of the Maine Central Railroad.~~

Add the following new section:

Sec. 15-54. Reverse Angle Parking.

All designated angle parking spaces as indicated by pavement markings on Station Avenue shall only be occupied by a vehicle that backs into the space so that the front of the vehicle is facing out away from the curb. Parking in any other manner than backing in is prohibited and considered a violation of this ordinance.”

Sec. 15-74. No-parking areas.

The following areas are designated as no-parking areas: ...

Maine Street, west side, commencing at Station Avenue and extending southerly thirty two (32) feet.

Station Avenue, north side, commencing at Maine Street and extending westerly one hundred sixty four (164) feet.

Station Avenue, south side, commencing at Maine Street and extending westerly two hundred fifteen (215) feet.

Station Avenue, north side, commencing two hundred thirty nine (239) feet west of the intersection of Maine Street and extending westerly one hundred and eighty two (182) feet.

Union Street, east side, commencing at Station Avenue and extending northerly one hundred twenty five (125) feet.

Union Street, east side, commencing at Station Avenue and extending to Noble Street.

Station Avenue, south side, commencing at Union Street and extending easterly forty five (45) feet.

Station Avenue, south side, commencing one hundred five (105) feet east of Union Street and extending easterly one hundred seventy (170) feet.

Station Avenue, north side, commencing at Union Street and extending easterly sixty (60) feet.

Station Avenue, north side, commencing one hundred thirty (130)feet east of the intersection of Union Street and extending easterly eighty (80) feet.

15-76. Restricted on-street parking areas.

- (a) A person shall not park a vehicle for more than two (2) consecutive hours in any parking space adjacent to a curb between the hours of 8:00 a.m. and 6:00 p.m. on any day except Friday, Sunday, and a public holiday and between the hours of 8:00 a.m. and 9:00 p.m. on Friday in the following areas: ///

Station Avenue, all marked on-street parking spaces, both sides commencing at Maine Street and extending westerly to Union Street (excluding the 7 parking spaces located in front of the Midcoast Federal Credit Union).

Sec. 15-79. Loading zones designated.

Loading zones are established at the following locations: ...

Station Avenue, south side commencing five hundred thirty five (535) feet west of the intersection of Maine Street and extending westerly sixty (60) feet.

Station Avenue, north side commencing five hundred twenty six (526) feet west of the intersection of Maine Street and extending westerly sixty (60) feet.

Sec. 15-84. Bus stops designated.

(a) Bus stops are established at the following locations: ...

(3) Station Avenue, commencing two hundred (200) feet easterly of the intersection of Union Street and extending easterly one hundred ten (110) feet.

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

Attest: _____
Town Clerk

ITEM # 139

BACK UP MATERIALS

TO: Brunswick Council

FR: Police Station Sub-Committee (Councilors King, Watson and Tucker)

RE: Interim Recommendation

DATE: September 12, 2009

Earlier this summer the Council charged the sub-committee with fast tracking a study on the feasibility of converting the former Times-Record building into a police station. Over the course of the past several months we have met with the command staff of the Police Department and architects from the firm SMRT. SMRT was the firm that the town had previously contracted with to conduct preliminary design services the last time that the T-R building was looked at for a police station, council chambers and other municipal uses.

At the outset the sub-committee identified two issues that were of significant concern and potential fatal flaws in proceeding with a conversion of the facility into a police station. One concern is the location and the challenges that the location has. The challenges include the relative remoteness of the facility compared to the current location and other locations that have previously been considered. A more significant obstacle is the single access to the facility. In the event that there were to be an incident involving the water street bridge over route 1, then the police station would be effectively cut off from the public and would have only limited egress onto route 1 southbound. The second concern is the total investment that the renovation would represent and how that investment would compare to a new facility. The committee considered the existing investment in the facility and projected renovation costs as the comparable cost to a new facility.

SMRT met with the command staff of the police department and toured the facility in order to develop a program that would fit the department's needs into the space. The size of the building clearly is adequate to house a police station. The programming resulted in an estimated size requirement of 18,000 square feet. Based on recent experience, SMRT has recommended a construction estimate of \$169.00 per square foot. This would result in a construction cost of \$2,700,000. Total project costs to renovate the building are then estimated to be an additional 20%, for a renovation project cost of \$3,240,000. **(Construction costs are just that; project costs also include contingencies, advertising, legal, design, permitting and other costs not specific to the bricks and mortar)** In addition to this cost there would also be road improvement costs to Water Street as well as some changes to the access to Route 1. A copy of the Cost Report from SMRT is attached to this memo.

It is the unanimous belief of this sub-committee that it is not in the best interest of the Town to pursue the former Times-Record building as a renovated police station. The total investment would be in excess of \$5,000,000. The same cost report estimates that new construction of the same sized building would be approximately \$4,105,000. (18,000 sf x \$190x 1.2= \$4,104,000). Property acquisition would have to be added to this but it seems likely that a new facility could be completed for an amount close to the total cost of the acquisition and renovations of the Times-Record building.

ITEM # 140

BACK UP MATERIALS

Brunswick Police Department

Memo

To: Town Council
From: Commander Kevin Schofield
CC: Town Manager Gary Brown
Date: July 24, 2009
Re: Drug Free Safe Zones

On Monday July 6, 2009 I presented a proposal to the Brunswick Town Council to designate several Town Parks as Drug Free Safe Zones. To review, this law allows a municipality to designate town parks frequented by minors as Drug Free Safe Zones. Any persons trafficking in, furnishing in or cultivating drugs within 1,000 feet of the posted area will be subject to enhanced criminal penalties. At the conclusion of my presentation on July 6, 2009 I was requested by members of the council to research or clarify three items. They are as follows, what other Towns if any have designated drug free safe zones in their communities, list the specific parks we would recommend be posted and provide statistical data on the deterrent effect of this law.

Other Municipalities that have designated Drug Free Safe Zones that I could locate are: Auburn, Bangor, Biddeford, Buxton, Caribou, Portland, South Portland, Rumford, Newport and Westbrook.

Specific locations to designate; Coffin Pond, Edwards Field, Lishness Field, Hambleton Ave Playground, Nathaniel Davis Park, Shulman Field, Wildwood Field, Coffin Ice Pond, Upper/Lower Mall and Spanish War Triangle and the Androscoggin River bicycle path. I would like to mention that I did present this proposal to the parks and recreation committee on July 15, 2009. That committee expressed concern the mentioned list was not inclusive enough how ever did endorse this proposal.

Deterrent effect: to the best of my knowledge no scientific studies have been done on what if any deterrent effects this law may or may not have on drug trafficking, furnishing or cultivation in drug free safe zones. I have located statistical data that indicates that the total percentage of drug law violations in the State of Maine pertaining to the sale or manufacturing of drugs has decreased from 23 % of all drug law violations in 2004 to 21.7% of all drug law violations in 2007. During this same time frame the total amount of drug arrest in the State of Maine has increased by approximately 1.6%

Brunswick Police Department

Memorandum

Criminal Investigation Division

To: Town Counsel
From: Detective Rich Cutliffe
CC: Gary Brown
Date: April 15, 2009
Subject: DRUG FREE "Safe Zones"



I have recently been assigned to investigate and enforce illegal drug activity in the Town of Brunswick. When a person is arrested and charged with trafficking, manufacturing or distribution of illegal drugs, it is given a class of crime (such as Felonies A, B or C). Per state law, if a person is charged with the same crime within 1000 feet of a school, the penalty is enhanced.

In order to assist and deter in the effective prosecution of drug trafficking and distribution in our community, I am respectfully requesting the town counsel to consider designating "Safe Zones" within the town limits of Brunswick. The designated "Safe Zones", i.e. athletic fields, parks, playgrounds, and recreational facilities (most places where children are present), will also enhance the penalty of a drug trafficking charge. Attached to this memorandum are copies of the public laws, and a description of parks and facilities that have been obtained through the town manager's office.

The goal is to make the punishment tougher on drug dealers and to act as a deterrent for those who consider selling drugs to our children.

PUBLIC LAWS

First Special Session of the 122nd

CHAPTER 415 H.P. 490 - L.D. 670

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1101, sub-§23 is enacted to read:

23. "Safe zone" means an athletic field, park, playground or recreational facility that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

Sec. 2. 17-A MRSA §1105-A, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

- (1) A schedule W drug. Violation of this subparagraph is a Class A crime;
- (2) Marijuana in a quantity of 20 pounds or more. Violation of this subparagraph is a Class A crime;
- (3) A schedule X drug. Violation of this subparagraph is a Class B crime;
- (4) Marijuana in a quantity of more than one pound. Violation of this subparagraph is a Class B crime;
- (5) A schedule Y drug. Violation of this subparagraph is a Class C crime; or
- (6) A schedule Z drug. Violation of this subparagraph is a Class C crime.

For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5;

Sec. 3. 17-A MRSA §1105-C, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

- (1) A schedule W drug. Violation of this subparagraph is a Class B crime;
- (2) A schedule X drug. Violation of this subparagraph is a Class C crime;
- (3) A schedule Y drug. Violation of this subparagraph is a Class C crime; or
- (4) A schedule Z drug. Violation of this subparagraph is a Class C crime.

For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5;

Sec. 4. 17-A MRSA §1105-D, sub-§1, ¶D, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person is within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the person grows or cultivates:

- (1) Five hundred or more marijuana plants. Violation of this subparagraph is a Class A crime;
- (2) One hundred or more but fewer than 500 marijuana plants. Violation of this subparagraph is a Class B crime;
- (3) More than 5 but fewer than 100 marijuana plants. Violation of this subparagraph is a Class C crime; or
- (4) Five or fewer marijuana plants. Violation of this subparagraph is a Class D crime.

Sec. 5. 30-A MRSA §3253 is enacted to read:

§3253. Safe zones designated by municipality

A municipality may designate an area of the municipality that is frequented by minors as a safe zone under Title 17-A, section 1101, subsection 23. A safe zone designated pursuant to this section must be conspicuously marked by the municipality with an informational sign using wording provided by the Commissioner of Public Safety.

Sec. 6. Safe zone informational signs. The Commissioner of Public Safety shall establish uniform wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A, section 3253 and shall upon a request from a municipality provide the municipality with a copy of that wording electronically or by other means. The commissioner is not responsible for providing the safe zone informational sign.

Effective September 17, 2005.

<u>Revisor of Statutes Homepage</u>	<u>Subject Index</u>	<u>Search</u>	<u>122nd Laws of Maine</u>	<u>Maine Legislature</u>
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About the 1st Regular & 1st Special Session Laws Of Maine



Office of the Revisor of Statutes
State House, Room 108
Augusta, Maine 04333

Contact the Office of the Revisor of Statutes

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

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

Name	Assessor's Map and Lot Numbers	
Coffin Pond	16	4B
Edwards Field	U6	37
Lishness Field	40	7
Hambleton Ave. Playground	U2	64—66
Sawyer Park Marina	46	37C
Water Tower Nature Area	16	4A
Great Island Chain	41	12A, 13, 14, 14A, 14B, 14C, 14D, 14E
Municipal Tennis Courts	U22	29
Nathaniel Davis Park	U15	65
Town Commons	24	1
Simpson Point Landing	31	
Maquoit Landing	26	
Mere Point Boat launch	MP2	25, 39, 43
Water Street Landing	U7	16, 17
Water Street Landing	40	8C
Baybridge Landing Wetland Park	47	12
250th Anniversary Park	U14	152, 152A, 153
Fish Viewing Facility	U14	150
Mill Street Portage Facility	U15	123
Prince's Point Landing	36	6A
Senior Gardens	U7	64
Lamb Park	U24	2A
Shulman Field	U40	17, 36
Wildwood Field	52	122
River Road Ski Trails	15	7
Coffins Ice Pond	36	48
Barnes Landing	32	
Longfellow Playground	U12	33
Androscoggin River Bicycle Path	40	7A, 8B, 8C, 11 and the Route 1 right-of-way
Cox Pinnacle	3	32
Old High School Athletic Field and Skate Park	U22	29
Pejepscot Dam Recreation Area	1 8	1 12, 14
Greater Commons	24 U40	8, 40, 42, 44, 70, 278, 228, 240
Upper/Lower Mall and Spanish War Triangle	U13	185

(Ord. of 6-13-83, § 104; Ord. of 5-4-98; Ord. of 3-1-99; Emergency and Regular Ord. of 10-20-03(1) ; Ord. of 4-7-08(2))

2005 NEW LAW UPDATE

122nd Legislature First Regular Session & First Special Session

New and Amended Public Law of Interest to the Law Enforcement Community of Maine

Chapter 415 – L.D. 670

An Act to Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

This law allows a municipality to designate athletic fields, parks, playgrounds or *DAY CARES*, recreational facilities as a “safe zone”. Safe zones are treated similar to schools - drug dealing within 1000 feet of them subjects the dealer to an enhanced penalty. In order for a municipality to designate an area a safe zone, it must be an area frequented by minors and conspicuously marked using wording provided by the Commissioner of Public Safety.

Effective September 17, 2005

Enacts 17-A M.R.S.A. §1101 (23)

Amends 17-A M.R.S.A. §1105-A (1) (E)

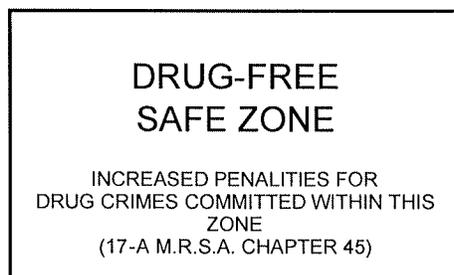
Amends 17-A M.R.S.A. §1105-C (1) (E)

Amends 17-A M.R.S.A. §1105-D (1) (D)

Enacts 30-A M.R.S.A. § 3253

Safe Zone Informational Signs

The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A, section 3253:



ITEM # 141

BACK UP MATERIALS

TOWN OF BRUNSWICK, MAINE

RESOLUTION FOR AN EMERGENCY APPROPRIATION OF \$55,000 FROM UNAPPROPRIATED AVAILABLE GENERAL FUND REVENUES TO PROVIDE ADDITIONAL FUNDING FOR MAINE STREET STATION MEETING SPACE

WHEREAS, on June 1, 2009, the Town Council adopted a “Supplemental Budget Resolution Appropriating \$218,000 from the Unreserved Undesignated Balance of the General Funds to fund Capital Acquisitions and Projects” (the “Supplemental Budget Resolution”); and

WHEREAS, one of the projects funded by the supplemental resolution was a project to make leasehold improvements to space at Maine Street Station that the Town intended to lease from Bowdoin College and which the Town intended to use for meeting space (the “Meeting Space”).

WHEREAS, the estimate of those leasehold improvements at the time was \$55,000; and

WHEREAS, due to an increase in the amount of space to be leased and an increase in the construction cost, the original appropriation is insufficient; and

WHEREAS, in addition to leasehold improvements, the scope of the project was expanded to include other improvements related to the Meeting Space but beyond what would typically be considered leasehold improvements: and

WHEREAS, those additional improvements, include but are not limited to, fixed seating, furniture, cable television-related equipment, and other components and accessories deemed by the Town Manager to be essential to the proper equipping and finishing of the Meeting Space (all the “Equipment and Furnishings”); and

WHEREAS, the additional cost of the leasehold improvements plus the cost of the Equipment and Furnishings is now anticipated to cost \$110,000; and

WHEREAS, the Supplemental Budget Resolution authorized the Town Manager to allocate funds to the various acquisitions and projects in the Supplemental Budget Resolution so long as the total expended did not exceed \$218,000; and to prioritize the projects contained therein as the Town Manager deemed to be in the best interest of the Town; and

WHEREAS, the Town Manager has determined that the other projects contained in the Supplemental Budget Resolution should not be abandoned; and

WHEREAS, pursuant to section 510 of the Charter of the Town of Brunswick, the Town Manager has recommended that \$55,000 be appropriated from unappropriated available General Fund revenues for the purpose, increasing the funding in the Supplemental Budget Resolution from \$218,000 to \$273,000 to allow the Meeting Space to be completed as described herein, and to allow the other acquisitions and projects contained in the Supplemental Resolution to proceed; and

WHEREAS, the Town Council has determined the need to fund \$55,000 to be an emergency within the meaning of section 510 of the Charter of the Town of Brunswick;

NOW THEREFORE BE IT RESOLVED that the sum of \$55,000 be appropriated from unappropriated available General Fund revenues to provide additional funding to the acquisitions and projects specified in the Supplemental Budget Resolution; and

BE IT FURTHER RESOLVED that the definition of acquisitions and projects specified in Section 1a of the Supplemental Budget Resolution is amended to include, in addition to leasehold improvements, Equipment and Furnishings as defined herein.

BE IT FURTHER RESOLVED that the authority to expend funds, to take any and all other actions, and all other provisions of the Supplemental Budget Resolution remain in full force and effect.

BE IT FURTHER RESOLVED that the Town Manager is authorized to take any actions the Town Manager deems necessary in the implementation of this resolution.

BE IT FURTHER RESOLVED that any contracts and expenditures already made and related to the Supplemental Budget Resolution and this Resolution are ratified, confirmed and approved.

Proposed to Town Council: September 21, 2009

Adopted by Town Council:

TOWN OF BRUNSWICK, MAINE

**Supplemental Budget Resolution Appropriating \$218,000 from
the Unreserved Undesignated Balance of the General Fund
to Fund Capital Acquisitions and Projects**

WHEREAS, the Town of Brunswick (the “Town”) has prepared a Capital Improvements Program for the fiscal years ending June 30, 2010-14 (the “CIP”); and

WHEREAS, the CIP proposes a number of acquisitions and projects in year one of the CIP (2009-10) to be by an appropriation from the unreserved undesignated balance of the Town’s General Fund; and

WHEREAS, the Town Council has reviewed year one of the CIP and wants to authorize and fund certain acquisitions and projects;

NOW THEREFORE THE FOLLOWING RESOLUTION IS ADOPTED:

Section 1. The sum of \$218,000 is appropriated from the Town’s unreserved undesignated General Fund Balance for the following acquisitions and projects:

- a. Maine Street Station Meeting Space, \$55,000 - This provides funding to make leasehold improvements to space at Maine Street Station that the Town intends to lease from Bowdoin College. The Town Council has authorized a five-year lease with Bowdoin College. The space will be used for meetings of the Town Council as well as various boards and committees.
- b. Union Street School Renovations, \$100,000 - This project funds minor renovations to Union Street School to allow space for People Plus and the Teen Center.
- c. Fire Department Utility 1, \$35,000 - This project acquires a replacement of a 1997 Ford Pickup truck.
- d. Recreation Department Pick-up Truck, \$28,000 – This project acquires a new 4WD half-ton truck with snowplow.

Section 2. The appropriation in section 1 of this resolution is in total and the costs cited are estimates. The Town Manager is authorized to allocate more or less funds to the various acquisitions and projects as the Town Manager determines to be in the best interest of the Town. The Town Manager is further authorized to prioritize the projects and abandon or discontinue any project as the Town Manager deems to be in the best interest of the Town.

Section 3. The Town is authorized to establish a capital project fund to account for these acquisitions and projects. No interest shall accrue to this fund. Upon a determination by the Finance Director that the acquisitions or projects are complete or abandoned, any remaining balance in the capital projects fund shall be transferred to the Town’s General Fund.

Section 4. Acquisition and project costs shall include any and all costs determined by the Town’s Finance Director to be acquisition and project costs.

Section 5. The Town Manager or the Town Manager's designee is authorized to execute contracts and take any other steps they deem necessary in order to proceed with the acquisitions and projects. Any expenditure to date as well as any other action taken by the Town of Brunswick relating to these acquisition and projects, including the solicitation of proposals, or participation in any process that solicited proposals, as well as any subsequent negotiations or contracts with vendors, are hereby ratified, confirmed, and approved.

Proposed to Town Council: June 1, 2009

Adopted by Town Council: June 1, 2009

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ITEM # 142

BACK UP MATERIALS

**MUNICIPAL STATION AGREEMENT
BRUNSWICK, MAINE**

This Municipal Station Agreement is made as of the _____ day of _____, 2009, by and among National Railroad Passenger Corporation (“Amtrak”), Northern New England Passenger Rail Authority (“NNEPRA”), and the Town of Brunswick, Maine (“Municipality”).

WHEREAS, Amtrak operates the Downeaster intercity passenger rail service between Portland, Maine, and Boston, Massachusetts, pursuant to an agreement between Amtrak and NNEPRA;

WHEREAS, Amtrak and NNEPRA have agreed to extend the Downeaster to Brunswick, Maine, such extension of the Downeaster being contingent upon, among other things, the conclusion of various agreements required in connection with such extension, the availability of funding to pay for the various necessary improvements to the existing rail line between Portland, Maine, and Brunswick, Maine, and the completion of these improvements;

WHEREAS, Municipality desires that such extension of the Downeaster include a station stop in Brunswick, Maine, located adjacent to a segment of rail line owned by the State of Maine and leased to Morristown & Erie Railway Inc.; and

WHEREAS, Amtrak and NNEPRA have agreed that such extension of the Downeaster shall include a station stop in Brunswick, Maine, subject to the terms and conditions of this Agreement;

NOW THEREFORE Amtrak, NNEPRA, and Municipality agree as follows:

1. Definitions. As used in this Agreement:

“Agreement” means this Municipal Station Agreement.

“Downeaster” means the Downeaster intercity passenger rail service operated by Amtrak pursuant to an agreement between Amtrak and NNEPRA.

“Maine DOT” means Maine Department of Transportation.

“Railroad” means Morristown & Erie Railway Inc.

“Station Facility” means the facility that is used as the Downeaster passenger railroad station in Brunswick, Maine, including the Station Platform (defined below) and any station building(s), parking area(s), and associated facilities.

“Station Platform” means the platform in Brunswick, Maine, that is used by Downeaster passenger trains for the purpose of receiving and discharging passengers.

2. Station Platform.

(a) Location. The location of the Station Platform shall be mutually agreed upon by Amtrak, NNEPRA, Municipality, and Maine DOT.

(b) Lease. The State of Maine presently owns all or a portion of the land on which the Station Platform shall be located. Municipality shall enter into a lease or other agreement with Maine DOT that will permit the Station Platform to be constructed, operated, and maintained on this land. In the event this lease or other agreement is terminated, or in the event of any breach of this lease or other agreement by Municipality, the Downeaster’s station stop in Brunswick, Maine, may be suspended or terminated (in addition to such other rights and remedies that Amtrak and NNEPRA may have under this Agreement and under applicable law).

(c) Construction. NNEPRA shall contract for the construction of the Station Platform in the agreed-upon location.

(d) Operation and Maintenance. Municipality shall operate and maintain, or shall enter into one or more agreements with third parties to operate and maintain, the Station Platform, without expense to Amtrak or NNEPRA. The Station Platform shall be operated and maintained in compliance with Paragraph 3(c) and with the terms and conditions contained in the lease or other agreement with Maine DOT. If the Station Platform is not so operated and maintained, the Downeaster’s intermediate station stop in Brunswick, Maine, may be suspended or terminated (in addition to such other rights and remedies that Amtrak and NNEPRA may have under this Agreement and under applicable law).

3. Station Facility.

(a) Construction. Municipality may construct, or may enter into one or more agreements with third parties to construct, such other elements of the Station Facility as Municipality may from time to time desire, without expense to Amtrak or NNEPRA.

(b) Operation and Maintenance. Municipality shall operate and maintain, or shall enter into one or more agreements with third parties to operate and maintain, all elements of the Station Facility, without expense to Amtrak or NNEPRA. Such operation and maintenance shall include regular cleaning (so that all elements of the Station Facility are at all times in a clean, neat, and safe condition) and snow removal. Snow removal shall be conducted in a manner that ensures that snow is not moved onto any railroad track or right-of-way.

(c) Compliance With Law. All elements of the Station Facility shall, in their construction, operation, and maintenance, meet all applicable requirements imposed by federal, state, and local laws, regulations, and ordinances (including, without limitation, the Americans With Disabilities Act).

(d) Amtrak Station Standards and Guidelines. Municipality has been provided with a copy of Amtrak’s Station Standards and Guidelines. To the extent reasonably possible, the construction, operation, and maintenance of all elements of the Station Facility shall be consistent with these standards and guidelines.

(e) Security. Municipality, at Municipality’s expense and in Municipality’s reasonable discretion, shall be solely responsible for the physical security (e.g., fencing, police, and fire protection) of the Station Facility.

(f) No Charge for Use. The Station Facility shall be available for use by Amtrak and its passengers without charge to NNEPRA, Amtrak, or its passengers.

(g) Open for Passengers. Municipality shall ensure that any building or other shelter that is part of the Station Facility is “open” and available for Downeaster passengers arriving or departing between 5:00 AM and 11:00 PM daily.

(h) Automated Ticket Machines. Amtrak may install one or more automated ticket machines at the Station Facility, in locations to be mutually agreed upon by Amtrak, NNEPRA, and Municipality, without charge to Amtrak or NNEPRA.

4. Downeaster Service.

(a) Brunswick Station Stop. Subject to the terms and conditions of this Agreement and subparagraphs (b), (c), and (d) of this paragraph, and so long as NNEPRA so directs, Amtrak shall include Brunswick, Maine, as a regularly scheduled Downeaster station stop (and shall so indicate in all of its Downeaster timetables) and shall stop Downeaster passenger trains at the Station Platform for the purpose of receiving and discharging passengers.

(b) Schedules and Frequencies. Downeaster schedules and frequencies shall be determined by NNEPRA and Amtrak.

(c) Contingencies Associated With Extension. Municipality acknowledges that the extension of the Downeaster to Brunswick is contingent on numerous factors, that the timing of this extension is uncertain, and that it is possible that the extension of the Downeaster to Brunswick will not occur. Municipality acknowledges that Municipality, and third parties having agreements with Municipality pertaining to the Station Facility, shall have no rights or remedies against Amtrak or NNEPRA in the event that the

Downeaster is not extended to Brunswick.

(d) Contingencies Associated With Continued Downeaster Operations.

Municipality acknowledges that the continued operation of the Downeaster is contingent on numerous factors, including (without limitation) Amtrak's continued ability (legal, fiscal, and otherwise) to operate the Downeaster, as well as the continued availability of funds to permit NNEPRA to support the operation of the Downeaster. Municipality acknowledges that Municipality, and third parties having agreements with Municipality pertaining to the Station Facility, shall have no rights or remedies against Amtrak or NNEPRA in the event that the operation of the Downeaster is reduced, suspended, or discontinued for any reason.

5. Station Facility Insurance. Municipality shall procure and maintain (or require a third party to procure and maintain), without expense to Amtrak or NNEPRA, insurance satisfactory to Amtrak and NNEPRA, including Amtrak, NNEPRA, the State of Maine, and Railroad as additional insureds, covering liability arising out of or in connection with the construction, operation, and maintenance of the Station Facility. Municipality shall provide certificates of such insurance upon request.

6. Contractors.

(a) Insurance. Each contract and/or subcontract with contractors that will be operating any element of the Station Facility or that will be working at the Station Facility, including any food and beverage contractors, shall require that the contractor/subcontractor procure and maintain insurance satisfactory to Amtrak and NNEPRA, including Amtrak, NNEPRA, the State of Maine, and Railroad as additional insureds, covering liability arising out of or in connection with the acts and omissions of the contractor/subcontractor.

(b) Indemnity. Municipality shall include in each such contract and/or subcontract the following indemnification language:

“Contractor shall defend, indemnify, and hold harmless National Railroad Passenger Corporation (“Amtrak”), Northern New England Passenger Rail Authority (“NNEPRA”), the State of Maine (the “State”), Morrystown & Erie Railway Inc. (“Railroad”), and their respective officers, directors, employees, and agents, regardless of any negligence, whether in whole or in part by any of them, from and against any and all claims, actions, proceedings, costs or expense (including but not limited to court costs, attorneys’ fees and expenses, settlements, judgments or otherwise) arising directly or indirectly out of the service provided hereunder by contractor for:

- i) injury to or death of any person whatsoever (including but not limited to (a) employees of Amtrak, NNEPRA, the State, Railroad, and contractor,

and (b) passengers);

ii) damage to or loss of any property whatsoever (including but not limited to (a) property of Amtrak, NNEPRA, the State, Railroad, and contractor, and (b) property of passengers); or

iii) breach of or errors, acts, or omissions relating to any obligation of contractor.”

7. Miscellaneous.

(a) Term. Unless earlier terminated, this Agreement shall expire on December 14, 2021.

(b) Remedies. In the event of a failure to abide by any of the obligations under this Agreement, the Downeaster’s station stop in Brunswick, Maine, may be suspended or terminated (in addition to such other rights and remedies that Amtrak and NNEPRA may have under this Agreement and under applicable law).

(c) Notice. Any notice or other communication in connection with this Agreement shall be in writing. Such notices shall be delivered by certified mail or by Federal Express (or a similar overnight delivery carrier) to the addresses set forth below:

To Amtrak:

Vice President, Policy & Development
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, D.C. 20002

With a copy to:

General Counsel
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, D.C. 20002

To NNEPRA:

Executive Director
Northern New England Passenger Rail Authority
75 West Commercial Street, Suite 104
Portland, Maine 04101-4631

To Municipality:

[INSERT]

(d) Assignment. Municipality shall not assign this Agreement, or any of Municipality's rights or obligations under this Agreement, without the prior written consent of Amtrak and NNEPRA.

(e) Amendment. This Agreement may be modified or amended only by means of a writing signed by the parties.

(f) Governing Law. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Maine (without regard to conflicts-of-laws principles that would require the application of any other law).

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, Amtrak, NNEPRA, and Municipality have caused this Agreement to be executed as of the date first above written.

NATIONAL RAILROAD
PASSENGER CORPORATION

Attest

By: _____
Print Name: _____
Title: _____

NORTHERN NEW ENGLAND
PASSENGER RAIL AUTHORITY

Attest

By: _____
Print Name: _____
Title: _____

TOWN OF BRUNSWICK

Attest

By: _____
Print Name: _____
Title: _____

ITEM 143

BACK UP MATERIALS

TOWN OF BRUNSWICK, MAINE

**RESOLUTION AUTHORIZING THE EXTENSION OF A MASTER SERVICE AGREEMENT
FOR MUNICIPAL SERVICES PROVIDED TO
NORTHEAST HOUSING LLC**

WHEREAS, Northeast Housing LLC (“Northeast Housing”) and the Town of Brunswick (the “Town”) have a master services agreement dated November 1, 2004 (the “MSA”) to provide certain municipal services to the “...residential units and related ancillary facilities primarily for military family housing units for military personnel (the "Military Housing")” in support of Naval Air Station, Brunswick (the “Base”); and

WHEREAS, the MSA has an initial term of five (5) years and will therefore expire on November 1, 2009; and

WHEREAS, the 2005 federal Base Realignment and Closures requires that the Base be closed by September 2011; and

WHEREAS, Northeast Housing wants the Town continue to provide services under the MSA beyond November 1, 2009 but does not wish to extend the MSA for an additional term; and

WHEREAS, the Town Manager has negotiated a extension of the MSA;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town Manager is authorized to execute an extension of the MSA with Northeast Housing, or its assignee, in substantially the same form and on substantially the same terms as the draft extension that was provided to the Town Council on September 21, 2009.

Proposed to Town Council: September 21, 2009

Adopted by Town Council:

**AGREEMENT
TO EXTEND MASTER SERVICES AGREEMENT
NORTHEAST HOUSING LLC
AND
TOWN OF BRUNSWICK, MAINE**

THIS AGREEMENT, TO EXTEND MASTER SERVICES AGREEMENT NORTHEAST HOUSING LLC AND TOWN OF BRUNSWICK, MAINE (this "Agreement" or this "MSA Extension") made this ____ day of September, 2009, by and between **NORTHEAST HOUSING LLC**, a Delaware limited liability company ("Northeast Housing"), and the **Town of Brunswick, Maine** (the "Municipality"). All capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them under the MSA (as defined below).

WITNESSETH:

WHEREAS, Northeast Housing and the Municipality have a master services agreement dated November 1, 2004 (the "MSA") to provide certain municipal services to the "...residential units and related ancillary facilities primarily for military family housing units for military personnel (the "Military Housing")" in support of Naval Air Station, Brunswick (the "Base"); and

WHEREAS, the MSA has an initial term of five (5) years and will therefore expire on November 1, 2009; and

WHEREAS, the 2005 federal Base Realignment and Closure requires that the Base be closed by September 2011; and

WHEREAS, Northeast Housing wants the Municipality to continue to provide Services under the MSA beyond November 1, 2009 but does not wish to extend the MSA for an additional term; and

WHEREAS, Northeast Housing and the Municipality recognize that, as of April 1, 2009, the Military Housing continues to be exempt from local property taxes; and

WHEREAS, the property tax status will continue to be reviewed annually as of April 1; and

NOW, THEREFORE, in consideration of the promises and the mutual agreement herein contained, Northeast Housing and the Municipality, hereby agree as follows:

1. MSA EXTENSION. Notwithstanding any of the provisions of the MSA to the contrary, the termination date of the MSA is extended (the “MSA” Extension”) so that the MSA will terminate as of September 30, 2010.

2. ANNUAL SERVICE FEE. Notwithstanding any of the provisions of the MSA to the contrary, Northeast Housing will continue to pay the “Annual Service Fee” as defined in the MSA. The Annual Service Fee will be increased each November 1 in accordance with Section 2 of Exhibit B to the MSA. Notwithstanding any of the provisions of the MSA to the contrary, the Annual Service Fee shall not be decreased during the term of this MSA Extension. Should, as of any April 1 during the duration of the MSA Extension, the Municipality determine that any of the Military Housing is subject to property taxation in accordance with Maine law, the Annual Service Fee shall terminate as of the June 30 immediately following the April 1 determination that the Military Housing is taxable.

3. MUNICIPAL SERVICES. Notwithstanding any of the provisions of the MSA to the contrary, the Municipality shall continue to provide Services to the Military Housing units consistent with the level of similar services generally provided by or on behalf of the Municipality to other properties located within the Municipality’s jurisdiction. Notwithstanding

anything to the contrary contained in the MSA, the Municipality agrees to continue to provide the Services until such time as the Land is no longer owned by the United States of America, by or through the U.S. Navy or any other U.S. Government, agency, office, department or instrumentality. Accordingly, the Municipality agrees that it will not seek to terminate the MSA or the provision of the Services thereunder upon (i) an assignment of the Ground Lease by Northeast Housing to any purchaser of all or a portion of the Improvements on the Land, or (ii) the sale, assignment and transfer of all or any of the Improvements on the Land by Northeast Housing. To the extent that these terms shall be inconsistent with those under the MSA, then the terms of this MSA Extension shall control.

4. NORTHEAST HOUSING APPROVAL. Northeast Housing hereby represents and warrants to the Municipality that Northeast Housing has taken all requisite corporate action to authorize and approve the execution and delivery of this MSA Extension and that no additional approvals are required.

5. MUNICIPAL APPROVAL. The Municipality hereby represents and warrants to Northeast Housing that the Municipality has taken all requisite action to authorize and approve the execution and delivery of this MSA Extension and that that no additional approvals are required. The Municipality also hereby agrees and consents to the assignment of the MSA and this MSA Extension by Northeast Housing to any purchaser of all or a portion of the Improvements on the Land, provided that the Land continues to be owned by the United States of America, by or through the U.S. Navy or any other U.S. Government, agency, office, department or instrumentality.

6. AMENDMENT. This MSA Extension may not be amended, altered or modified

except by an amendment executed by the Municipality and Northeast Housing.

7. GOVERNING LAW. This Agreement and the rights and obligations of the parties hereto and any claims or disputes thereto shall be governed by and construed in accordance with the laws of the State of Maine.

8. COUNTERPARTS. This MSA Extension may be executed in counterparts, each of which shall for all purposes be deemed to be an original and all of which shall constitute the same instrument.

IN WITNESS WHEREOF, the parties have caused this MSA Extension to be signed in their respective names by their respective authorized officers and their corporate seals to be affixed, duly attested on this MSA Extension, on the day and year first hereinabove written.

WITNESS: Northeast Housing LLC
By: BBC Military Housing – Navy Northeast LLC, its managing member
By: Balfour Beatty Military Housing Investments LLC, its manager

_____ By: _____
Its Authorized Officer

WITNESS: Town of Brunswick

_____ By: _____
Its Town Manager

APPROVED FOR LEGAL SUFFICIENCY

OFFICE OF LEGAL SERVICES

ITEM # 144

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

September 15, 2009

Memo to: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Gateway 1 Corridor Action Plan Implementation: Request for Town to Sign-on for
Initial Implementation Phase

As you know, the Town of Brunswick has been an active participant in the development of the Gateway 1 Corridor Action Plan as a member of the Gateway 1 Corridor Steering Committee. The Committee comprised of representatives from the 20 municipalities between Brunswick and Stockton Springs completed the Corridor Action Plan in July 2009 and the Maine Department of Transportation has hired a consultant team to lead plan implementation.

A presentation outlining implementation steps was provided by the Gateway 1 Corridor project team at the Pleasant Street Subcommittee of Town Council 9/09/09 meeting. As described in the attached timeline, the initial phase provides for the creation of a new Interim Steering Committee to oversee plan implementation in the first year. In order to participate in the Interim Steering Committee, each municipality is being requested to sign the attached joint Cooperative Start-up Agreement by October 31, 2009. Those municipalities that "sign-on" will then benefit from the following:

- 1) Have a voice in determining corridor funding priorities for MDOT transportation projects (excluding maintenance, safety and bridge-related work);
- 2) Access to additional corridor funding of \$500,000 for professional planning support (Year 1) and access to a potential \$1.3 million for corridor transportation project funding (Year 2); and
- 3) Reduced or waived local matches for certain MDOT projects within the corridor.

In exchange, each municipality will be asked to make policy and regulatory changes resulting in directing growth and related public services into core growth areas, implementing master pedestrian/bicycle plans, increasing transportation options and providing for regional land use and transportation planning within the corridor. With the 2008 adoption of the Town's Comprehensive Plan Update and prior planning efforts of the Town, Brunswick is already consistent with the changes outlined in the Corridor Action Plan and made a part of the Start-up Agreement.

Based upon the above information, staff recommends that the Town Council take appropriate action authorizing the Town Manager, Gary Brown, to sign the attached Start-up Agreement for the Implementation of the Gateway 1 Corridor Action Plan and move towards formally adopting the Gateway 1 Corridor Action Plan as an addendum to the 2008 Comprehensive Plan Update within 12 months.

I look forward to your discussion on the 21st and will be available for questions.



Gateway 1 Action Plan/Gateway 1 Corridor Coalition

What is the Gateway 1 Corridor Coalition? The Gateway 1 Corridor Coalition (G1CC) is a proposed regional planning entity that will be open to the 20 towns along the Route 1 corridor from Brunswick to Stockton Springs. Its purpose is to support implementation of the Gateway 1 Action Plan, a citizen-developed plan that recognizes the link between land use and transportation needs. The G1CC is one of the many positive outcomes of the Gateway 1 Study, a collaborative effort initiated by corridor communities with the support of the Maine Department of Transportation (MaineDOT) and the State Planning Office (SPO).

What are regional benefits of adopting the Gateway 1 Action Plan? Implementing the Gateway 1 Action Plan will, over the long term, positively affect the function and aesthetics of Route 1, create economic opportunities for communities and position the region to attract jobs, support transit and provide housing for a range of area workers. It will also place an increased amount of transportation planning, decision-making and design control in the hands of corridor communities.

What does a municipality gain by joining G1CC and working towards implementation of the Gateway 1 Action Plan?

- Working with the other G1CC communities, the right and responsibility to plan for and prioritize MaineDOT-funded transportation projects in the Route 1 Corridor, with the exception of maintenance, safety and bridge-related work, which will continue to be prioritized by MaineDOT. This is an unprecedented opportunity for regional power sharing.
- Over the first two years, subject to availability of funds:
 - Access to \$500,000 of professional planning support for the corridor at no cost to the municipality
 - Access to \$1.3 million of transportation project funding for municipal or regional projects
- Reduction or waiver of local matching funds for projects selected through MaineDOT's competitive Quality Community Program.
- Access to a Transfer of Development and/or Trip Rights program that will support the conservation of rural land and wildlife habitat and provide incentives to guide commercial/residential growth into core growth areas.
- As the Plan is implemented, the corridor will gain:
 - Increased access to rail/transit service and workforce housing
 - A more pedestrian-friendly and bicycle-friendly environment
 - Reduced traffic congestion and a correspondingly reduced need for wider roads
 - Increased ability to provide public sewer and water
 - Mechanisms to protect scenic and community resources and rural character

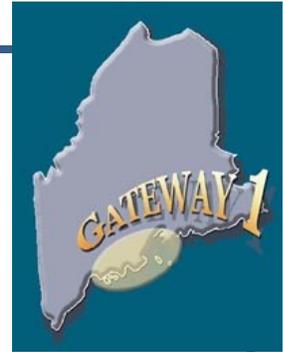
What kind of change would be required? Examples of the types of actions the Plan asks communities to take include:

- Create and encourage a core growth area with commercial and/or residential densities high enough to support transit, workforce housing and quicker, easier access to jobs and services
- Incrementally expand public water and sewer services as needed in core areas through DEP loans and grants.
- Support the pedestrian/bicycle-friendly aspects of core growth areas by developing and implementing a master sidewalk/bicycle path plan.
- Put in place ordinances that better manage access to Route 1 by limiting/reducing the number and location of curb cuts.
- Improve connectivity of local roads so that travelers need not rely solely on Route 1
- Develop and implement a local or regional conservation plan
- Consider rural residential development standards that will support low-density growth in rural areas through zoning or through use of conservation subdivisions.
- Protect potential corridors and multi-modal transfer points to allow increased rail/transit growth and usage in the future
- Designate and protect undeveloped Distinctive and Noteworthy Viewsheds as rural or limited growth areas.

What is the sign-up process and timing? By October 31, 2009, at least 12 corridor communities will need to sign a joint Cooperative Start-up Agreement with their neighbors, MaineDOT and State Planning. This “handshake” agreement provides access to \$500,000 of planning funds to help member municipalities make progress towards beginning to implement the Plan. *The Start-up Agreement will be signed by a board of selectmen or city/town council, similar to the original MOU that began the Gateway 1 process.* Once this occurs, an interim Steering Committee supported by a MaineDOT-funded administrator will develop the final details of an Inter-jurisdictional Agreement to take effect by fall 2010.

The Inter-jurisdictional Agreement will ask the municipalities to agree to adopt the Gateway 1 Corridor Plan as part of their Comprehensive Plan. Because this would mean a legal change to the Comprehensive Plan, this action will require a citizen vote of approval from those towns with a select board form of government. *Neither of these two agreements requires a financial contribution from municipalities; they **do** provide access to funding and process benefits that **are not available** to non-Gateway 1 communities.*

Need more information? See www.gateway1.org or contact Stacy Benjamin, Gateway 1 Project Administrator at (207)342-2929 or sbenjamin@mainecollaborativeplanning.com



Gateway 1 Implementation Overview and Timeline

Planning Phase



Gateway 1
Corridor Action
Plan development
2005-2009

Benefits:

- Community-driven plan for Route 1
- Coordinated approach for transportation and land use

Initial Implementation Phase



Initial implementation
phase – start up
agreements
2009-2010

Benefits:

- Voice in shaping corridor coalition
- \$500,000 in funding

Requirements:

- 12 towns by Oct. 31, 2009
- Appoint ISC member + alt
- Adopt G-1 plan locally within a year

Corridor Coalition Phase



Creation of
Corridor Coalition
2010 and beyond

Benefits:

- Community-driven, locally controlled transportation investment decisions
- \$1.3 million in funding

Requirements:

- 12 towns by 2011
- Appoint CC member + alt
- Continue implementing actions

**START- UP AGREEMENT
FOR THE
IMPLEMENTATION OF THE GATEWAY 1 CORRIDOR ACTION PLAN
IN THE ROUTE 1 CORRIDOR
FROM BRUNSWICK TO STOCKTON SPRINGS**

WHEREAS:

1. Routes 1 and 90 are a Corridor of regional economic significance for transportation in the State of Maine; and,
2. The participants of the Gateway 1 Transportation and Land Use Planning Study, which was authorized in a Memorandum of Understanding dated 2005, have agreed on three long-term outcomes for the Mid-Coast Routes 1 and 90 Corridor: the ability to move people and goods smoothly and safely through the Routes 1 and 90 Corridor by multiple modes; the ability to grow jobs and a related tax base in the Corridor; and preservation of the scenic, small-town, and rural qualities that are the pride of Corridor residents and attract people from around the world; and,
3. After four years of collaborative work to determine how to achieve these outcomes, the participants have agreed that all the evidence points to the need to adopt a new pattern of development, a pattern that, above all others, can achieve these outcomes simultaneously and with significant benefit to Corridor residents. This pattern is referred to as the Transit-Oriented Corridor pattern of development; and,
4. It is evident that a Transit-Oriented Corridor pattern of development will require dramatic shifts in local and state policies and in many individual decisions in the market place and is, therefore, a pattern that will be able to evolve only over a long period of time; and that the evolution must begin with an interim pattern of growth that can serve both as a stepping stone and as an effective pattern of growth in its own right. This pattern is referred to as the Community-Centered Corridor pattern of growth; and,
5. At the heart of this pattern is a 21st century version of the Corridor's New England village heritage: groupings of core growth areas separated by rural spaces, connected by multiple means of travel, and collectively offering a balance between jobs and homes for the workers that hold those jobs. Some of these core growth areas can be specialized as residential places, some, as commercial or industrial places, and others will have a mix of uses, but together they provide many of the jobs, services, and goods needed by the region's residents and visitors; and,
6. The future benefits of a Community-Centered Corridor, compared with a continuation of the existing pattern of growth and development, include:
 - Reduced congestion on Routes 1 and 90 and slower growth in vehicle trips on residential and feeder roads;
 - More cost-effective expansion of development, including reduced costs for state and local highway improvement and maintenance and other location-dependent municipal services;

- Enhanced economic opportunities in community core growth areas;
 - Less degradation of highly valued viewsheds, scenic corridors, and wildlife habitats;
 - Increased choices in transportation, including transit, bicycling, and walking; and,
 - Fulfillment of the agreed upon need to provide for effective, cooperative land use and transportation planning across municipal borders; and,
7. These objectives are compatible with and in support of Maine's Sensible Transportation Policy Act and Growth Management Act; and,
8. These findings, conclusions, and recommendations have been incorporated into the Gateway 1 Corridor Action Plan, a copy of which has been delivered as of August, 2009, to each municipality in the Route 1 Corridor from Brunswick to Stockton Springs and to the Maine Department of Transportation, the Maine State Planning Office, the Maine Department of Environmental Protection, the Maine State Housing Authority, and the Federal Highway Administration; and,

Now, therefore, the undersigned Municipalities and State and Federal agencies do agree as follows:

Paragraph 1: Purpose

The purpose of this agreement is to provide the parties with time to (1) consider and formally adopt the Gateway 1 Corridor Action Plan; and (2) prepare for their consideration a Inter-Jurisdictional Agreement under Maine's Interlocal Cooperation Act by which to provide for the long-term implementation of the Gateway 1 Corridor Action Plan and for the establishment of a Gateway 1 Corridor Coalition, as described in Chapter 9 of the Gateway 1 Corridor Action Plan; and (3) begin implementation of basic actions identified in the Gateway 1 Corridor Action Plan with financial assistance from Maine Department of Transportation and other sources.

Paragraph 2: Effective Date, Time frame, and Voluntary Nature of the Agreement

This Start-up Agreement shall be effective on such date as at least 12 municipalities in the Gateway 1 Corridor, defined as communities that adjoin Route 1 or Route 90 from Brunswick to Stockton Springs, the Maine Department of Transportation, and the Maine State Planning Office have signed the Interim MOA. It shall expire 12 months later, unless the time is extended by mutual agreement of the parties. Participation in the Start-up Agreement is voluntary, and a party may terminate its participation upon 30 days written notice to the other parties.

Paragraph 3: Responsibilities

A. All Parties

1. The parties agree to form an Interim Steering Committee for Implementation of the Gateway 1 Corridor Action Plan. Each party shall appoint a representative and an alternate to serve on the Interim Implementation Steering Committee and to meet regularly and as-needed as part of the committee to carry out the objectives and produce the results of the Start-up Agreement. The appointed representative and alternate shall

regularly report the progress under the Start-up Agreement to the municipal officers or agency commissioners or directors in order to assure that there is a full understanding of the steps that will need to be taken as a result of fulfilling the terms of this Start-up Agreement.

2. Each party shall participate in good faith discussions through the Interim Steering Committee for Implementation of the Gateway 1 Corridor Action Plan to prepare an Inter-Jurisdictional Agreement under the Maine Interlocal Cooperation Act, 30-A M.R.S.A., Chapter 115, for consideration by the legislative bodies of participating municipalities and the commissioners or directors of the participating state and federal agencies. The Inter-Jurisdictional Agreement shall contain or address the major elements described in Section 11.3, "Outline of a Inter-Jurisdictional Agreement to Implement the Gateway 1 Corridor Action Plan," of the Gateway 1 Corridor Action Plan and such other matters as the parties may agree upon.
3. Each party shall make a good faith effort to begin implementation of the actions recommended in Chapters 7 through 9 of the Gateway 1 Corridor Action Plan that are within its current authority to implement, with special attention to the basic actions for which implementation is to occur within a three to five year period.

B. Municipalities

Each municipality shall review the Gateway 1 Corridor Action Plan, including the implementing actions asked of it and the suggested locations, sizes, and types of core growth areas identified within its boundaries; revise the suggested locations, sizes, and types of core growth areas as it deems necessary, provided that such revisions shall respect the intended characteristics and objectives of core growth areas, as described in the Gateway 1 Corridor Action Plan; and provide a full and timely opportunity for its legislative body to adopt the Gateway 1 Corridor Action Plan either as an Addendum to its Comprehensive Plan or by incorporating all relevant portions into the body of its Comprehensive Plan, following the procedures for amending a Comprehensive Plan under the Growth Management Act (30-A M.R.S.A. §4325), prior to expiration of this Start-up Agreement.

In its consideration and adoption of the Gateway 1 Corridor Action Plan as part of its Comprehensive Plan, it is understood that a municipality may:

- (a) Specify that, due to unique conditions or circumstances in the municipality, one or more actions recommended in the Gateway 1 Corridor Action Plan may not be applicable within the municipality or may require modifying the action to meet conditions within the municipality, provided that such modifications shall be consistent with the goals of the Gateway 1 Corridor Action Plan; and/or,
- (b) State that it is the municipality's intention to make a good faith effort to make progress toward implementation of basic actions and, if applicable, intermediate, or advanced actions, but that, while incremental progress is expected within the time frames indicated in the Gateway 1 Corridor Action Plan, fully achieving them may require additional time.

It is further understood that adoption of the Gateway 1 Corridor Action Plan, with modifications to customize it to the conditions of the municipality as described above, will be a consideration in determining eligibility for membership in a Gateway 1 Corridor Coalition under a proposed Inter-Jurisdictional Agreement as described in the Plan.

C. Maine Department of Transportation (MaineDOT)

1. MaineDOT agrees to recognize a municipal Comprehensive Plan that adopts as an Addendum that formally amends the plan, or otherwise incorporates into the plan, the Gateway 1 Corridor Action Plan in substantially the form delivered and recommended to the municipality as meeting the standards for a Community Transportation Plan under the Rule for the Sensible Transportation Policy Act. In so doing, the State Planning Office agrees to submit amended Comprehensive Plans to the Gateway 1 Corridor Coalition review and comment at a time to be determined by SPO, MaineDOT, and the Corridor Coalition and shall follow such procedures as may be required by the Rule.
2. MaineDOT agrees to provide the municipalities that are parties to this Start-up Agreement:
 - (a) Financial support for technical assistance to begin implementation of the actions identified for the respective municipalities in the Gateway 1 Corridor Action Plan; and,
 - (b) Financial support throughout the Start-up Agreement period for administrative and professional staff to help the parties prepare a Inter-Jurisdictional Agreement, consistent with the guidance contained in Chapter 10, "The Governing Plan," of the Gateway 1 Corridor Action Plan, to continue to work with leaders and the public to learn about the plan, to coordinate technical assistance grants to begin implementation of Gateway 1 Corridor Plan Action items, and to coordinate with existing regional planning agencies during those times when they assist municipalities in the implementation of the Gateway 1 Corridor Action Plan items.

D. Maine State Planning Office

1. Maine State Planning Office agrees to recognize a municipal Comprehensive Plan that adopts as an Addendum that formally amends the plan, or otherwise incorporates into the plan, the Gateway 1 Corridor Action Plan in substantially the form delivered and recommended to the municipality as meeting the standards of the Transportation Chapter of a Comprehensive Plan and, provided the Addendum includes core growth areas similar to those depicted in the Gateway 1 Corridor Action Plan, for the Future Land Use Plan of a Comprehensive Plan. In so doing, it shall follow such procedures as may be required by the Comprehensive Plan Review Criteria Rule. It may consult with the Gateway 1 Interim Steering Committee to assure that modifications that a municipality may have made to the Gateway 1 Corridor Action Plan as appended to its Comprehensive Plan remain consistent with the goals of the Gateway 1 Corridor Action Plan.

Signed

Date

ITEM # 145

BACK UP MATERIALS

Town Council Minutes

May 21, 2007

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Manager Gerrish said, responding to Councilor Webb's question about other names presented, the town had asked for names from the Governor's office and this is who they provided.

Councilor Favreau moved, Councilor Schneider seconded, to appoint Charles Spies to the Brunswick Local Redevelopment Authority. The motion carried with seven (7) yeas.

80. (ADDED) The Town Council will consider a Resolution for an Emergency Appropriation to fund renovations at the Times Record Building, and will take any appropriate action.

Manager Gerrish said the town's intention is to repair the Times Record Building with funds from selling the BEDC owned Harbor Technologies building, but the town needs to continue the work now and will have the use of CDBG funds resulting from the sale. There has been a hold on selling the Harbor Technology Building. The Times Record building is being appraised with the possibility of selling it. The town made a commitment to the college and needs to get the rest of the work done. The town has the funds in the fund balance. The town hopes to replenish funds once it is sold.

Councilor Daughtry asked when the sale of the Times Record building takes place, if it would be directly between the town and the college. Manager Gerrish responded yes.

Councilor Ewing said his concern is the town was willing to sell the Times Record building to the BDC and then this idea came along and he wants to know why the town is involved with selling the building. BDC is willing to spend money on economic development so he wonders why the money is not coming from it.

Manager Gerrish responded the BDC did discuss buying the building but wanted to wait to see what the outcome of the lease was going to be. The BEDC has not made the decision to do it.

Councilor Ewing said he is concerned with the Town of Brunswick being this involved in economic development instead of the two entities the town set up to do it. He is not going to vote for this yet. He is worried the town will be on the hook for this money if the building is not sold.

Councilor Ewing moved to table this item for two weeks. There was no second.

Mr. Eldridge said the town signed a lease with the community college, which required the town to make improvements to the property. There were three phases, with two benefiting the community college. The last phase is for a roof, which was scheduled to be done in the near future. The final \$100,000 is for the Phase 3 renovations that are not required by the lease, but sections could be leased to others or used by the town. The Council could vote for \$200,000 for Phase 2, \$200,000 for the roof, and \$100,000 for Phase 3. The BEDC was not interested in purchasing until improvements and revenue

Town Council Minutes

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Page 6

were shown. The BDC met to see if they would front \$1 million and they have not made a decision since they have been hit in other areas to spend funds.

Manager Gerrish said he talked to the state to see if the town can use \$400,000 for the Times Record Building from the other building sold, and that is possible.

Manager Gerrish asked that \$200,000 for Phase 2 be approved, which would be sufficient at this point since this work is ongoing.

Manager Gerrish said the initial conversation was to lease some of the building and now the community college is interested in the possibility of purchasing it.

Chair King said the full Council supported this project. Mr. Eldridge added this is part of the deal with the college; the town has to do the necessary work.

Councilor Webb requested to revise the request to \$200,000 and to use the funds from the CDBG funds if they becomes available.

Mr. Eldridge said the CDBG grant money has to come back to the Council for their approval as what to do with it. He said the town can do \$200,000, but he is not sure of the roof schedule.

Councilor Ewing moved, Councilor Daughtry seconded, to adopt the Resolution for an Emergency Appropriation of \$200,000 from Unappropriated Available General Fund Revenues to Fund Renovations at the Times Record Building. The motion carried with six (6) yeas. Councilor Ewing was opposed.

Councilor Schneider moved, Councilor Daughtry seconded, to adjourn meeting and go into Budget Workshop. The motion carried with seven (7) yeas.

The meeting adjourned at 8:25 p.m.

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

*Frances M. Smith
Town Clerk
June 25, 2007*

- 137. The Town Council will hear public comments on ordinance amendments prohibiting commercial vehicles from using Union Street from Weymouth Street to McKeen Street, and will take any appropriate action.**

Manager Gerrish said this item is for public comments on ordinance amendments regarding prohibiting commercial vehicles from using Union Street from Weymouth Street to McKeen Street, except for service or access to properties on or adjacent to those streets.

Chair King opened the public hearing.

John Donovan, 11 McKeen Street, said the traffic has been increasing over the years and the tractor trailer traffic has also increased. Their wide turns are a concern and a safety issue. He supported this amendment.

Sarah Brayman, 10 McKeen Street, spoke in support of amendments. This is a follow-up on action the Council took 1 ½ years ago when signage was tried, but did not work, so there needed to be an ordinance.

Chair King closed the public hearing.

Councilor Watson moved, Councilor Favreau seconded, to adopt amendments to the Municipal Code of Ordinances Chapter 15, Section 15-106, regarding prohibiting commercial vehicles from using Union Street from Weymouth Street to McKeen Street except for service or access to properties on or adjacent to those streets. The motion carried with eight (8) yeas.

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

- 138. The Town Council will hear public comments on the grant funds from the State of Maine Investment Trust Fund program to be used to complete remediation and infrastructure at the Maine Street Station site, and will take any appropriate action.**

Amanda Similien, Economic Development Specialist, spoke on these two grants. The town received a grant for \$350,000 from the State of Maine Municipal Investment Trust Fund program and a Community Development Block Grant for \$300,000 to continue the remediation and infrastructure work at the Maine Street Station.

(A copy of a memo from Mat Eddy will be attached to official minutes.)

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

Councilor Klatt asked if the Council ever voted to hold a public hearing and why the advertisement was different than other ones done for other public hearings. She also asked if it was in the Times Record, to which Ms. Similien responded yes.

Manager Gerrish added since this is part of the Federal Program's requirements, the staff puts the advertisements out without the Council formally setting the public hearing like they do for changes to town ordinances. This process has been used in the past.

Councilor Daughtry moved, Councilor Watson seconded, to accept and expend grant monies in the amount of \$350,000 from the State of Maine Municipal Investment Trust Fund program to be used to complete remediation and infrastructure at the Maine Street Station. The motion carried with seven (7) yeas. Councilor Klatt was opposed.

139. **The Town Council will hear public comments on the grant funds from the State of Maine Community Development Block Grant program to be used to complete remediation and infrastructure at the Maine Street Station site, and will take any appropriate action.**

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

Councilor Knight moved, Councilor Favreau seconded, to accept and expend grant monies in the amount of \$300,000 from the State of Maine Community Development Block Grant program to be used to complete remediation and infrastructure at the Maine Street Station. The motion carried with seven (7) yeas. Councilor Klatt was opposed.

140. **The Town Council will consider approval of the Merryman Lane Settlement and required easements, and will take any appropriate action.**

Pat Scully, Town Attorney, gave an overview on what is happening. There is a copy of all settlement documents and mutual release; the settlement agreement is the core of it. It deals with a turnaround, plowing, and easements. The action for the Council is to approve the settlement, and, second, to accept three sets of easements, along with the discontinuance of a section of the road. The easements are for the Water District, the Eastmans, and the Coombs'.

(A copy of the Settlement and Mr. Scully's memo will be attached to the official minutes.)

Councilor Klatt said she was wondering if they as a Council directed the Town Manager to sign this settlement before them.

Manager Gerrish responded that the Council in Executive Session authorized him to work out an agreement.

Councilor Augur clarified that the Council directed him to find a resolution to this matter and that is what the manager did.



Town of Brunswick, Maine
Incorporated 1739

OFFICE OF ECONOMIC DEVELOPMENT

MATHEW EDDY, DIRECTOR OF ECONOMIC DEVELOPMENT

28 FEDERAL STREET
BRUNSWICK, ME 04011
TELEPHONE 207-721-0793
FAX # 207-725-6663

Email: meddy@brunswickme.org

To: Brunswick Town Council
From: Mathew Eddy
Date: August 27, 2008
Subject: MITF and CDBG Authorization

Last week, we met with the Department of Economic and Community Development (DECD) to formalize the process for receiving funds from the Municipal Infrastructure Trust Fund (MITF) and the Community Development Block (CDBG) grants funds. You will remember that we won the MITF funds (\$350,000) through DECD's most recent grant offering. The CDBG funds (\$300,000) are rollover funds that resulted from the sale of the Harbor Technologies building. The funds will be focused on the infrastructure and remediation work that must be done at the entrance from Maine Street and carrying along the front of the Credit Union to roughly where remediation work has already been completed. These funds will be combined with EDA funds to continue the infrastructure work.

We are asking you to hold a public hearing and to authorize the Town Manager to expend the CDBG funds on this project, and to enter into a contract for the MITF funds and expend those funds as well.

CONSENT AGENDA - A BACK UP MATERIALS

-- DRAFT--
BRUNSWICK TOWN COUNCIL
MINUTES
September 8, 2009
Executive Session – 6:30 P.M.
Meeting Resumes - 7:00 P.M.
Municipal Meeting Room (Room 217)
Maine Street Station
16 Station Avenue

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk; Dave Markovchick, Director of Economic and Community Development; John Foster, Public Works Director; Brian Dancause, Economic Development Specialist; Pat Scully, Town Attorney; Craig Worth, Deputy Public Works Director; Anna Breinich, Director of Planning and Development; Cathy Donovan, Assessor; Kris Hultgren, Town Planner; Tom Farrell, Director of Parks and Recreation Department; Richard Rizzo, Police Chief; Clark Labbe, Fire Chief; Jessica Factor, Human Resources Specialist; Marc Hagan, Police Commander; Debbie Blum, Executive Administrative Assistant; Kevin Schofield, Police Commander; Terry Goan, Police Officer; and TV video crew

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

Executive Session: **Personnel Matter Per 1 M.R.S.A. §405(6)(A) for the purpose of discussing the Town Manager’s position and M.R.S.A. §405(6)(D) Labor Negotiations**

Councilor Favreau moved, Councilor Watson seconded, to go into executive session for a Personnel Matter Per 1 M.R.S.A. §405(6)(A) for the purpose of discussing the Town Manager’s position and M.R.S.A. §405(6)(D) for Labor Negotiations. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

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

Public Comment:

None

Correspondence

A reminder was given for the Community Day of Emergency Preparedness program on Saturday, September 12, 2009, from 11:00 a.m. to 3:00 p.m. at the library.

Adjustments to the Agenda:

Item #133 was done after item #126.

MANAGER'S REPORT:

(a) Financial Update

Manager Brown gave this report.

(A copy of the financial summary reports will be attached to the official minutes.)

(b) Council Committee Updates

Reports were given on the Region One Junior Olympics, Downtown Master Plan Committee, Maine Street Station Oversight Committee, Pleasant Street Committee, BEDC, and Elementary School Building Committee.

(c) Report on Bowdoin College's Zipcar Program

Manager Brown gave this report.

(A copy of a letter from Bowdoin College will be attached to the official minutes.)

(d) Report regarding working with Freeport on dispatching services

Manager Brown gave this report.

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

(e) Acceptance of a SAFER grant to partially fund a firefighter position (Action Required)

Chief Labbe and Manager Brown spoke on this item.

Councilor Tucker moved, Councilor Favreau seconded, to accept and expend a SAFER grant in the amount of \$108,380 to be spread over a five year period to assist with the funding of one full-time firefighter position. The motion carried with nine (9) yeas.

(f) Applying for Emergency Management Performance Grant for use in Emergency Management Program (Action Required)

Chief Labbe spoke on this item.

(A copy of a letter from Chief Labbe will be attached to the official minutes.)

Councilor Atwood asked questions to which the Chief responded.

Councilor Watson moved, Councilor Favreau seconded, to allow the Fire Department to retroactively apply for Department of Homeland Security funds to reimburse costs related to the Town's Emergency Management program and allow the Town to apply for future reimbursement under this program. The motion carried with nine (9) yeas.

(g) Update on road projects – Maine Street, Mere Point Road, Bath Road

John Foster, Public Works Director, spoke on this item.

Councilor Pols, Councilor Watson, Councilor King, and Councilor Tucker asked questions, to which the staff replied.

(h) Introduction of Brunswick Downtown Association Executive Director

Councilor Knight introduced Greg Farr, the new Executive Director

Mr. Farr spoke on some of the goals for the group.

(i) Update on Tax Rate for FY 2009-2010

Manager Brown announced the tax rate would be \$22.54 per thousand, which represents no increase in the tax rate from last year.

PUBLIC HEARINGS:

125. The Town Council will hear public comments on the following Alcoholic Beverage License applications, and will take any appropriate action. (Manager)

Full-Time Spirituous, Vinous & Malt

Scarlet Begonias, Inc

D/B/A Scarlet Begonias

16 Station Avenue

Douglas Lavallee

Little Tokyo Restaurant

D/B/A Little Tokyo Restaurant

72 Maine Street

Cuong Ly

Chair Daughtry opened the public hearing.

Cuong Ly spoke on this new business.

Chair Daughtry closed the public hearing.

Councilor Knight moved, Councilor Watson seconded, to approve alcoholic beverage licenses for Little Tokyo and Scarlet Begonias. The motion carried with nine (9) yeas.

NEW BUSINESS:

#133 was done first

- 126. The Town Council will consider entering into an employment agreement with Gary Brown as the Brunswick Town Manager, and will take any appropriate action.**

Chair Daughtry spoke on the process and the possible action before the Council tonight.

Councilor Pols spoke on this item.

Manager Brown spoke on the item and thanked the Council and staff.

Councilor Pols moved, Councilor King seconded, to approve an employment agreement with Gary Brown, appointing him as Brunswick's Town Manager, effective September 8, 2009. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

(A copy of the signed employment agreement will be attached to the official minutes.)

- 127. The Town Council will consider setting a public hearing on Zoning Ordinance amendments regulating the use of small wind energy systems, and will take any appropriate action.**

Kris Hultgren, Town Planner, spoke on this item.

Councilor Knight, Councilor King, Councilor Watson, and Councilor Favreau spoke on this item. Their questions were responded to by Mr. Hultgren.

Chair Daughtry opened the item to public comments.

Cathy Eastman, property owner, spoke on this item.

Julie Poole, 64 Moody Road, spoke on this item.

Councilor King moved, Councilor Watson seconded, to set a public hearing for September 21, 2009, relative to Zoning Ordinance amendments regulating the use of small wind energy systems. The motion carried with nine (9) yeas.

- 128. The Town Council will consider setting a public hearing to amend the Cooks Corner TIF, and will take any appropriate action.**

Manager Brown spoke on this item.

Councilor Klatt, Councilor Knight, and Councilor Watson spoke on this item.

Councilor Klatt moved, Councilor Tucker seconded, to set a public hearing for October 5, 2009, relative to amending the Cooks Corner TIF agreement.

After discussion, the Council amended the motion to table it, which was agreed to by the motion makers, Councilor Klatt and Councilor Tucker.

Councilor Klatt moved, Councilor Tucker seconded, to table this item until the next meeting. The motion carried with nine (9) yeas.

129. The Town Council will consider setting a public hearing on a CDBG grant in order to accept \$40,000 on behalf of Coastal Counties Workforce, Inc to fund a WorkReady Credential Training Program, and will take any appropriate action.

Councilor King moved, Councilor Pols seconded , to set a public hearing for September 21, 2009, relative to a CDBG grant in the amount of \$40,000 that will assist in the expansion of the WorkReady Credential Training Program. The motion carried with nine (9) yeas.

130. The Town Council will consider negotiating a RFP for the Property Management of the Maine Street Station Train Station, and will take any appropriate action.

Manager Brown spoke on this item.

Councilor Knight, Councilor King, and Councilor Pols spoke on this item.

Councilor Pols moved, Councilor Favreau seconded, to authorize the Town Manager to negotiate terms with the BDA to provide property management services for the space the Town is leasing at Maine Street Station to serve as a combination Train Station and Visitor's Center. The motion carried with nine (9) yeas.

131. The Town Council will discuss methods to increase public communication, and will determine if any future action is required.

Chair Daughtry, Councilor Atwood, Councilor Knight, Councilor Klatt, Councilor Watson, Councilor Tucker, and Councilor Favreau spoke on this item. Suggestions were made to be looked at further by staff and Council.

Chair Daughtry opened the item to public comments.

Ms. Eastman, 29 Merryman Lane, owner of property, spoke on this item.

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- 132. The Town Council will discuss the future status of the Maine Street Station Oversight Committee, and will determine if any future action is required.**

Councilor Knight spoke on this item.

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

The Council did not take a vote, but felt that this committee would end when the Council approves the final RFP for the Property Management of the Maine Street Station Train Station.

- 133. The Town Council will discuss the future action to take, if any, relative to prohibiting swimming in sections of the Androscoggin River, and will determine if any future action is required.**

This item was done after the Public Hearing portion of the meeting.

Chair Daughtry spoke on this item.

Nancy Randolph, 14 Munroe Lane Topsham, spoke on item and read a sign that the Topsham Selectmen supported being placed on their side of the walking bridge. She and the committee for the bridge are hoping the Council will support a similar sign on the Brunswick side.

Councilor Knight, Councilor Tucker, Councilor Favreau, Councilor King, Councilor Klatt, Councilor Pols, and Councilor Watson spoke on this item.

Chief Rizzo and Manager Brown responded to questions.

Councilor Watson moved, Councilor Favreau seconded, to allow a similar sign as Topsham has on their side of the bridge, minus the language relative to the expenses of rescue being charged to swimmers. The motion carried with eight (8) yeas. Councilor King was opposed.

- 134. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.**

Councilor Knight presented a slate of uncontested nominations.

Councilor King and Councilor Watson asked questions to which Councilor Knight responded.

The following persons were nominated and voted with nine (9) yeas to be appointed.

Charles Priest to serve on the Cable TV Committee

Elsie Van Savage to serve on the Cable TV Committee

Millie Stewart to serve on the Davis Fund
Daniel Doiron to serve on the Davis Fund
Sande Updegraph to serve on the Davis Fund

CONSENT AGENDA

- (a) **Approval of the Minutes of August 3, 2009**
- (b) **Approval of the Minutes of August 4, 2009**
- (c) **Approval of the Minutes of August 5, 2009**
- (d) **Approval of the Minutes of August 12, 2009**
- (e) **Approval of the Minutes of August 26, 2009**
- (f) **Approval of the Minutes of August 31, 2009**

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

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

The meeting adjourned at 9:25 p.m.

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

Frances M. Smith
Town Clerk
September 15, 2009

September 21, 2009
Date of Approval

Council Chair